

ORDINANCE NO. 18-2023

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE TOWN OF PALMER LAKE, COLORADO AND ZONING SUCH LANDS LOW DENSITY RESIDENTIAL (R-1) AND DIRECTING THE PALMER LAKE ZONING MAP BE AMENDED ACCORDINGLY

WHEREAS, Jim Parco, owner (the Applicant) filed with the Town Clerk a Petition for Annexation dated June 29, 2023 (the Petition) seeking to annex certain lands described in the Petition (the Property) to the Town of Palmer Lake, Colorado. A description of the Property is attached as Exhibit A; and

WHEREAS, on July 13, 2023, the Board of Trustees of the Town of Palmer Lake, Colorado set the matter for a public hearing 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 August 24, 2023, after a public hearing, the Board of Trustees of the Town of Palmer Lake, Colorado adopted Resolution 60-2023 finding and concluding, *inter alia*, that the Property is eligible for annexation to the Town of Palmer Lake, Colorado; and

WHEREAS, the Board of Trustees incorporates herein its findings and conclusions contained in Resolution 60-2023, 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, in connection with the annexation of the Property, the Applicant has requested that the Property be zoned Low Density Residential (R-1); and

WHEREAS, the proposed zoning of the Property was reviewed by the Town of Palmer Lake Planning Commission on August 16, 2023. The Planning Commission recommended that the Board of Trustees zone the Property Low Density Residential (R-1); and

WHEREAS, as part of its public hearing to consider whether the Property should be annexed to the Town of Palmer Lake, the Board of Trustees of the Town of Palmer Lake also considered whether the Property should be zoned Low Density Residential (R-1); and

WHEREAS, Zoning the Property Low Density Residential (R-1) is in substantial conformance with the Palmer Lake Comprehensive 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.

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF PALMER 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 Palmer Lake, Colorado.
2. The annexation of such property to the Town of Palmer Lake shall be complete and effective on the effective date of this ordinance, 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 Low Density Residential (R-1) and the zoning map for the Town of Palmer Lake shall be amended to reflect such zoning.
4. The Town Clerk is hereby directed to record this Ordinance with the El Paso County Clerk and Recorder.
5. 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.
6. 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 Palmer 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 PALMER LAKE AFTER PUBLIC HEARING AND SIGNED THIS 24TH DAY OF AUGUST, 2023.

S E A L

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

ATTEST:

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

Dawn A. Collins
Town Administrator/Clerk

By: _____
Glant Havenar
Mayor

EXHIBIT A

Legal Description

**THAT PT LOT 1 COLD WATER SUB AMEND NO 1 DESC AS FOLS: COM AT NW
COR LOT 1 SD SUB N 89<08'08" E 319.30 FT FOR POB, TH S 01<09'16" E 162.95 FT, N
23<52'34" E 74.69 FT, N 66<40'50" E 48.18 FT, N 01<09'16" W 76.71 FT S 89<08'08" W
76.22 FT TO POB**

Said property is approximately 7910 Square Feet more or less.