

**NORWOOD BOARD OF TRUSTEES
PUBLIC HEARING
Thursday, March 16, 2017
7:00 P.M.
Norwood Community Center
1670 Naturita Street**

A G E N D A

Call to Order:

Public Hearing to Consider Resolution 0316 Series 2017 by the Town of Norwood Board of Trustees Making Certain Findings of Fact Regarding Proposed Annexation of a Parcel of Land known as the Lone Cone Library Annexation Pursuant to Section 30 of Article II of the State Constitution and Sections 31-12-104, 31-12-105, C.R.S.:

1. Public Comment.
2. Board Decision.

Motion to Go Into Executive Session for a Conference with the Town Attorney, for the Purpose of Receiving Legal Advice on a Specific Legal Question under C.R.S. Section 24-6-402 (4) (b):

Adjourn:

****Visitors Please Note: Thank you for attending! The Board values your opinion, however speaking time may be limited by the Board if necessary for the efficient conduct of the meeting. Accommodations for handicapped can be made upon request. ****

Memorandum

TO : Norwood Board of Trustees
FROM : Cindy Chapin, Town Planner
MEETING
DATE : March 16, 2017
RE : Lone Cone Library Annexation

ATTACHMENT: Resolution 0316, Series 2017

The District R2J Public Library No. 2 a/k/a Lone Cone Library District ("LCLD") submitted its petition for annexation to the Town of Norwood ("Annexation"). The parcel of land is adjacent to the Town boundaries on three sides: south of San Miguel Street, west of Cottonwood Creek Estates subdivision and east of Homestead Subdivision and King & Williams Subdivision. It is approximately 12 acres in area and is vacant and undeveloped. The LCLD plans to build a new library on a portion of the parcel.

At the Board's meeting on February 8, 2017, the Board approved a resolution finding that the form of the petition substantially complies with the requirements under the Colorado Revised Statutes found at Section 31-12-107(1), C.R.S. and Article II, Section 30 of the Colorado Constitution. The resolution also called for a public hearing to be held to determine if the Annexation complies with the statutory requirements of Sections 31-12-04 and 31-12-105, C.R.S. all as required by the Municipal Annexation Act or 1965. Upon completion of the public hearing, the Board, by resolution, shall set forth its findings of fact and conclusions regarding whether the statutory requirements have been met. The resolution before you for your consideration contains the determination that the statutory requirements have been met.

Planning review under the provisions of the Norwood Land Use Code will commence following adoption of the findings of fact and conclusions.

The review of the development of the property is not being considered at this meeting. However there is a work session scheduled for Monday, March 20, 2017 at which the planning process for review of the Annexation, Zoning and Subdivision will be discussed. This is a joint work session with the Board and the Planning and Zoning Commission.

PROPOSED ACTION:

Move to approve a **A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF NORWOOD, COLORADO MAKING CERTAIN FINDINGS OF FACT REGARDING THE PROPOSED ANNEXATION OF A PARCEL OF LAND KNOWN AS THE LONE CONE LIBRARY ANNEXATION PURSUANT TO SECTIONS 31-12-104 AND 31-12-105, C.R.S.**

RESOLUTION NO. 0316
Series of 2017

A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF NORWOOD, COLORADO MAKING CERTAIN FINDINGS OF FACT REGARDING THE PROPOSED ANNEXATION OF A PARCEL OF LAND KNOWN AS THE LONE CONE LIBRARY ANNEXATION PURSUANT TO SECTION 30 OF ARTICLE II OF THE STATE CONSTITUTION AND SECTIONS 31-12-104 AND 31-12-105, C.R.S.

WHEREAS, a petition for annexation has been submitted by the District R2J Public Library No. 2 a/k/a Lone Cone Library District, a Colorado statutory special district, for that parcel of land described as:

A portion of the Northwest $\frac{1}{4}$ of Section 27, Township 45 North, Range 13 West, of the New Mexico Principal Meridian, described as follows:

Beginning at a point on the South line of the Northwest $\frac{1}{4}$ of said Section 27, from which the Center $\frac{1}{4}$ corner of said Section 27, being a rebar and cap LS 2376, bears South $89^{\circ}55'47''$ East for a distance of 646.60 feet;

Thence North $89^{\circ}55'47''$ West a distance of 272.50 feet along the South line of the Northwest $\frac{1}{4}$ of said Section 27 to the Southeast corner of the Wrights Mesa Limited Liability Company parcel as described in Book 557 at Page 395;

Thence North $00^{\circ}00'00''$ East along said Wrights Mesa Limited Liability Company parcel and along the East line of the King & Williams Subdivision Filings 1 and 2 a distance of 1,914.55 feet to the Northeast corner of said King & Williams Subdivision Filing 1, being on the South line of San Miguel Street;

Thence North $90^{\circ}00'00''$ East a distance of 42.97 feet along the South line of San Miguel Street to the Southwest corner of the San Miguel County Parcel described in Book 561 at Page 650;

Thence continuing North $90^{\circ}00'00''$ East for a distance of 206.50 feet to the Southeast corner of said San Miguel County parcel;

Thence continuing North $90^{\circ}00'00''$ East along the South line of San Miguel Street extended for a distance of 23.03 feet;

Thence South $00^{\circ}00'00''$ East a distance of 1914.88 feet to the Point of Beginning, County of San Miguel, State of Colorado; and

WHEREAS, the Norwood Town Board of Trustees held a public hearing held March 16, 2017 to consider compliance with the requirements of the applicable provisions of Section 30 of Article II of the State Constitution and Sections 31-12-104 and 31-12-105, C.R.S.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Norwood, Colorado as follows:

The Town Board hereby sets forth its findings of fact and conclusions based thereon with respect to the annexation of the property (“Property”) described hereinabove, commonly known as the Lone Cone Library Annexation, based on the evidence contained in the official file, the official records of the Town of Norwood, Colorado and the evidence produced at the public hearing held on the 16th day of March, 2017.

FINDINGS OF FACT

- 1) Petitioner, submitted its Annexation Petition, dated January 31, 2017 (“Lone Cone Library Annexation Petition”), concerning the proposal to annex the Property into the Town of Norwood.
2. The requirements of the applicable provisions of Section 30 of Article II of the State Constitution and Sections 31-12-104 and 31-12-105, C.R.S. have been met including the following:
 - a) The Lone Cone Library Annexation Petition was signed by the owners of one hundred percent (100%) of the property to be annexed.
 - b) Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the Town of Norwood.
 - c) A community of interest exists between the area proposed to be annexed and the Town of Norwood.
 - d) The area is urban or will be urbanized in the near future.
 - e) The area is integrated with or is capable of being integrated with the Town of Norwood.
 - f) No land held in identical ownership has been divided into separate parts. No land with a valuation of over \$200,000 has been included without written consent of the owners. No annexation proceedings concerning this area have been commenced by any other municipality.
 - g) This annexation will not result in any detachment of area from the San Miguel County R-2 School District. No part of the area to be annexed extends any more than three miles from the existing Town boundaries. The Town has in place a plan for that area as required by Section 31-12-105, C.R.S.
 - h) The entire width of any streets to be annexed are included within the annexation.
3. The Town Board has found the Lone Cone Library Annexation Petition to be in substantial compliance with the requirements of Section 31-12-107(1), C.R.S.

4. No petition for annexation election has been submitted and an election is not required pursuant to Section 30(1)(a) of Article II of the State Constitution or Section 31-12-107(2), C.R.S.

5. The Town Board has determined that additional terms and conditions will not be imposed.

6. The Town Clerk has provided notice of public hearing by publication once a week for four successive weeks and by registered mail to the Board of County Commissioners, the County Attorney, the R-2 school district and to all special districts having territory in the area to be annexed as required by Section 31-12-108, C.R.S..

7. No annexation Impact Report is required because the Board of County Commissioners for San Miguel County and the Board of Trustees for the Town of Norwood waived this requirement pursuant to Section 31-12-108.5, C.R.S.

CONCLUSIONS

The area proposed for annexation commonly known as Lone Cone Library Annexation, is eligible for annexation pursuant to applicable provisions of Section 31-12-104, C.R.S.

1. None of the limitations of Section 31-12-105, C.R.S. apply to restrict annexation.
2. Said land may be annexed by Ordinance pursuant to Section 31-12-111, C.R.S. without election.

RESOLVED, APPROVED AND ADOPTED this 16th day of March 2017, by the Board of Trustees for the Town of Norwood, Colorado.

TOWN OF NORWOOD

ATTEST

By: _____
C. Kieffer Parrino, Mayor

Gretchen Wells, Town Clerk