

**PETITION FOR ANNEXATION**

**To the Town of Johnstown**

(Weld County)

The undersigned, Sauer South, LLC, a Colorado limited liability company, in accordance with Article 12, Chapter 31, CRS, as amended, hereby petition the Town Council of the Town of Johnstown, Colorado, for annexation to the Town of Johnstown the unincorporated territory more particularly described below, currently known as SunCatcher Annexation, and in support of said Petition, your petitioners allege that:

- (1) It is desirable and necessary that the following described territory be annexed to the Town of Johnstown, Colorado:

See Exhibit A attached hereto and made a part hereof.

- (2) Not less than one-sixth (1/6) of the perimeter of that area proposed to be annexed is contiguous with the Town of Johnstown, Colorado.
- (3) A community of interest exists between the territory proposed to be annexed and the Town of Johnstown, Colorado.
- (4) The territory proposed to be annexed is urban or will be urbanized in the near future;
- (5) The territory proposed to be annexed is integrated or is capable of being integrated with the Town of Johnstown, Colorado;
- (6) The signatures of the Petition comprise one hundred percent (100%) of the landowners of the territory to be included in the area proposed to be annexed and said landowners attesting to the facts and agreeing to the conditions herein contained will negate the necessity of any annexation election;
- (7) No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate:
- (a) Is divided into separate parts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels are separated by a dedicated street, road or other public way;
- (b) Comprising twenty (20) acres or more and which, together with the building and improvements situated thereon has an assessed value in excess of Two Hundred Thousand Dollars (\$200,000.00) for ad valorem tax purposes to be annexed without the written consent of the landowner or landowners.

- (8) No part of the area proposed to be annexed is more than three miles from a point on the municipal boundary, as such was established more than one year before this annexation will take place;
- (9) The area proposed to be annexed comprises more than ten acres and an impact report as provided in Section 31-12-105.5, CRS, as amended, is required.
- (10) The area proposed to be annexed is located within Weld County, Aims Junior College, Big Thompson Conservation, Front Range Fire Rescue Fire Protection District, High Plains Library, Little Thompson Water, Northern Colorado Water, School District RE5J and no others;
- (11) The mailing address of each signer, the legal description of the land owned by each signer and the date of signing of each signature are all shown on this Petition;
- (12) Accompanying this Petition are five (5) prints of the area proposed to be following information:
  - (a) A written legal description of the boundaries of the area proposed to be annexed;
  - (b) A map showing the boundary of the area proposed to be annexed, such map prepared and containing the seal of a registered engineer or land surveyor;
  - (c) Within the annexation boundary map there is shown the location of each ownership tract in unplatted land, and if part or all of the area is to be platted at the time of the effectiveness of the annexation (as opposed to after such effectiveness), then the boundaries and the plat number of plots or of lots and blocks are shown;
  - (d) Next to the boundary of the area proposed to be annexed is drawn the contiguous boundary of the Town of Johnstown, and the contiguous boundary of any other municipality abutting the area proposed to be annexed;
  - (e) The dimensions of the contiguous boundaries are shown on the map.
  - (f) A proposed drainage plan and a proposed utilities plan.
- (13) The territory to be annexed is not presently a part of any incorporated city, city and county, or town;

- (14) The undersigned agree to the following conditions, which shall be covenants running with the land, and which shall, at the option of the Town, appear on the annexation map:
- (a) Water rights shall be provided as mutually agreed to by the Town and the undersigned; The undersigned specifically agree that they have not sold or transferred any water rights appurtenant to their property within the past year nor will they do so during the pendency of this annexation petition and once annexed to the Town of Johnstown, they will not sell or transfer any water rights appurtenant to the subject property without the prior written approval of the Johnstown Town Council.
  - (b) The owners shall participate in providing drainage plan and improvements and payment of a unit drainage fee as may be required by the Town the area;
  - (c) The undersigned hereby waive any and all "vested rights" previously created pursuant to Section 24-68-103, CRS, as amended.
  - (d) The undersigned and the Town may enter into an Annexation Agreement prior to the effective date of this annexation, which agreement shall be additional conditions as effectively as if set forth in this Petition.
- (15) Petitioner represents that: (Check one)
- No part of the property to be annexed is included within any site-specific development plan approved by Weld County, Colorado.
- A site-specific development plan has been approved by Weld County, Colorado, which has created a vested right.
- (16) Submitted with this Petition is the required \$100.00 for publication costs.

EXECUTED this 9th day of June, 2022.

SAUER SOUTH, LLC, a Colorado limited liability company

By: Cynthia Sauer

By: Cynthia Sauer

Title: Managing Member

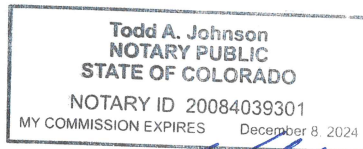
Name of Annexation: SunCatcher Annexation

STATE OF COLORADO )  
 )ss  
COUNTY OF W.D.P. )

Subscribed and sworn to before me this 9 day of JUNE, 2022, by  
Cynthia Sauer as the Managing Member of Sauer South, LLC.

WITNESS my hand and official seal.

My commission expires: 12-8-24

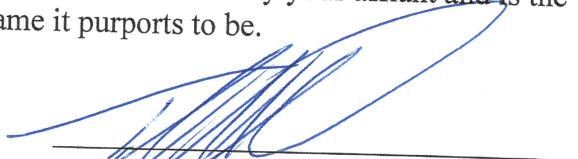


[Signature]  
Notary Public

**AFFIDAVIT OF CIRCULATOR**

The undersigned, being of lawful age, who being first duly sworn upon oath, deposes and says:

That (he or she) was the circulator of the foregoing Petition for Annexation of lands to the Town of Johnstown, Colorado, consisting of six (6) pages, including this page and that each signature thereon was witnessed by your affiant and is the true signature of the person whose name it purports to be.

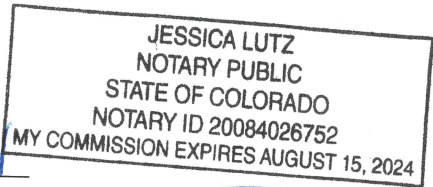
  
\_\_\_\_\_  
Circulator

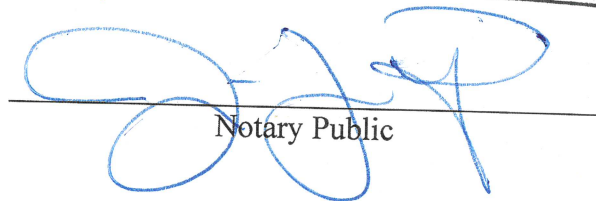
STATE OF COLORADO    )  
                                  )ss  
COUNTY OF                )

The foregoing Affidavit of Circulator was subscribed and sworn to before me this 9<sup>th</sup> day of June, A.D., 2022, by Todd Johnson.

Witness my hand and official seal.

My commission expires: August 15, 2024



  
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Notary Public

## EXHIBIT A

LOT A, RECORDED EXEMPTION NO. 1059-18-1-RE-1008, EXCEPT THE EAST 30 FEET AND THE NORTH 30 FEET THEREOF, THE PERIMETER OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 18, TOWNSHIP 4 NORTH, RANGE 67 WEST OF THE 6TH P.M.;  
THENCE SOUTH 02°49'41" EAST ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 18 FOR 30.13 FEET TO THE SOUTH RIGHT-OF-WAY OF WELD COUNTY ROAD 46, ALSO BEING THE SOUTH LINE OF THE KETO 161 ANNEXATION, REC. NO. 3453285, SAID POINT ALSO BEING THE POINT OF BEGINNING;  
THENCE SOUTH 87°36'24" EAST ON THE SOUTH RIGHT-OF-WAY OF WELD COUNTY ROAD 46, ALSO BEING THE SOUTH LINE OF THE KETO 161 ANNEXATION, REC. NO. 3453285, FOR 2595.82 FEET TO THE WEST RIGHT OF WAY OF WELD COUNTY ROAD 15, ALSO THE WEST LINE OF THE WIND FARM ANNEXATION, REC. NO. 3003119;  
THENCE SOUTH 02°47'22" EAST ON THE WEST LINE OF SAID WEST RIGHT OF WAY, ALSO THE WEST LINE OF SAID WIND FARM ANNEXATION FOR 1034.91 FEET TO THE NORTH LINE OF LOT A OF AMENDED RECORDED EXEMPTION AMRE-3151, REC. NO. 3267510;  
THENCE SOUTH 87°55'00" WEST ON THE NORTH LINES OF LOTS A AND B OF AMENDED RECORDED EXEMPTION AMRE-3151, REC. NO. 3267510, FOR 391.77 FEET;  
THENCE SOUTH 03°58'40" EAST ON THE WEST LINE OF LOT B OF SAID AMENDED RECORDED EXEMPTION AMRE-3151 FOR 724.84 FEET;  
THENCE ALONG THE NORTHERLY BOUNDARY OF PARCELS A AND B OF CORRECTED RECORDED EXEMPTION RE-1212, REC. NO. 2256165 FOR THE FOLLOWING 15 COURSES:  
THENCE SOUTH 62°10'11" WEST FOR 279.88 FEET;  
THENCE SOUTH 29°32'23" WEST FOR 83.93 FEET;  
THENCE SOUTH 11°57'09" EAST FOR 120.96 FEET;  
THENCE SOUTH 11°47'14" WEST FOR 190.85 FEET;  
THENCE NORTH 82°23'15" WEST FOR 175.68 FEET;  
THENCE SOUTH 63°07'32" WEST FOR 94.42 FEET;  
THENCE SOUTH 88°56'37" WEST FOR 117.14 FEET;  
THENCE NORTH 78°25'44" WEST FOR 67.39 FEET;  
THENCE NORTH 87°00'45" WEST FOR 208.55 FEET;  
THENCE NORTH 55°59'33" WEST FOR 116.24 FEET;  
THENCE SOUTH 81°44'40" WEST FOR 527.88 FEET;  
THENCE NORTH 86°59'58" WEST FOR 152.87 FEET;  
THENCE SOUTH 65°01'01" WEST FOR 249.52 FEET;  
THENCE NORTH 75°43'44" WEST FOR 210.99 FEET;  
THENCE SOUTH 61°32'24" WEST FOR 30.36 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 18;  
THENCE NORTH 02°49'41" WEST ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 18 FOR 2459.06 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 5,451,867 SQUARE FEET, 125.158 ACRES MORE OR LESS.