

**TOWN OF JOHNSTOWN, COLORADO**

**RESOLUTION NO. 2020-33**

**FINDINGS OF FACT AND CONCLUSIONS BASED THEREON  
WITH RESPECT TO THE PODTBURG ANNEXATION NOS. 1-5**

**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**, on or about February 28, 2020, the Podtburg Dairy Limited Partnership, LLLP, a Colorado limited liability limited partnership, and Mary M. Knutson, an individual, submitted Petition for Annexation Nos. 1-5 (“Petition for Annexation”) with the Town for annexation of property situated in the West Half of Section 18, the West Half of Section 19, and the Northwest Quarter of Section 30, Township 4 North, Range 67 West and portions of Section 13, Section 24, and the North Half of Section 25, Township 4 North, Range 68 West of the 6<sup>th</sup> P.M., County of Weld, State of Colorado, consisting of approximately 462.35 acres, and known as “The Podtburg Annexation Nos. 1-5;” and

**WHEREAS**, subsequent to the submission, the Podtburg Dairy Limited Partnership, LLLP purchased the real property owned by Mary M. Knutson that is the subject of the Petition for Annexation; and

**WHEREAS**, on September 21, 2020, by Resolution No. 2020-27, the Town Council found the Petition for Annexation to be in substantial compliance with C.R.S. § 31-12-107(1); and

**WHEREAS**, on November 2, 2020, 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 Podtburg Annexation Nos. 1-5.

**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 Podtburg Annexation Nos. 1-5.

**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 five 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, 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 land owners of the area proposed for annexation plan to convert the land to PUD mixed use development in less than five (5) years, and urban services, which are currently being provided to other citizens of the Town, can 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 extend water service to the area proposed to be annexed and deliver water based on the same standards serving other citizens of the Town. Sewer service to the area shall be provided by the Town of Berthoud pursuant to the Intergovernmental Agreement between the Statutory Municipalities of Berthoud and Johnstown Concerning Wastewater Treatment Facility and Service within Berthoud's 208 Service Area dated July 28, 2005. 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 The Podtburg Annexation Nos. 1-5 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 \_\_\_\_\_, 2020.

ATTEST:

TOWN OF JOHNSTOWN, COLORADO

By: \_\_\_\_\_  
Diana Seele, Town Clerk

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