



CITY COUNCIL ACTION FORM

DEPARTMENT Planning	PRESENTED BY Kristi Jefferson - Senior Planner	DATE September 6, 2022
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ITEM

Resolution 2022-40: Approving the Findings of Fact of the Newman Annexation.

BACKGROUND

The proposed actions for the Newman Annexation are as follows:

Proposed Action	Planning Commission Recommendation	City Council First Reading	City Council Final Action
Annexation Ordinance 2022-15	07/25/2022	08/16/2022	09/06/2022
Findings of Fact Resolution 2022-40			09/06/2022
Annexation Agreement Resolution 2022-41			09/06/2022
Zoning Ordinance 2022-16	07/25/2022	08/16/2022	09/06/2022

State statutes require cities to approve findings that the proposed annexation has met the requirements of the State of Colorado. The proposed annexation consists of 1 acre located at 7680 C.R. 140. The findings include:

- Notice in the paper for four consecutive weeks: the proposed annexation was published in the Mountain Mail on July 22, 2022, July 29, 2022, August 5, 2022, and August 12, 2022.
- Mail notice by registered mail to County Clerk, County Attorney, Salida School District, HRRMC Hospital District, Upper Arkansas Water Conservancy District, Salida Regional Library, Colorado Mountain College-Salida District and South Arkansas Fire Protection District. The letters were mailed on July 29, 2022.
- We held a public hearing on the annexation on September 6, 2022 and determined the area to be annexed complies with state statutes including:
 - That not less than one-sixth of the perimeter of the area is adjacent to Salida's boundary;
 - The property has not been divided since starting the annexation;
 - No other annexation proceedings including the property have been started by another municipality;
 - The annexation will not cause the property to be detached from the school district; and
 - The annexation is not three miles beyond our municipality and there is a Three Mile Plan in place.



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STAFF RECOMMENDATION

All of the findings have been met and staff recommends the Council adopt Resolution 2022-40

SUGGESTED MOTION

A council person should make the motion to “adopt Resolution 2022-40 approving the findings of facts for the Newman Annexation.”

Attachment:

Resolution 2022-40

**CITY OF SALIDA, COLORADO
RESOLUTION NO. 40
SERIES OF 2022**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO,
MAKING FINDINGS OF FACT, DETERMINATIONS, AND CONCLUSIONS CONCERNING
THE NEWMAN ANNEXATION.**

WHEREAS, on May 31, 2022, Christopher and Alexandria Liv Ponder Newman (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 they own comprised of 1 acre located at 7680 C.R. 140, Salida, in the County of Chaffee, State of Colorado, and being more particularly described on Exhibit A, attached hereto and incorporated herein by reference (the “Property”); and

WHEREAS, the City Council by Resolution 31, Series of 2022, found that the Petition is in substantial compliance with § 31-12-107(1) of the Colorado Revised Statutes; and

WHEREAS, the City Clerk has provided notice of public hearing on the proposed annexation by publication once per week for four successive weeks and by registered mail to the Clerk of the Board of County Commissioners, the County Attorney, the school district and to any special district having territory in the area to be annexed; and

WHEREAS, the City Council has completed a public hearing on September 6, 2022 to determine of the proposed annexation complies with Article II, Section 30 of the Colorado Constitution and Sections 31-12-104 and 105, Colorado Revised Statutes, to establish eligibility for annexation.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SALIDA THAT:

That the City Council hereby finds and concludes with regard to the annexation of the territory described in Exhibit A attached hereto and incorporated herein, that not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the existing boundaries of the City and because of such contiguity, a community of interest exists between the territory proposed to be annexed and the City; and

BE IT FURTHER RESOLVED:

That the City Council finds and determines that no land held in identical ownership has been divided or included without written consent of the owner thereof; that no annexation proceedings have been commenced by another municipality; that the annexation will not result in the detachment of area from a school district; that the annexation will not result in the extension of a municipal boundary more than three miles; that the City has in place a plan for said three mile area; and that in establishing the boundaries of the area to be annexed the entire width of any street or alley is included with the area annexed.

BE IT FURTHER RESOLVED:

That an election is not required, and no additional terms or conditions are to be imposed upon the area to be annexed.

RESOLVED, APPROVED AND ADOPTED this 6th day of September, 2022.

CITY OF SALIDA, COLORADO

Dan Shore, Mayor

[SEAL]
ATTEST:

City Clerk/Deputy City Clerk

EXHIBIT A

A tract of land located in the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 6, Township 49 North, Range 9 East of the New Mexico Principal Meridian, Chaffee County, Colorado, described as follows:

Beginning at a point on the south boundary of County Road No. 140 from whence the north quarter corner of said Section 6 bears North $87^{\circ}19'$ East 1008.0 feet (said quarter corner is located 14.82 feet due south of a brass capped witness corner), also from said beginning point the northwest corner of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 6 bears North $79^{\circ}23'14''$ West 319.37 feet;

Thence proceeding around the tract herein described South $88^{\circ}55'09''$ East along the south boundary of said County Road 140 a distance of 242.0 feet;

Thence leaving said south roadway boundary South $01^{\circ}04'51''$ West 180.0 feet;

Thence North $88^{\circ}55'09''$ West 242.0 feet;

Thence North $01^{\circ}04'51''$ East 180.0 feet to the point of beginning.

Directions are based on solar observation.

Also known by the following address:

7680 County Road 140, Salida, CO 81201

And assessor's schedule or parcel number: 380706200002