

**TOWN OF JOHNSTOWN, COLORADO**  
**RESOLUTION NO. 2023-16**

**FINDINGS OF FACT AND CONCLUSIONS BASED THEREON**  
**WITH RESPECT TO THE ARCHDIOCESE ANNEXATION NOS. 1-3**

**WHEREAS**, the Town of Johnstown, Colorado (“Town”) is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Town’s Home Rule Charter; and

**WHEREAS**, the Town Council is vested with authority to administer the affairs of the Town; and

**WHEREAS**, the Archdiocese of Denver, a Colorado corporation sole (the “Archdiocese”), submitted a Petition for Annexation of real property situated in a portion of Sections 15 and 16, Township 4 North, Range 67 West of the 6<sup>th</sup> P.M., County of Weld, State of Colorado, consisting of approximately 82.59 acres, known as the “Archdiocese Annexation No. 1 and Archdiocese Annexation No. 2 and Archdiocese Annexation No. 3;” and

**WHEREAS**, on February 6, 2023, by Resolution No. 2023-06, the Town Council found the Petition for Annexation to be in substantial compliance with C.R.S. § 31-12-107(1); and

**WHEREAS**, subsequent thereto, the Archdiocese modified its request and only seeks to annex 47.49 acres of the 82.59 acres into the municipal boundaries of the Town; and

**WHEREAS**, consistent with the foregoing, the Archdiocese seeks to annex a portion of the North Half of the Northeast Quarter of Section 16 and a portion of the West Half of the Northwest Quarter of Section 16, Township 4 North, Range 67 West of the 6<sup>th</sup> P.M., County of Weld, State of Colorado, consisting of approximately 47.49 acres, as more particularly described on Exhibit A, attached hereto and incorporated herein by reference, known as the “Archdiocese Annexation Nos. 1-3;”

**WHEREAS**, on April 17, 2023, after due notice, the Town Council conducted a public hearing and, based on the evidence contained in the official file, the official records of the Town and the evidence produced at the hearing, desires to enter the following findings of fact and conclusions with the respect to the Archdiocese Annexation Nos. 1-3.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, THAT:**

The Town Council hereby sets forth its findings of fact and conclusions with respect to the Archdiocese Annexation Nos. 1-3.

## **FINDINGS OF FACT**

1. The requirements of the applicable parts of C.R.S. § 31-12-104 and C.R.S. § 31-12-105 have been met including the following:
  - A. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the Town as shown on the annexation map. Contiguity is to be established by the annexation of three parcels in a series.
  - B. A community of interest exists between the area proposed to be annexed and the Town due to the proximity of the area to the Town, the desires of the owners to annex and the fact that it is within the planning area contemplated in the Johnstown Area Comprehensive Plan.
  - C. The area will be urbanized in the near future and the area is capable of being fully integrated with the Town.
  - D. Although less than fifty (50%) percent of the adult residents of the area proposed to be annexed make use of Town facilities, the landowners of the area proposed for annexation, while presently agricultural, plan to develop the land in less than five (5) years, and urban services, which are currently being provided to other citizens of the Town, may be provided to citizens of the proposed annexed area on the same terms and conditions as the services are made available to other citizens. The Town is able to provide water service and the Town's sewer system can be extended to the property annexed with the same standards as the current sewer system serving other citizens. Police and other municipal services can be provided as well.
  - E. 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. No annexation proceedings concerning this area have been commenced by any other municipality.
  - F. This annexation will not result in any detachment of area from any school district.
  - G. No part of the area to be annexed extends any more than three (3) miles from the existing Town boundaries. The Town has in place a plan for that area as required by C.R.S. § 31-1-105.
  - H. The entire widths of any streets to be annexed are included within the annexation.
2. No petition for annexation election has been submitted and an election is not required pursuant to C.R.S. § 31-12-107(2). An annexation agreement has been submitted.
3. The Town Council has determined that additional terms and conditions will not be imposed.
4. The Petition was signed by the owners of 100% of the property to be annexed exclusive of streets and alleys.
5. Notice of this hearing has been given as required by C.R.S. § 31-12-108.
6. An Annexation Impact Report was submitted to the Weld County Board of County Commissioners and County Attorney pursuant to C.R.S. § 31-12-108.5.

## **CONCLUSIONS**

1. The area proposed for annexation is eligible for annexation pursuant to applicable parts of C.R.S. § 31-12-104.
2. None of the limitations of C.R.S. § 31-12-105 apply to restrict annexation.
3. Said Archdiocese Annexation Nos. 1-3 may be annexed by Ordinance pursuant to C.R.S. § 31-12-111, without an election under C.R.S. § 31-12-107(2).

PASSED, SIGNED, APPROVED, AND ADOPTED THIS \_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

TOWN OF JOHNSTOWN, COLORADO

By: \_\_\_\_\_  
Hannah Hill, Town Clerk

By: \_\_\_\_\_  
Gary Lebsack, Mayor

## **EXHIBIT A**

### **PROPERTY DESCRIPTION:**

#### **ARCHDIOCESE ANNEXATION No. 1**

An area of land being a portion of the Northwest Quarter of the Northeast Quarter (NW1/4NE1/4) of Section Sixteen (16), Township Four North (T.4N.), Range Sixty-seven West (R.67W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, being more particularly described as follows;

COMMENCING at the North Quarter corner of said Section 16 and assuming the North line of the Northeast at the North Quarter corner of said Section 16 and assuming the North line of the Northeast Quarter (NE1/4) of said Section 16 as monumented by a #6 rebar with a 3.25" aluminum cap stamped LS 7242 at the West aluminum cap stamped LS 7242 at the West end and a 2.5" aluminum pipe with a 3.25" aluminum cap stamped LS 13155 at the East end, as bearing aluminum pipe with a 3.25" aluminum cap stamped LS 13155 at the East end, as bearing aluminum cap stamped LS 13155 at the East end, as bearing South 88°26'46" East, being a grid bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983 (2011), a distance of 2722.98 feet, with all other bearings contained herein being relative thereto.

The lineal dimensions as contained herein are based upon the "U.S. Survey Foot".

THENCE South 01°04'34" East along the West line of the NE1/4 of said Section 16 a distance of 1054.41 feet to the POINT OF BEGINNING;

THENCE South 79°32'21" East a distance of 673.25 feet;

THENCE South 77°23'12" West a distance of 673.25 feet to the Center North Sixteenth corner of said Section 16;

THENCE North 01°04'34" West along the West line of the NW1/4NW1/4 a distance of 269.30 feet to the POINT OF BEGINNING.

Said area of land contains 2.04 Acres (+/-88,822 sq.ft.) and is subject to any rights-of-way or other easements of record as now existing on said described parcel of land.

AND

#### **ARCHDIOCESE ANNEXATION No. 2**

An area of land being a portion of the North Half of the Northeast Quarter (N1/2NE1/4) of Section Sixteen (16), Township Four North (T.4N.), Range Sixty-seven West (R.67W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, being more particularly described as follows;

COMMENCING at the North Quarter corner of said Section 16 and assuming the North line of the Northeast at the North Quarter corner of said Section 16 and assuming the North line of the Northeast Quarter (NE1/4) of said Section 16 as monumented by a #6 rebar with a 3.25" aluminum cap stamped LS 7242 at the West aluminum cap stamped LS 7242 at the West end and a 2.5" aluminum pipe with a 3.25" aluminum cap stamped LS 13155 at the East end, as bearing aluminum pipe with a 3.25" aluminum cap stamped LS 13155 at the East end, as bearing aluminum cap stamped LS 13155 at the East end, as bearing South 88°26'46" East, being a grid bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983 (2011), a distance of 2722.98 feet, with all other bearings contained herein being relative thereto.

The lineal dimensions as contained herein are based upon the "U.S. Survey Foot".

THENCE South 01°04'34" East along the West line of the NE1/4 of said Section 16 a distance of 1054.41 feet to the POINT OF BEGINNING;

THENCE South 89°01'10" East a distance of 1357.98 feet;

THENCE North 00°54'49" West a distance of 756.16 feet;

THENCE North 90°00'00" East a distance of 376.23 feet;

THENCE North 00°00'16" East a distance of 274.14 feet to the North line of said N1/2NE1/4;

THENCE South 88°26'46" East along said North line a distance of 466.38 feet;  
THENCE South 00°44'27" East a distance of 1301.34 feet to the South line of said N1/2NE1/4;  
THENCE North 89°01'10" West along said South line a distance of 2200.27 feet to the Center North Sixteenth corner of said Section 16;  
THENCE North 77°23'12" East a distance of 673.25 feet;  
THENCE North 79°32'21" West a distance of 673.25 feet to the POINT OF BEGINNING.

Said area of land contains 29.24 Acres (+/-1,273,591 sq.ft.) and is subject to any rights-of-way or other easements of record as now existing on said described parcel of land.

AND

### **ARCHDIOCESE ANNEXATION No. 3**

An area of land being a portion of the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) of Section Sixteen (16) and a portion of the West Half of the Northwest Quarter (W1/2NW1/4) of Section Fifteen (15), both of Township Four North (T.4N.), Range Sixty-seven West (R.67W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, being more particularly described as follows;

COMMENCING at the North Quarter corner of said Section 16 and assuming the North line of the Northeast at the North Quarter corner of said Section 16 and assuming the North line of the Northeast Quarter (NE1/4) of said Section 16 as monumented by a #6 rebar with a 3.25" aluminum cap stamped LS 7242 at the West aluminum cap stamped LS 7242 at the West end and a 2.5" aluminum pipe with a 3.25" aluminum cap stamped LS 13155 at the East end, as bearing aluminum pipe with a 3.25" aluminum cap stamped LS 13155 at the East end, as bearing aluminum cap stamped LS 13155 at the East end, as bearing South 88°26'46" East, being a grid bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983 (2011), a distance of 2722.98 feet, with all other bearings contained herein being relative thereto.

The lineal dimensions as contained herein are based upon the "U.S. Survey Foot".

THENCE South 88°26'46" East along the North line of the NE1/4 of said Section 16 a distance of 2208.80 feet to the POINT OF BEGINNING;  
THENCE continuing South 88°26'46" East along said North line a distance of 514.19 feet to the Northeast corner of said Section 16;  
THENCE South 89°22'30" East along the approximate North line of said W1/2NW1/4 of Section 15 a distance of 30.01 feet to the East right-of-way line of County Road Nineteen (19);  
THENCE South 00°44'50" East along said East right-of-way line a distance of 1296.39 feet to the Easterly extension of the South line of said NE1/4NE1/4 of Section 16;  
THENCE North 89°01'10" West along said Easterly extension a distance of 30.01 feet to the North Sixteenth corner of said Sections;  
THENCE continuing North 89°01'10" West along said South line of the NE1/4NE1/4 a distance of 514.15 feet;  
THENCE North 00°44'27" West a distance of 1301.34 feet to the North line of said NE1/4NE1/4 of Section 16 and to the POINT OF BEGINNING.

Said area of land contains 16.21 Acres (+/-706,259 sq.ft.) and is subject to any rights-of-way or other easements of record as now existing on said described parcel of land.

PREPARED BY:

**Lat40°, Inc.**

**Professional Land Surveyors**

6250 W. 10<sup>th</sup> Street, Unit 2

Greeley, CO 80634

(970) 515-529