



## CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Planning	Kristi Jefferson - Senior Planner	March 1, 2022

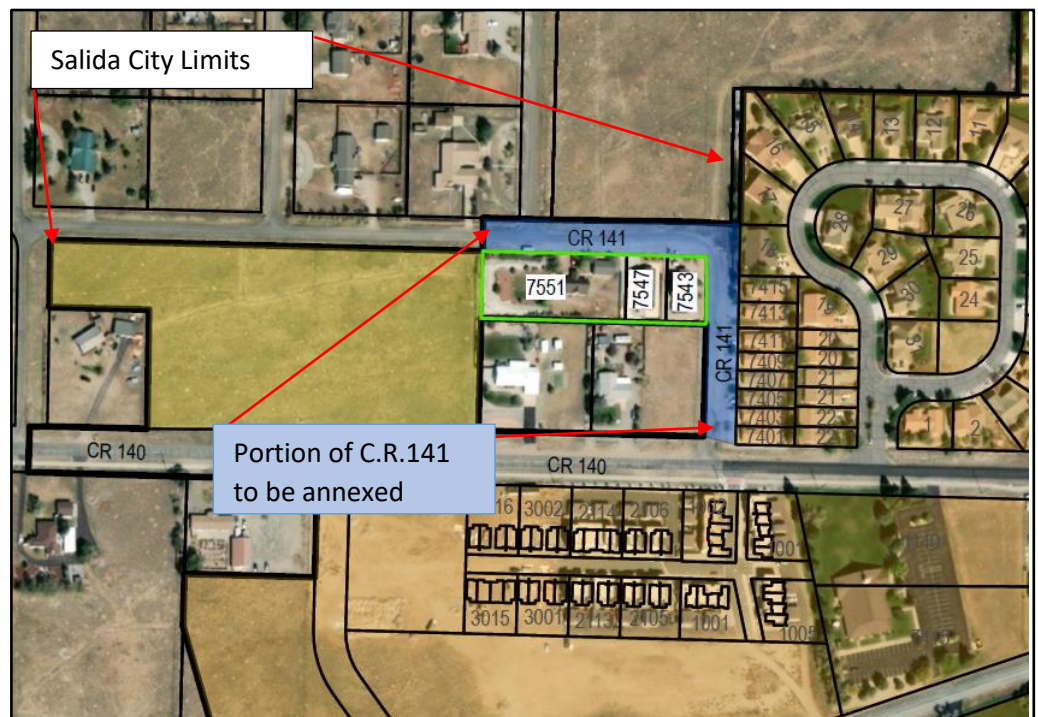
### ITEM

Ordinance 2022-02: Second Reading and Public Hearing on the proposed 141 Annex Annexation of Lots 1, 2 and 3 of the 141 Annex Minor Subdivision located at 7543 C.R. 141, 7547 C.R. 141 and 7551 C.R. 141. As part of this annexation, Chaffee County is requiring annexation of County Road 141 from County Road 140 to the western most edge of Lot 1 of the 141 Annex Subdivision. The required section of County Road 141 is included on the 141 Annex Annexation plat.

### BACKGROUND

On December 04, 2018 City Council approved Resolution 2018- 52 for the Love Pre-Annexation agreement with owners Brad and Sandra Love to provide municipal water and sewer to the property of 141 Annex Minor Subdivision. At that same time the owners were also in the process of subdividing the 1.358 acre parcel into 3 individual lots within the Chaffee County jurisdiction.

Section 4 of the pre-annexation agreement requires the owners of Lots 1, 2 and 3 to annex their properties within 60 days when they become eligible, via contiguity. They became eligible with the Upchurch Annexation which was approved by Council on April 20, 2021 and recorded on July 2, 2021.





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The applicants, Jeff Kriebel, Thomas Clegg and Wendell Winger submitted the complete application to annex their properties located at 7543 C.R. 141, 7547 C.R. 141 and 7551 C.R. 141, respectively, on October 21, 2021 along with an application for Zoning to be considered during a separate hearing.

An application for annexation is a multi-step process. When annexing a property, the City must follow state statutes for contiguity and procedural requirements. The steps and standards include:

- 1/6th of the perimeter of a proposed annexation must be contiguous with the City of Salida;
- Staff reviews the petition for compliance with city and state statutes and Council adopts a resolution stating the petition is valid and sets a public hearing date that is no less than 30 days and no greater than 60 days from the resolution date;
- The City Council public hearing is advertised in the newspaper for four consecutive weeks;
- The Planning Commission holds a public hearing to review the annexation and recommend the zoning designation of the property;
- Council holds the public hearing on the annexation petition and possibly approves an ordinance approving the annexation;
- Council adopts a resolution stating the proposed findings on the annexation;
- Council approves an annexation agreement; and
- Council holds a public hearing on the proposed zoning.

The timeline for the related requests to the annexation are as follows:

Proposed Action	Planning Commission Recommendation	City Council First Reading	City Council Final Action
Annexation Ordinance 2022-02	12/14/2021	02/15/2022	03/01/2022
Resolution on Findings of Fact Resolution 2022-11			03/01/2022
Annexation Agreement Resolution 2022-12			03/01/2022
Zoning Ordinance 2022-03	12-14-2021	02/15/2022	03/01/2022

### RESPONSE FROM REFERRAL DEPARTMENTS AND AGENCIES:

- Salida Fire Department: Kathy Rohrich, Assistant Fire Chief, responded "The Fire Department has no concerns at this time."
- Chaffee County Development Services: Planner Christie Barton, responded "Chaffee County Planning has no objection to the annexation, but County staff may have additional comments."
- Salida Public Works Department: Public Works Director David Lady, responded "Typically there would be some language with regards to bringing the road up to standards." (This one



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is a bit unique as there is no leverage to require that since the development has already occurred.)

### **PLANNING COMMISSION RECOMMENDATION**

A public hearing with the Planning Commission was held December 14, 2021 and the Commission recommended Council approve the proposed 141 Annex Annexation with staffs recommended conditions.

### **STAFF RECOMMENDATION**

Staff recommends approval of the proposed annexation, subject to Council approval of the annexation agreement with the following conditions:

1. New residential dwelling units constructed on the Property and/or current Lots 1, 2 or 3 shall meet the inclusionary housing requirements of Article XIII of Chapter 16 of the Salida Municipal Code. The applicants volunteer and agrees to provide an in-lieu fee at the rate in effect at the time of building permit application of any new residential dwelling units on any of the lots within the 141 Annex Annexation and on the Property.
2. Annexor agrees that any new residential dwelling units constructed on the Property and/or current Lots 1, 2 or 3 shall meet the requirements of Land Use Code Sec. 16-6-140, Fair Contributions to Public School Sites, at the time of building permit submittal.

### **SUGGESTED MOTION**

A council person should make the motion to “approve Ordinance 2022-02 approving the annexation of the 2.06 acre parcel of land including portions of County Road 141 to the City of Salida known as the 141 Annex Annexation and ordering the ordinance to be published by title only.”

Attachments: Ordinance 2022-02  
141 Annex Annexation plat  
Love Pre-Annexation Agreement

**CITY OF SALIDA, COLORADO  
ORDINANCE NO. 02  
SERIES OF 2022**

**AN ORDINANCE OF THE CITY OF SALIDA, COLORADO ANNEXING TO THE CITY OF SALIDA A CERTAIN TRACT OF LAND IN UNINCORPORATED CHAFFEE COUNTY KNOWN AS THE 141 ANNEX ANNEXATION**

WHEREAS, on October 20, 2021, representatives of 141 Annex Annexation (the “Owners”), filed a General Development Application (the “Petition”) to commence proceedings to annex to the City of Salida (the “City”) a certain unincorporated tract of land comprised of 2.06 acres (inclusive of public right-of-way) located at 7543 C.R. 141, 7547 C.R. 141 and 7551 C.R. 141, Salida, in the County of Chaffee, State of Colorado, and being more particularly described on Exhibit A, attached hereto and incorporated herein by reference; and

WHEREAS, pursuant to C.R.S. §31-12-108, the City Council by Resolution No. 02, Series of 2022 specified that the City Council would hold a hearing on the proposed annexation at its regular meeting on March 1, 2022, commencing at the hour of 6 p.m. in the City Council Chambers, 448 East First Street, Salida, Colorado; and

WHEREAS, pursuant to C.R.S. §31-12-108 to -110, the City Council on March 1, 2022 held a duly-noticed public hearing to consider the proposed annexation; and

WHEREAS, notice of such hearing was published on January 21, 2022, January 28, 2022, February 4, 2022, and February 11, 2022 in *The Mountain Mail* newspaper; and

WHEREAS, C.R.S. §31-12-105(1)(e) provides that prior to the completion of any annexation within a three-mile area, the municipality shall have in place a plan for that area, which generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities and terminals for water, light, sanitation, transportation and power to be provided by the municipality and the proposed land uses for the area; and

WHEREAS, the City hereby sets forth its Findings of Fact, Determinations, and Conclusions with regard to annexation to the City of the 141 Annex Annexation; and

WHEREAS, the City currently has in place a Comprehensive Plan and other long-range planning documents which constitute the City's annexation plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, THAT:

1. The City incorporates the foregoing recitals as findings and determinations by the City Council.
2. The annexation to the City of the 141 Annex Annexation described on Exhibit A is hereby approved with the following conditions of approval, and such real property is hereby annexed to and made a part of the City of Salida.

3. Within ten (10) days after final publication of this Ordinance, the City Clerk of the City of Salida, Colorado, on behalf of the City shall:

- A. File one (1) copy of the Annexation Plat and the original of this Annexation Ordinance in the office of the City Clerk of the City of Salida, Colorado;
- B. File for recording three (3) certified copies of this Annexation Ordinance and three (3) copies of the Annexation Plat, containing a legal description of the annexation parcel, with the County Clerk and Recorder of Chaffee County, Colorado, with directions to the Chaffee County Clerk and Recorder to file one certified copy of this Annexation Ordinance and one copy of the Annexation Map with the Division of Local Government of the Department of Local Affairs of the State of Colorado and one certified copy of this Annexation Ordinance and one copy of the Annexation Map with the Colorado Department of Revenue; and
- C. File one certified copy of this Annexation Ordinance and one copy of the Annexation Map in the office of the County Assessor of Chaffee County, Colorado.

INTRODUCED ON FIRST READING, on February 15, 2022, ADOPTED and set for second reading and public hearing on the 1<sup>st</sup> day of March, 2022.

CITY OF SALIDA, COLORADO

\_\_\_\_\_  
Dan Shore, Mayor

[SEAL]

ATTEST:

\_\_\_\_\_  
City Clerk/Deputy Clerk

PUBLISHED IN FULL in the Mountain Mail after First Reading on the \_\_\_\_ day of \_\_\_\_\_, 2022, and BY TITLE ONLY, after final adoption on the \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
City Clerk/Deputy City Clerk

## **EXHIBIT A**

The territory comprising 2.06 acres, more or less, (inclusive of public right-of-way), and being described as follows:

Lots 1, 2 and 3, 141 Annex Minor Subdivision located in the SE1/4 SW1/4 of Section 31, Township 50 North, Range 9 East of the New Mexico Principal Meridian, Chaffee County, Colorado, together with a portion of Chaffee County Road 141 lying adjacent to said lots, all being more particularly described as follows,

Beginning at the southwest corner of Lot 1 of 141 Annex Minor Subdivision per plat filed under Reception no. 447958, Chaffee County, Colorado;

Thence north 01°12'40" East 124.48 feet to the Northwest corner of said lot 1;

Thence continuing North 01°12'40" East 57.0 feet to a point on the South boundary of Lot 7, Block 2, Shavano Vista Subdivision, being a point on the Northerly boundary of Chaffee County Road No. 141;

Thence South 88°47'30" East along said Northerly County Road boundary, 452.43 feet, more or less, to the present City of Salida corporation line as described in City of Salida Ordinance Number 1978-1 recorded January 27, 1978 in Book 414 at Pages 432 and 433 of the Chaffee County records;

Thence South 00°55'39" West along said present corporation line, 396.51 feet to a point on the Upchurch Annexation Boundary (Reception 472071), from whence a 5/8" rebar with a 1 1/2" aluminum cap stamped LS 16117 at the Southwest corner of Lot 4-A of the boundary line adjustment and replat of a portion of Cochetopa Estates per plat recorded at reception No. 309631 of said county records bears South 78°49'01" E 21.92 feet;

Thence North 78°49'01" West along said Upchurch Annexation Boundary, 37.54 feet to the Southeast corner of the tract of land described at Reception No. 389150 of said County records;

Thence North 01°09'12" East along the East boundary of said tract, 208.52 feet to a 5/8" rebar with a 1" aluminum cap stamped 1776 marking the Northeast corner thereof;

Thence North 88°47'30" West 1.95 feet to a 5/8" rebar with a 1 1/2" aluminum cap stamped 16117 at the SE corner of Lot 3 of said 141 Annex Subdivision;

Thence continuing North 88°47'30" West along the South boundary of said 141 Annex Subdivision, 415.26 feet to the point of beginning.

Also known by the following addresses:

7543 County Road 141, Salida, CO 81201

And assessor's schedule or parcel number: 368131300073

7547 County Road 141, Salida, CO 81201

And assessor's schedule or parcel number: 368131300072

7551 County Road 141, Salida, CO 81201

And assessor's schedule or parcel number: 368131300071





# ANNEX APPLICATION GENERAL DEVELOPMENT APPLICATION

448 East First Street, Suite 112  
Salida, CO 81201  
Phone: 719-530-2626 Fax: 719-539-5271  
Email: [planning@cityofsalida.com](mailto:planning@cityofsalida.com)

## 1. TYPE OF APPLICATION (Check-off as appropriate)

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Annexation           | <input type="checkbox"/> Administrative Review:<br>(Type) _____ |
| <input type="checkbox"/> Pre-Annexation Agreement        |   |
| <input type="checkbox"/> Variance                        | <input type="checkbox"/> Limited Impact Review:<br>(Type) _____ |
| <input type="checkbox"/> Appeal Application              |   |
| <input type="checkbox"/> Certificate of Approval         | <input type="checkbox"/> Major Impact Review:<br>(Type) _____   |
| <input type="checkbox"/> Creative Sign Permit            |   |
| <input type="checkbox"/> Historic Landmark/District      | <input type="checkbox"/> Other: _____                           |
| <input type="checkbox"/> License to Encroach             |   |
| <input type="checkbox"/> Text Amendment to Land Use Code |   |
| <input type="checkbox"/> Watershed Protection Permit     |   |
| <input type="checkbox"/> Conditional Use                 |   |

## 2. GENERAL DATA (To be completed by the applicant)

### A. Applicant Information

Name of Applicant: Wendell Winger / Dan Clegg / Jeff Kriebel  
Mailing Address: 7551 CTRY RD See Annexation Petition  
Telephone Number: \_\_\_\_\_ FAX: \_\_\_\_\_  
Email Address: See Annexation Petition  
Power of Attorney/ Authorized Representative: NA  
(Provide a letter authorizing agent to represent you, include representative's name, street and mailing address, telephone number, and FAX)

### B. Site Data

Name of Development: Winger / Clegg / Kriebel Annexation  
Street Address: 7551 CTRY RD 141 7547 CTRY RD 141 7543 CTRY RD 1  
Legal Description: Lot See Annexation Petition Block \_\_\_\_\_ Subdivision \_\_\_\_\_ (attach description)

Disclosure of Ownership: List all owners' names, mortgages, liens, easements, judgments, contracts and agreements that run with the land. (May be in the form of a current certificate from a title insurance company, deed, ownership and encumbrance report, attorney's opinion, or other documentation acceptable to the City Attorney)

I certify that I have read the application form and that the information and exhibits herewith submitted are true and correct to the best of my knowledge.

Signature of applicant/agent Wendell D. Winger

Date July 4, 2021

Signature of property owner Thomas Daniel Clegg

Date 8/20/2021

9/20/2021



## ANNEXATION APPLICATION

448 East First Street, Suite 112

Salida, CO 81201

Phone: 719-530-2626 Fax: 719-539-5271

Email: [planning@cityofsalida.com](mailto:planning@cityofsalida.com)

### 1. PROCEDURE (City Code Section 16-9-20)

#### A. Development Process

1. Pre-Application Conference. Optional.
2. Submit Application.
3. Staff Review for Completeness.
4. Resolution to Accept Application to City Council
5. Establish Public Hearing Date before Council per Colorado Municipal Annexation Act of 1965.
6. Staff Evaluation of Application and Annexation Agreement (if applicable)
7. Establish Public Hearing Date Before the Planning Commission.
8. Public Notice Provided For Hearings.
9. Public Hearing Conducted by Commission.
10. Annexation Ordinance to City Council for 1<sup>st</sup> and 2<sup>nd</sup> Reading.

### 2. APPLICATION CONTENTS (City Code Section 16-9-40) – Ten (10) copies of application materials

#### ✓ 1. General Development Application

#### ✓ 2. Annexation Petition

3. **Annexation Map.** The preferred scale of the map is one (1) inch equals one hundred (100) feet; the minimum allowable scale is one (1) inch equals two hundred (200) feet. Sheet size shall be twenty-four (24) inches by thirty-six (36) inches. If it is necessary to draw the map on more than one (1) sheet, a sheet index shall be placed on the first sheet. The annexation map shall contain the following:
- a. Annexation Name
  - b. Legal description. Legal description of the perimeter
  - c. Names and addresses. Names and addresses of the owners, subdivider, land planner and land surveyor registered in the State.
  - d. Scale
  - e. North arrow
  - f. Date. The date the map was prepared.
  - g. Boundary lines and dimensions. Boundary lines of the proposed annexation. Distinction of the boundary that is contiguous to the City and the length of the same boundary on the map, including required showing of contiguity in feet.
  - h. Platted lots. Lot and block numbers if the area is already platted.
  - i. Improvements and easements. The location and dimensions of all existing and proposed streets, alleys, easements, ditches and utilities within or adjacent to the proposed annexation.
  - j. Vicinity map. The vicinity map shall show the location of the proposed annexation, in relation to the City.
  - k. Acreage. Total acreage to be annexed.
  - l. Certificates. Certificates required to appear on the final annexation plat are described in Section 16-9-40 of the Land Use Code.

#### 4. **Narrative.** Written narrative of how the petition meets the city's review standards.

#### 5. **Digital Copy.** A digital copy of the plat compatible with the City GIS shall be submitted.

#### 6. **Application Fee** \$3,000 cash or check made out to City of Salida (\$1,000 application fee + \$2,000 retainer for attorney's fees)



**7. Public Notice.**

- a) A list shall be submitted by the applicant to the city of adjoining property owners' names and addresses. A property owner is considered adjoining if it is within 175 feet of the subject property regardless of public ways. The list shall be created using the current Chaffee County tax records.
- b) Postage Paid Envelopes. Each name on the list shall be written on a postage-paid envelope. Postage is required for up to one ounce. Return Address shall be: City of Salida, 448 E. First Street, Suite 112, Salida, CO 81201.
- c) Applicant is responsible for posting the property and submittal of notarized affidavits, for proof of posting the public notice.

**8. Petition for Exclusion from the South Arkansas Fire Protection District**

**9. Special Fee and Cost Reimbursement Agreement completed**

## ANNEXATION PETITION

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### TO THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, GREETINGS:

The undersigned hereby petition(s) the City of Salida to annex to the City of Salida the territory shown on the map(s) attached hereto and described on the attachment hereto:

This Petition is signed by the landowners qualified to sign. It is intended that this Petition be a one hundred percent (100%) petition for annexation as described in C. R. S. 1973, Section 31-12-107(l)(g), (as amended).

In support of this petition, the undersigned state(s) and allege(s) as follows, to wit:

1. That it is desirable and necessary that the above-described territory be annexed to the City of Salida.
2. That petitioners are landowners of one hundred percent (100%) of the territory, excluding streets and alleys, herein proposed for annexation to the City of Salida.
3. That no less than one-sixth of the aggregate external boundaries of the above-described territory hereby petitioned to the City of Salida is contiguous to the City limits of the City of Salida.
4. Accompanying this petition are two mylars and twenty copies of the annexation map.
5. That a community of interest exists between the above-described territory and the City of Salida, and that the same is urban, or will be urbanized in the near future, and further that the said territory is integrated or is capable of being integrated in the City of Salida.
6. That the above-described territory does not include any area which is the same or substantially the same area in which an election for an annexation to the City of Salida, was held within the twelve months preceding the filing of this petition.
7. That the above-described territory does not include any area included in another annexation proceeding involving city other than the City of Salida.
8. That the above-described territory is not presently a part of any incorporated city, city and county, or town.
9. That the above area described will (not) result in the detachment of the area from any school district and the attachment of the same to another school district.

## **EXHIBIT A**

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Thence continuing North 01°12'40" East 57.0 feet to a point on the South boundary of Lot 7, Block 2, Shavano Vista Subdivision, being a point on the Northerly boundary of Chaffee County Road No. 141;

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Thence South 00°55'39" West along said present corporation line, 396.51 feet to a point on the Upchurch Annexation Boundary (Reception 472071), from whence a 5/8" rebar with a 1 1/2" aluminum cap stamped LS 16117 at the Southwest corner of Lot 4-A of the boundary line adjustment and replat of a portion of Cochetopa Estates per plat recorded at reception No. 309631 of said county records bears South 78°49'01" E 21.92 feet;

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7551 County Road 141, Salida, CO 81201

And assessor's schedule or parcel number: 368131300071

July 4, 2021

~~City of Salda~~

~~Special Fee and Cost Reimbursement Agreement~~

Additional Page specifying names and addresses of applicants:

Wendell D. Winger

7551 County Road 141

Salida, CO 81201

Dan Clegg

7547 County Road 141

Salida, CO 81201

Jeff Kriebel

7543 County Road 141

Salida, C) 81201

## ANNEXATION PETITION

This Section must be filled out if there are multiple properties/property owners petitioning annexation.

Signature of Petitioners Requesting Annexation to the City of Salida, Colorado	Date of Signature of Each Petitioner	Mailing Address of each Petitioner + e-mail	Description of Property Included the Area Proposed for Annexation Owned by Each person Signing this Petition. (Attach separate sheet, if necessary)
<i>[Signature]</i>	July 4 2021	7551 CTY RD 141, Salida, CO	Lot 1 HI Annex Subdivision
<i>[Signature]</i>	9-20-2021		Lot 2
<i>[Signature]</i>	9/20/2021	7543 CTY RD 141, SALIDA, CO	Lot 3

Done  
Jef →



## CITY OF SALIDA REVIEW STANDARDS FOR ANNEXATION

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- A. General Purposes. It shall be the general purposes of the City in respect to annexation:
1. **Consider Costs and Benefits.** To annex contiguous lands for positive reasons, equitable to the City and not as a matter of right to a petitioner or petitioners. In consideration of any annexation the short-term and long-term costs and benefits to the area proposed to be annexed and the short-term and long-term costs and benefits to the City shall be weighed.
  2. **Agreements.** Simultaneous with any ordinance approving the annexation of property into the city boundaries, the owner of the annexed property shall, if requested, enter an annexation agreement upon terms and conditions approved by the City Council, which annexation agreement shall detail a number issues, including but not limited to the subjects described below:
    - a. To require, as a condition of annexation of vacant lands, the dedication of lands for public sites within the land area of the territory being annexed. The location of the lands to be dedicated shall be designated by the City after conferring with any other public agency which might have an interest in such sites.
  3. **Providing Public Facilities and Services.** Ensuring that adequate water supply, sewage disposal, storm drainage, solid waste disposal, electrical, road, park/recreation and trail and public safety facilities and services are provided. The annexor shall be required to provide evidence of the financial capability of the annexor to complete public and other improvements, including adequate guaranties and security.
  4. **Provide for Orderly Development of the City.** To provide for the efficient, well-ordered and safe development of the City of Salida and to accommodate a variety of desirable residential, commercial, industrial and public land uses in an appropriate, efficient and attractive development pattern.
  5. **Implement Comprehensive Plan.** To consider land for annexation that conforms with the purposes of the Comprehensive Plan. The annexor shall include a development plan for the property, which at a minimum shall demonstrate that the proposed development of the property is in general conformance with the Comprehensive Plan.
  6. **Housing for the Community.**

To promote the construction of housing that is affordable to the community's workforce; retain opportunities for people that work in the City to also live in the City; maintain a balanced community that provides housing for people of all income levels; and ensure that housing options continue to be available for very low-income, low-income, moderate, middle-income residents, special needs populations, and a significant proportion of those who work or live in the City. All subsequent development at this property is required to include at least twelve and one-half (12.5) percent of the total number of residential dwelling units as affordable dwelling units, subject to the standards of Section 16-13-20 and other requirements of Article XIII – Inclusionary Housing of the Salida Municipal Code.

## PETITION FOR EXCLUSION OF THE PROPERTY FROM THE SOUTH ARKANSAS FIRE PROTECTION DISTRICT

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As an owner of property currently located in unincorporated Chaffee County, fire protection services are provided by the South Arkansas Fire Protection District (SAFPD). These services are supported by a tax, specifically for the SAFP, on your tax bill. Once a property is annexed into the City of Salida, fire protection services will be provided by the City.

If a property owner annexes into the City and does not petition the SAFP for exclusion from the district, the property owner(s) will continue to pay real property taxes to South Arkansas Fire Protection District. In essence, being taxed by both the SAFP and the City for fire protection service.

It is the responsibility of the property owner to exclude land from the special taxing district during the annexation process. The information on the following page should be submitted to the SAFP if you would like to have your property removed from their taxing district.

Mail the petition to the attorney for the South Arkansas Fire Protection District:

Michael Luedtke  
Hoskin Farina & Kampf, P.C.  
P.O. Box 40  
Grand Junction, CO 81502  
(970) 986-3400  
FAX: (970) 986-3401

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#### Item 4. Annexation Application Contents

This application meets the requirement of the Pre-Annexation Agreement --CITY OF SALIDA, COLORADO, RESOLUTION NO. 52 (Series of 2018). Comporting with the city's review standards is discussed in the Pre-Annexation Agreement. City water and sewer facilities are installed in the right of way on Count Road 141 in front of the property proposed for annexation. The applicant proposes that the annexation be zoned R-2 in accordance with the city's comprehensive plan and consistent with the existing development of surrounding properties.





\*447915\*

447915  
3 of 81/3/2019 8:05 AM  
RESC R\$48.00 D\$0.00Lori A Mitchell  
Chaffee County Clerk**PRE-ANNEXATION AGREEMENT**  
**7551 County Road 141**

THIS AGREEMENT is made and entered into this 4<sup>th</sup> day of December, 2018, by and between the CITY OF SALIDA, COLORADO, a municipal corporation (hereinafter "City"), and BRADLEY J. AND SANDRA L. LOVE as the owner of the real property described hereafter (hereinafter "Owner");

**W I T N E S S E T H:**

WHEREAS, Owner is the owner of certain real property located in unincorporated Chaffee County, which property is more particularly described on **Exhibit A** attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, the Property is currently not eligible for annexation and lies within the City of Salida Municipal Services Area; and

WHEREAS, Owner desires to obtain the municipal services hereinafter described from the City at such time, and the City is capable of providing such service; and

WHEREAS, the City of Salida has entered into an intergovernmental agreement (IGA) with Chaffee County, adopted by Resolution 2010-10 on February 16, 2010, wherein the City cooperates with Chaffee County in the review of land use applications within the Municipal Services Area; and

WHEREAS, paragraph 4.4 of said IGA describes the process for review of land uses within the Municipal Planning Area that will not be immediately annexed including joint review, approval by the County and the development will be subject to some or all of the city development standards as agreed upon in the pre-annexation agreement; and

WHEREAS, the Chaffee County Board of Commissioners approved the 141 Annex (Love Family) Minor Subdivision, consisting of 1.35 acres and three lots on November 13, 2018; and

WHEREAS, the parties desire to enter into this Agreement pursuant to C.R.S. §31-12-121 to set forth the terms and conditions of the extension of services and annexation of the Property by the City.

NOW THEREFORE, for and in consideration of the mutual promises and covenants herein contained, the parties agree as follows:

1. Services to be Provided. The City agrees to provide Owner with municipal water and sewer services to the Property for residential uses at in-City rates. City water and sewer services are adjacent to the Property and Owner agrees to extend and connect to City water and sewer at the then applicable in-City rates.



2. Costs. The City will provide said service subject to the rules, regulations, charges, fees, and ordinances of the City of Salida as are now in effect, or as they may hereafter be amended. All costs of extending services to the Property shall be borne by the Owner including, but not limited to, main and service line extensions within the right-of-way of County Road 141 for the length of the property, approximately 477 feet and terminate the sewer at a manhole and water with a fire hydrant per city standards. At or prior to the first delivery of municipal service pursuant to this Agreement, the Owner agrees to pay all system improvement fees at the then applicable in-City rate as provided in the Salida Municipal Code.

3. No Precedential Value. Nothing herein shall obligate the City to extend additional service to the Owner or to the Property, other than that service described in Paragraph 1, above. There shall be no expansion of such service without the express written consent of the City. The Owner and its agents, employees, and tenants shall be bound by all of the ordinances of the City of Salida insofar as they may pertain to the conditions of pre-annexation herein described.

4. Annexation. To the maximum extent permitted by law, the parties agree that this Agreement, pursuant to C.R.S. §31-12-121, constitutes an enforceable obligation upon the Owner, its successors, and assigns to file a petition for annexation prior to or contemporaneous with any additional development of the Property to the extent permitted by law. The Owner further agrees that at such time as the Property is eligible for annexation, Owner shall within sixty (60) days of becoming eligible for annexation file a petition for annexation of the Property.

5. New Development. Owner agrees that during the term of this Agreement all new development or construction on the Property shall be in accordance with the requirements of the Salida Municipal Code.

6. Existing Uses. The Property is currently zoned residential and the Owner intends to continue to use it for that purpose.

7. Payment of Fees. Owner agrees to pay at the time of building permit all applicable fees for the Property in the amounts set forth pursuant to the Salida Municipal Code, or as hereafter amended, namely the building plan review; water and sewer system development fees; and the Fair Contribution to School Sites per Section 16-6-140 of the Salida Municipal Code (SMC) which are currently \$354 per unit. Notes shall be affixed to the subdivision plat describing this requirement.

8. Inclusionary Housing. The applicant volunteers and agrees to deed restrict one residential living unit within the subdivision for occupancy by a household earning 80% or less of the Area Median Income (AMI), either as a rental or by ownership in conformance with Article XIII, of Chapter 16 of the SMC. This requirement may be met through one of the following means:

- a. Provide the deed restricted unit within the subdivision that is consistent and compatible in exterior design with the other non-restricted units in the subdivision; or
- b. Provide an in-lieu fee equal to the lessor of \$7,874 or \$3.94 per the total habitable square footage of each of the principal residences to be constructed

within the subdivision at the time of issuance of a building permit for such residences.

A note shall be affixed to the subdivision plat describing the inclusionary housing requirement.

9. Termination Upon Annexation. This Agreement shall terminate automatically on the effective date of the annexation to the City of the Property; provided, however, that nothing in this paragraph shall limit any other rights of termination provided in this Agreement.

10. Failure or Refusal to Annex. In the event the Owner fails to annex their Property to the City as required by this Agreement, the City may, at its sole option and without otherwise limiting its legal rights, bring an action at law or equity, including an action for specific performance, to enforce the terms of this Agreement or treat this Agreement as a petition for annexation and annex the Property without consent after thirty (30) days' written notice to Owner. The rights and remedies under this paragraph shall be cumulative. To the extent permitted by law, the Owner hereby appoints the City Clerk as their attorney-in-fact to execute and deliver all documents necessary to annex Owner's Property to the City, should the Owner fail or refuse to annex as required under this Agreement. If the City proceeds to annex the Owner's Property as permitted under this paragraph, it may advance all fees and costs related to the annexation, and shall be entitled to recover the same as a personal obligation of the Owner. Such fees and costs shall also constitute a lien against the Owner's Property, which may be foreclosed as provided by law.

11. Lien Rights. The City shall be entitled to prepare and record a lien against the Owner's Property for the amount of any costs, fees, and other expenses which it has advanced or which the Owner is required to be pay pursuant to this Agreement and/or the Salida Municipal Code.

12. Miscellaneous. The parties agree time is of the essence in the implementation of this Agreement. All of the terms and conditions of this Agreement shall bind the heirs, successors, assigns, or personal representatives of the parties hereto. This Agreement constitutes a covenant which runs with the real Property. This Agreement sets forth the entire understanding between the parties, and any previous agreements, promises, or understandings have been included in this Agreement.

13. Recording Fees. The City shall record this Agreement upon execution. The Owner shall simultaneously with the execution of this Agreement tender to the City the actual amount of recording fees (Checks shall be payable to the Chaffee County Clerk and Recorder).

\*447915\*

447915  
6 of 8

1/3/2019 8:05 AM  
RESC R\$48.00 D\$0.00

Lori A Mitchell  
Chaffee County Clerk

WITNESS WHEREOF, the parties have executed this Agreement on the day and year first written above.



ATTEST:

Lynda Travis  
City Clerk/Deputy City Clerk

CITY OF SALIDA, COLORADO

By

P.T. Wood  
P.T. Wood, Mayor

OWNERS:

Bradley J. Love  
Bradley J. Love

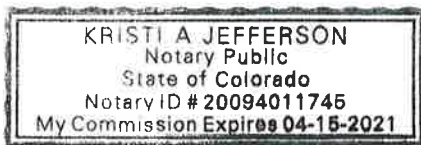
Sandra L. Love  
Sandra L. Love

STATE OF Colorado )  
COUNTY OF Chaffee ) ss.

Acknowledged, subscribed, and sworn to before me this 21<sup>st</sup> day of December, 2018, by Bradley J. Love and Sandra L. Love.

WITNESS my hand and official seal.

My Commission expires: April 15, 2021



Kristi A. Jefferson  
Notary Public

**\*447915\***

447915 1/3/2019 8:05 AM  
7 of 8 RESC R\$48.00 D\$0.00

Lori A Mitchell  
Chaffee County Clerk

**EXHIBIT A**

141 ANNEX MINOR SUBDIVISION	
BY MEANS OF A PARTIAL SECTION 20, TOWNSHIP 20 NORTH, RANGE 10 EAST, SOUTHERN PLAINS COUNTY	
SOUTHERN PLAINS COUNTY	
HENDERSONSON LAND DEVELOPMENT CO., INC.	
HENDERSONSON DEVELOPMENT COMPANY	
200 S. BINGER	OKLAHOMA
DATED:	8/23/18
PREPARED BY:	L-18-66
APPROVED AND FORWARDED:	
BY:	
DECEMBER 18, 1918	
RECORDED AND INDEXED	
IN BOOK 18, PAGE 66	



CITY OF SALIDA  
ATTN: GLEN VAN NIMWEGAN AICP  
448 E 1ST STREET STE 112  
SALIDA, CO 81201

8-48.00

Glen Van Nimwegan, AICP  
448 E 1st St. Ste #112, Salida, Co. 81201

