

**TOWN OF GRAND LAKE
BOARD OF TRUSTEES
ORDINANCE NO. 07-2023**

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE TOWN OF GRAND LAKE, COLORADO, AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT IN CONNECTION THEREWITH, ZONING SUCH LANDS RESIDENTIAL ESTATE (RE), AND DIRECTING THAT THE GRAND LAKE ZONING MAP BE AMENDED ACCORDINGLY

WHEREAS, Genette Simpkins Revocable Living Trust, owner (the “Applicant”) filed with the Town Clerk a Petition for Annexation dated January 31, 2023 (the “Petition”) seeking to annex to the Town of Grand Lake, Colorado certain lands consisting of approximately 8.98 acres and more fully described in Exhibit A, attached (the “Property”); and

WHEREAS, on April 24, 2023 the Board of Trustees of the Town of Grand Lake, Colorado adopted Resolution 13-2023 and set the matter for a public hearing to be held on June 26, 2023, to determine whether the proposed annexation complied with Section 31-12-104 and Section 31-12-105, C.R.S., or such parts thereof as may be required to establish eligibility under the terms of Section 31-12-101, C.R.S., et seq.; and

WHEREAS, on June 26, 2023, after a public hearing, the Board of Trustees of the Town of Grand Lake, Colorado adopted Resolution 21-2023 finding and concluding, *inter alia*, that the Property is eligible for annexation to the Town of Grand Lake, Colorado; and

WHEREAS, the Board of Trustees incorporates herein its findings and conclusions contained in Resolution 21-2023, as if fully set forth herein; and

WHEREAS, the Board concludes that it is in the best interest of the Town to annex the Property to the Town; and

WHEREAS, prior to the adoption of this Ordinance, the Board of Trustees has considered and adopted the 2023 3 Mile Plan for the Town of Grand Lake in Resolution 20-2023; and

WHEREAS, in connection with the annexation of the Property, the Applicant has requested that the Property be zoned Residential Estate (RE); and

WHEREAS, the proposed zoning of the Property was reviewed by the Town of Grand Lake Planning Commission on April 19, 2023 where the Planning Commission voted unanimously to recommend that the Board of Trustees zone the Property Residential Estate (RE); and

WHEREAS, as part of its public hearing to consider whether the Property should be annexed to the Town of Grand Lake, the Board of Trustees of the Town of Grand Lake also considered whether the Property should be zoned Residential Estate (RE); and

WHEREAS, zoning the Property Residential Estate (RE) is in substantial conformance with the Grand Lake Comprehensive Plan, also referred to as the Grand Lake Master Plan, as amended and Town's 2023 3 Mile Plan as amended, and is also consistent with and in harmony with the zoning and land uses of adjacent property and property in the immediate area.

WHEREAS, in connection with the Petition, the Applicant and Town staff have negotiated a proposed Annexation Agreement, attached hereto as Exhibit B; and

WHEREAS, the Board of Trustees has reviewed the proposed Annexation Agreement and concludes that it is consistent with the Board's understanding of the terms discussed in connection with this annexation and in the best interest of the Town.

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE HEREBY ORDAINS AS FOLLOWS:

1. The property described in Exhibit A, attached hereto and incorporated herein by reference, shall be and hereby is annexed to, incorporated in and made a part of the Town of Grand Lake, Colorado, subject to the terms and conditions of the Annexation Agreement.
2. The annexation of such property to the Town of Grand Lake shall be complete and effective on the effective date of this ordinance, subject to the terms and conditions

of the Annexation Agreement, except for the purpose of General Property Taxes, and shall be effective as to General Property Taxes on and after the first day of January, 2024.

3. The Property shall be zoned Residential Estate (RE) and the zoning map for the Town of Grand Lake shall be amended to reflect such zoning.
4. The Annexation Agreement is approved and the Mayor is hereby authorized and directed to enter into and execute the Annexation Agreement on behalf of the Town of Grand Lake.
5. The Town Clerk is hereby directed to record this Ordinance and the Annexation Agreement with the Grand County Clerk and Recorder and to take all administrative actions necessary to effectuate and complete this annexation.
6. Repeal. Existing ordinances or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.
7. Validity. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Town of Grand Lake hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE AFTER PUBLIC HEARING AND SIGNED THIS 24th DAY OF JULY, 2023.

(S E A L)

Votes Approving: _____
Votes Opposed: _____
Absent: _____
Abstained: _____

ATTEST:

**BOARD OF TRUSTEES OF THE
TOWN OF GRAND LAKE, COLORADO**

Alayna Carrell
Town Clerk

By: _____
Steve Kudron
Mayor

EXHIBIT A

LEGAL DESCRIPTION

EXHIBIT B

ANNEXATION AGREEMENT