

**TOWN OF FREDERICK, COLORADO  
RESOLUTION NO. 18-R-04**

**A RESOLUTION REGARDING THE “KICKBUSH ANNEXATION”  
HEARING ADOPTING CERTAIN FINDINGS OF FACT AND  
CONCLUSIONS FAVORABLE TO THE ANNEXATION.**

**WHEREAS**, the Board of Trustees of the Town of Frederick, Colorado, held a public hearing on January 9, 2018, pursuant to the published notice, on the petition of Dom A. Kickbush and Ana A. Kickbush, for the annexation of the following real property; to wit:

See attached Exhibit A.

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO, AS FOLLOWS:

**Section 1. Findings of Fact.**

- a. The applicant’s petition is in substantial compliance with subsection (1) of C.R.S. § 31-12-107. It contains the required allegations, the dated signatures of 100% of the landowners of the property requested to be annexed, the required affidavit of circulation, the required legal description of the area to be annexed, and the required annexation boundary map. As a petition of the owners of 100% of the property to be annexed, it is eligible for annexation by ordinance as provided by C.R.S. § 31-12-107 (1) (g). This finding was made and duly adopted by the Frederick Board of Trustees on November 28, 2017.
- b. With respect to compliance with C.R.S. § 31-12-104, the Board of Trustees makes the following findings of fact:
  1. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the annexing municipality.
  2. A community of interest exists between the area proposed to be annexed and the annexing municipality; that said area is urban or will be urbanized in the near future; and that said area is integrated with or is capable of being integrated with the annexing municipality. The fact that the area proposed to be annexed has the required 1/6 th contiguity with the annexing municipality shall be a basis for a finding of compliance with these requirements.
  3. Because the petition was signed by 100% of the owners of the property to be annexed, the standard contained in C.R.S. § 31-12-104 (1) (b) ( I ) does not invoke the exception contained in C.R.S. § 31-12-104 (1) (b).

4. Because the petition was signed by 100% of the owners of the property to be annexed, the standard contained in C.R.S. § 31-12-104 (1) (b) ( II ) does not invoke the exception contained in C.R.S. § 31-12-104 (1) (b).
  5. Because municipal utilities are not requested and the Town has the ability to provide all other municipal services to the area to be annexed on the same terms and conditions as such services are made available to all of its citizens, the standard contained in C.R.S. § 31-12-104 (1) (b) ( III ) does not invoke the exception contained in C.R.S. § 31-12-104 (1) (b).
- c. With respect to compliance with C.R.S. § 31-12-105, the Board of Trustees makes the following findings of fact:
1. No land held in identical ownership has been divided into separate parts or parcels without the written consent of the landowners thereof.
  2. No land held in identical ownership, whether consisting on one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty acres or more (which, together with the buildings and improvements situated thereon has a valuation for assessment in excess of two hundred thousand dollars for ad valorem tax purposes for the year next preceding the annexation) is included in the proposed annexation without the written consent of the landowners.
  3. No land is proposed to be annexed for which annexation proceedings have been commenced for the annexation of part or all of such territory to another municipality.
  4. The proposed annexation will not result in the detachment of the area from any school district and the attachment of the same to another school district.
  5. The proposed annexation will not have the effect of extending a municipality boundary more than three miles in any direction from any point of such municipal boundary in any one year.
  6. The proposed annexation is in conformance with the 2015 Comprehensive Plan duly adopted by the Planning Commission of the Town of Frederick.
  7. The proposed annexation will not result in the annexation of a portion of a platted street without the annexation of the entire width of the street.

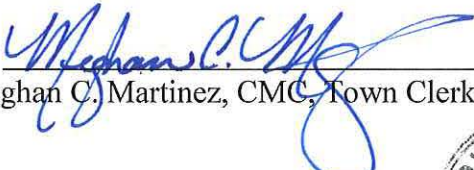
**Section 2. Conclusions and Order Annexing the Kickbush Annexation**

- a. That the proposed Annexation to the Town of Frederick, Weld County, Colorado complies with the applicable sections of the Municipal Annexation Act of 1965.
- b. That the most appropriate zoning for the property shall be Residential Low Density.
- c. That a detailed Annexation Agreement shall be prepared and signed before the annexation process is completed.
- d. By Intergovernmental Agreement, all fire protection services for the Town of Frederick are provided by the Frederick Firestone Fire Protection District. The Annexors shall petition for exclusion from the Mountain View Fire Protection District and for inclusion into the Frederick Firestone Fire Protection District if they are in the Mountain View Fire Protection District.

**INTRODUCED, READ, PASSED AND ADOPTED THIS 9<sup>TH</sup> DAY OF JANUARY, 2018.**

**ATTEST:**

**TOWN OF FREDERICK**

By   
Meghan C. Martinez, CMC, Town Clerk

By   
Tony Carey, Mayor



## EXHIBIT A

A parcel of land being a portion of the West Half of Section Twenty-five (25), Township Two North (T.2N.), Range Sixty-eight West (R.68W.), Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado:

**COMMENCING** at the South Quarter Corner of said Section 25 and assuming the South line of the Southwest Quarter of said Section 25 as bearing North 89°46'19" West a distance of 2624.29 feet with all other bearings contained herein relative thereto:

**THENCE** North 89°46'50" West along the South line of the Southwest Quarter a distance of 656.08 feet to the Southeast corner of the West Half of the East Half of the Southwest Quarter of said Section 25;

**THENCE** North 00°24'44" East a distance of 30.00 feet to the **POINT OF BEGINNING** on the North line of the Dacono Investment Co. Annexation as per Town of Frederick Ordinance #324 recorded July 23, 1990 as Reception No. 2220835 of the Records of Weld County;

**THENCE** North 89°46'50" West along said North line of the Dacono Investment Co. Annexation a distance of 656.06 feet to the West line of the West Half of the East Half of the Southwest Quarter of said Section 25;

**THENCE** North 00°26'45" East along the West line of the West Half of the East Half of the Southwest Quarter of said Section 25 a distance of 2632.42 feet to the South line of that Right of Way dedicated by the plat of Dream Acres Subdivision recorded July 12, 1966 as Reception No. 1492749 of the Records of Weld County;

**THENCE** North 89°20'10" West along said South Right of Way line a distance of 1279.03 feet to the East line of the Weld County Road 11 Annexation and Rezone No. 4, recorded December 30, 2009 as Reception No. 3667688 of the Records of Weld County;

The next Three (3) courses are along the East lines of said Weld County Road 11 Annexation and Rezone No. 4:

**THENCE** North 00°30'47" East a distance of 40.00 feet;

**THENCE** South 89°20'10" East a distance of 20.00 feet;

**THENCE** North 00°07'33" West a distance of 40.00 feet to the North line of that Right of Way dedicated by the plat of said Dream Acres Subdivision;

**THENCE** South 89°20'10" East along said North Right of Way line a distance of 2528.31 feet to the West line of the Town of Frederick Annexation and Rezone No. 9 recorded December 30, 2009 as Reception No. 3667693 of the Records of Weld County;

**THENCE** South 00°22'42" West along said West line a distance of 40.00 feet to the North line of the Victoria Heights Annexation recorded October 18, 2009 as Reception No. 3428349 of the Records of Weld County;

**THENCE** North 89°20'10" West along said North line a distance of 614.49 feet to the West line thereof;

**THENCE** South 00°24'44" West along said West line a distance of 2667.34 feet to the **POINT OF BEGINNING**;

Thus described tract contains 43.659 acres, more or less, together with and subject to all easements and rights-of-way existing and/or of public record.