

ORDINANCE NO. 2005-006

**AN ORDINANCE APPROVING AND DECLARING THE ANNEXATION
OF TERRITORY TO THE TOWN OF CRESTONE, COLORADO, AND
ZONING ANNEXED PROPERTY**

WHEREAS, the owners of 100% of the tract hereinafter described have petitioned for annexation of said tract to the Town of Crestone, Colorado, to-wit:

See Exhibit A

WHEREAS, Resolution No. 002-2005, finding substantial compliance and initiating annexation proceedings, has heretofore been adopted by the Board of Trustees of the Town of Crestone, and

WHEREAS, the Board of Trustees finds that there exists more than one-sixth ($1/6^{\text{th}}$) contiguity of total perimeter of said tract of land with the boundaries of the Town of Crestone, Colorado, and

WHEREAS, the Board of Trustees of the Town of Crestone has found and determined and does hereby find and determine that it is in the best interest of the Town of Crestone to annex said area to the Town, and

WHEREAS, the Town likewise desires to institute appropriate zoning for such annexed territory, and

WHEREAS, that, in annexing said property to the Town of Crestone, the Town of Crestone does not assume any obligation respecting the construction of water mains, sewer lines, gas mains, electric service lines, street or any other services or utilities in connection with the property hereby annexed except as may be provided by the ordinances of the Town of Crestone.

NOW THEREFORE, be it hereby ordained by the Board of Trustees of the Town of Crestone, Colorado:

Section 1. The Board of Trustees of the Town of Crestone, Colorado, hereby finds that the above-described tract of property is eligible for annexation in having a total perimeter of more than one-sixth ($1/6^{\text{th}}$) contiguity with the existent and present boundaries of the Town of Crestone, Colorado, and finds the petition for annexation to be in substantial compliance with C.R.S. 31-12-107(1).

Section 2. After notice pursuant to C.R.S. 31-12-108, the Board of Trustees has held a public hearing on the proposed annexation to determine if the annexation complies with C.R.S. 31-12-104 and 105, and

Section 3. The Board of Trustees has by resolution determined that the requirements of C.R.S. 31-12-104 and 105 have been met, that an election is not required, and that no additional terms or conditions are to be imposed on the annexed area.

Section 4. The Board of Trustees further finds, determines and declares that the annexation of the territory described and referred to above has now been accomplished, effected and completed and said territory has become and now is a portion of the Town of Crestone, Colorado and included within its corporate limits, and the boundaries of said Town are hereby duly changed to include all of said territory.

Section 5. The Annexation Agreement attached to Petitioners' Annexation Petition is hereby approved and incorporated by reference into the provisions of this Ordinance.

Section 6. The Board of Trustees, having received the recommendation of the Planning Commission of the Town of Crestone that all of said tract be zoned Rural (RU) of the above-described territory, the Board of Trustees approves the recommendation of the Planning Commission and hereby zones said tract of property Rural (RU).

Section 7. That within thirty (30) days after the effective date of this ordinance, the Town Clerk is hereby authorized and directed to:

- a. File one copy of the annexation map with the original of the annexation ordinance in the office of the Town Clerk of the Town of Crestone Colorado.
- b. File two certified copies of the annexation ordinance and map of the area annexed containing a legal description of such area with the County Clerk and Recorder.

IT IS HEREBY DECLARED THAT THIS ORDINANCE IS NECESSARY TO THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH AND SAFETY DUE TO THE NECESSITY OF MUTUAL PLANNING EFFORTS OF THE TOWN AND THE APPLICANTS, AND SHALL TAKE EFFECT AND BE ENFORCED FROM AND AFTER PASSAGE OF THE SAME.

INTRODUCED, read in full, adopted, approved, and signed this 10th day of October, 2005.

APPROVED:


Kizzen Laki, Mayor


Janet Dossigny
Janet Dossigny, Town Clerk

APPROVED AS TO FORM:

Eugene L. Farish
Eugene L. Farish, #2557
Town Attorney

CERTIFICATION

I hereby certify that the within Ordinance was introduced, read in full, approved and adopted at a Public Hearing immediately preceding the regular meeting of the Board of Trustees of the Town of Crestone, Colorado on the 10th day of October, 2005, and will be published by title in the Crestone Eagle, a legal newspaper in the Town of Crestone, on the 1st day of November, 2005.

Janet Dossigny
Janet Dossigny, Town Clerk

EXHIBIT A

**A TRACT OF LAND COMPRISING APPROXIMATELY 40 ACRES
AND GENERALLY DESCRIBED AS
THE SW¼ NE¼ OF SECTION 7, TOWNSHIP 43 N, RANGE 12 E, N.M.P.M.**



**TOWN OF CRESTONE
PUBLIC NOTICE**

**AN ORDINANCE APPROVING
AND DECLARING THE AN-
NEXATION OF TERRITORY TO
THE TOWN OF CRESTONE,
COLORADO, AND ZONING
ANNEXED PROPERTY**

This ordinance was adopted,
approved and signed on October
10, 2005.

Approved: Kizzen Laki, Mayor