

ORDINANCE NO. 196

**AN ORDINANCE OF THE TOWN OF FLAGLER ANNEXING A PARCEL OF LAND LOCATED IN KIT CARSON COUNTY, COLORADO, TO THE TOWN OF FLAGLER, COLORADO, AND EXTENDING THE CORPORATE LIMITS OF THE TOWN OF FLAGLER TO INCLUDE THE DESCRIBED PARCEL.**

WHEREAS, the Town of Flagler, hereinafter referred to as the "Town", is a statutory town located in Kit Carson County, Colorado; and

WHEREAS, the Board of Trustees of the Town of Flagler, hereinafter referred to as the "Board", has the authority, pursuant to Colorado Revised Statutes 31-12-101, et. seq., to annex real property into the Town provided that the annexation meets all statutory criteria and requirements and all ordinances and codes of the Town; and

WHEREAS, a Petition for the annexation of the property described herein, has been submitted to the Town from an entity appointed to do so by the real property owners, seeking permission from the Town to annex all of the property into the Town pursuant to state statutes; and

WHEREAS, Resolution No. TOF - 119 was passed by the Board on October 14, 2019, and the Resolution and a Notice of Public Hearing was properly published in the Town's official newspaper; and

WHEREAS, copies of the Resolution and Notice of Public Hearing were timely mailed to the Kit Carson County Board of Commissioners, the Kit Carson County Attorney, Flagler Fire Protection District, and Arriba - Flagler Consolidated School No. R-20; and

WHEREAS, the Board approved Resolution No. TOF - 119 on October 14, 2019, which pursuant to Colorado Revised Statutes 31-12-110, meets the requirement that the Board must set forth its findings of fact and conclusions with regard to (a) whether the requirements of the applicable parts of C.R.S. 31-12-104 and 105 have been met, (b) whether an election is required under C.R.S. 31-12-107(2), and (c) whether additional terms or conditions are to be imposed; and

WHEREAS, the Board has by the aforementioned Resolution found and determined that the land described in the Petition for Annexation is eligible for annexation and that the Petition was executed according to and in compliance with the requirements of C.R.S. 31-12-107; and



WHEREAS, on the date of this Ordinance also being the date set for the public hearing as required by C.R.S. 31-12-109, i.e. November 18, 2019, the Board did hear comments from the public and after deliberating on the comments as well as examining the entire record in this matter, did determine that the annexation of the subject real property is in the best interests of the citizens of the Town of Flagler;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FLAGLER, COLORADO:

**SECTION I:** That the owners of one hundred percent (100%) of the area to be annexed have petitioned for annexation (excluding public roads, streets, and alleyways).

**SECTION II:** That the annexation of the parcel situated in the County of Kit Carson and State of Colorado, be and the same is hereby ordained and approved and the said parcel is hereby described jointly and incorporated into and made a part of the Town of Flagler, Colorado, to wit:

Property located in the County of Kit Carson, State of Colorado, which property is legally described as follows:

A portion of the Southwest Quarter of Section 1, Township 9 South, Range 51 West of the 6<sup>th</sup> P.M., also being a portion of the tract described by document (Reception No. 201600571053, Kit Carson County, Colorado records), situate in "unincorporated" Flagler, Kit Carson County, Colorado, described as follows:

Beginning at the Northeasterly corner of said tract, being a found yellow plastic cap, PLS No. 2438 (all bearings in this description are relative to the Easterly line of said tract, which bears S01°13'20"E "assumed"); thence S01°13'20"E along said tract's Easterly line, 240.06 feet; thence S88°26'10"W, 231.56 feet to a point on the Westerly line of said tract, said line also being coincident with the Easterly right-of-way line of Ruffner Avenue (r.o.w width varies), which exists thirty (30) feet Easterly of and parallel to the West line of said Section 1's Southwest Quarter; thence N01°34'00"W along said coincident lines, 240.05 feet to the Northwestern corner of said tract; thence N88°26'00"E along the Northerly line of said tract, 233.01 feet to the Point of Beginning and the terminus point of this description, containing 1.280 acres (55,761 square feet), more or less.

**SECTION III:** That the Board has made the following findings of fact:

- a. As the Petition has been accepted and completed simultaneously, more than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the Town of Flagler. Such contiguity is not affected by the existence of a platted street or alley, a public or private right-of-way, a public or private transportation right-of-way or area, public lands, whether owned by the state, the United States, or an agency thereof.

- b. No property owned in a separate tract is divided by the boundary of the proposed annexation without consent of such property owner.
- c. This annexation will not result in extending the Town of Flagler's boundaries more than three miles in any direction in any one year.
- d. A community of interest exists between the area proposed to be annexed and the Town of Flagler.
- e. The area to be annexed has no annexation proceedings initiated with another municipality.
- f. The area to be annexed does not result in the detachment of the area from a school district and its removal to another school district.

**SECTION IV.** Upon approval of this Ordinance, the Town shall obtain from the Petitioner and record a plat of the annexed property.

**SECTION V.** An annexation impact report, as defined in C.R.S. 31-12-108.5(1) is not required due to the size of the parcel.

**SECTION VI.** The zoning for the subject property shall be "Business" until a zoning hearing is held and decision made by the Town.

**SECTION VII** SEPARABILITY. If any portion or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such portion or provision shall not affect any of the remaining provisions of this Ordinance, the intention being that the same are severable.

**SECTION IX.** AUTHENTICATION AND RECORDING. Pursuant to the laws of the State of Colorado, immediately upon the passage of this Ordinance by the Board of Trustees, the Ordinance shall take effect. The Ordinance shall then be authenticated by the signatures of the Mayor and Clerk, shall be published as required by law, and shall be recorded in the records of the Kit Carson County Clerk and Recorder. One copy of the annexation plat, prepared by the Town and reflecting the final legal description of the parcels, together with the original ordinance shall be filed in the office of the Town Clerk and two certified copies of the annexation ordinance and the plat of the area to be annexed and containing the legal description of such area shall be filed and recorded with the County Clerk and Recorder of Kit Carson County, Colorado, and the Clerk and Recorder shall file one certified copy of the annexation ordinance and plat with the Division of Local Government of the Department of Local Affairs.



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Signature page 4.

ADOPTED AND APPROVED this 09<sup>th</sup> day of December, 2019.

Norm E. Beucholt

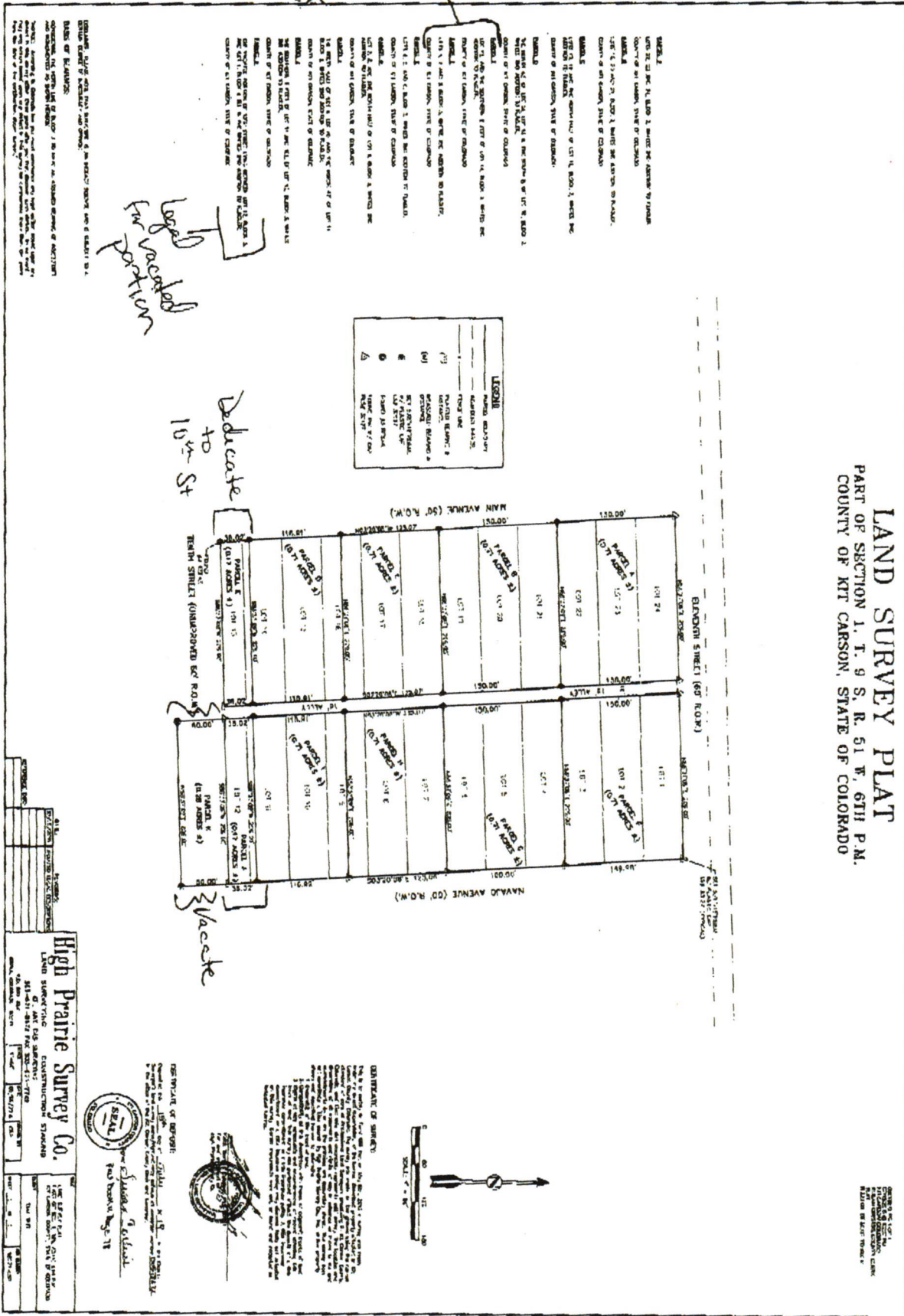
Mayor

(SEAL)

Mariss King

Town Clerk

10th main for legal street



logged for section

Dedicate to 10th St

3/20/2021