

TOWN OF PALMER LAKE

RESOLUTION NO. 13-2024

A RESOLUTION MAKING FINDINGS REGARDING THE ELIGIBILITY FOR ANNEXATION TO THE TOWN OF PALMER LAKE, COLORADO, OF CERTAIN UNINCORPORATED PROPERTY OWNED BY THE UNITED CONGREGATIONAL CHURCH AND COMMONLY REFERRED TO AS BEN LOMAND MOUNTAIN

WHEREAS, United Congregational Church (“the Applicant”) is the owner of real property described on Exhibit A, attached (“the Property”), commonly referred to as Ben Lomand Mountain, which is located in unincorporated El Paso County, Colorado adjacent to the Town of Palmer Lake; and

WHEREAS, the Applicant has filed a Petition for Annexation and an Annexation Map, requesting that the Property be annexed to and made a part of the Town of Palmer Lake; and

WHEREAS, whether to annex the Property is a discretionary decision to be exercised by the Board of Trustees of the Town of Palmer Lake; and

WHEREAS, before the Board of Trustees can decide whether it wishes to exercise its discretion to annex the Property, it must first determine that the Property is eligible to be annexed to the Town of Palmer Lake; and

WHEREAS, the criteria and limitations to be applied in order to determine whether property is eligible to be annexed to a town are set forth in the Colorado Constitution, Article II, Section 30, and the Colorado Revised Statutes, primarily Sections 31-12-104 and 31-12-105, and are reflected in the Findings set forth below.

WHEREAS, notice of a public hearing to determine the eligibility of the Property to be annexed was given as required by law; and

WHEREAS, the public hearing on said annexation petition was conducted commencing on January 25, 2024 and properly continued to February 22, 2024, in accordance with the requirements of law.

FINDINGS

Based on the Petition and Annexation Map, as well as the statements and materials presented during the public hearing in connection with this matter, the Board of Trustees finds as follows in relation to the Property described on Exhibit A:

1. Not less than one-sixth of the perimeter of the area proposed to be annexed as described on the attached Exhibit A is contiguous with the existing boundaries of the Town of Palmer Lake.

2. As a result of such contiguity as well as other considerations, a community of interest exists between the Property and the Town of Palmer Lake, Colorado, and the Property is urban or will be urbanized in the near future.
3. The Property is integrated with or is capable of being integrated with the Town of Palmer Lake, Colorado.
4. If the Property is annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts of real estate, would be divided into separate tracts 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.
5. If the Property is annexed, 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 comprising twenty (20) acres or more which, together with the buildings and improvements situated thereon, has a valuation for assessment in excess of \$200,000 for ad valorem tax purposes for the year next preceding the annexation, has been included without the written consent of the landowners.
6. No annexation proceedings have been commenced for the annexation to another municipality of part or all of the Property.
7. The proposed annexation of the Property will not result in the detachment of area from any school district and the attachment of the same to another school district.
8. The petition for annexation of the Property meets the requirements of law and is in proper order for annexation for the Property.
9. The proposed annexation will not have the effect of extending a municipal boundary more than three (3) miles in any direction from any point of the Town boundary in any one year, or to the extent the proposed annexation extends beyond such three (3) mile limit, confining the annexation to such three (3) mile limit would have the effect of dividing a parcel of property held in identical ownership and at least fifty (50%) percent of the said property is within the three (3) mile limit.
10. The entire width of any public street or alley to be annexed is included within the proposed annexation.
11. The proposed annexation would not result in denial of reasonable access to landowners, owners of easements, or owners of franchises to use the Town's public ways.
12. The Petition for annexation of the Property was signed by owners of 100% of the Property exclusive of streets and alleys.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, COLORADO AS FOLLOWS:

- A. The property described in the attached Exhibit A is eligible for annexation to the Town of Palmer Lake, Colorado and all requirements of law have been met to make such property eligible for annexation, including the requirements of Sections 31-12-104 and 31-12-105, C.R.S., as amended.

- B. No election is required pursuant to Section 31-12-107(2), C.R.S., or any other law of the State of Colorado, as the petition to annex the Property was signed by 100% of the owners of the Property.

MOVED, SECONDED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, COLORADO THIS 22nd DAY OF FEBRUARY, 2024.

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

ATTEST:

TOWN OF PALMER LAKE, COLORADO

Dawn A. Collins
Town Administrator/Clerk

BY: _____
Glant Havenar
Mayor