

 **Town of LARKSPUR**
Colorado
TOWN OF LARKSPUR
RESOLUTION NO. 2023-06

A RESOLUTION OF FINDINGS OF FACT BY THE TOWN COUNCIL OF THE TOWN OF LARKSPUR, COLORADO AND MAKING ITS CONCLUSIONS, RELATIVE TO THE ELIGIBILITY FOR ANNEXATION TO THE TOWN OF LARKSPUR, COLORADO, OF 233 PERRY PARK AVENUE, LARKSPUR, CO 80118, OWNED BY SHERESA AND MARION TILMON (TIM) WILBANKS JR.

WHEREAS, the Town of Larkspur is a home rule municipality duly organized and existing under the Constitution of the State of Colorado and The Home Rule Charter of the Town; and

WHEREAS, Sheresa and Marion Tilmon Wilbanks Jr, (collectively the “Applicants”) filed with the Town Clerk a Petition for Annexation dated February 9, 2023 (“Petition”) seeking to annex 233 Perry Park Avenue, described in the Petition (“the Property”) to the Town of Larkspur, Colorado. A description of the Property is attached as **Exhibit A**; and

WHEREAS, pursuant to the laws of the State of Colorado, a public hearing was held on April 5, 2023, as required by law, on the Petition for Annexation filed with the Town of Larkspur, Colorado, for the property described on the attached **Exhibit A**; and

WHEREAS, the public notice of such public hearing was given as required by law; and

WHEREAS, the public hearing on said annexation petition was conducted in accordance with the requirements of law, and

WHEREAS, pursuant to C.R.S. § 31-12-110 the Town Council of the Town of Larkspur, Colorado is required to set forth its findings of fact and its conclusions as to the eligibility of the property described on the attached **Exhibit A** for annexation to the Town of Larkspur, Colorado.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LARKSPUR, COLORADO AS FOLLOWS:

That the Town Council hereby sets forth its findings of fact and conclusions based on the public hearing with respect to the annexation of the Property more particularly described on **Exhibit A**, attached hereto and incorporated herein by reference:

FINDINGS OF FACT

1. The Town Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.
2. 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 Larkspur, Colorado.
3. A community of interest exists between the area proposed to be annexed as described on the attached **Exhibit A** and the Town of Larkspur, Colorado and the area proposed to be annexed is urban or will be urbanized in the near future.
4. The area proposed to be annexed as described on the attached **Exhibit A** is integrated or is capable of being integrated with the Town of Larkspur, Colorado.
5. As a result of the proposed annexation, 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.

6. As a result of the proposed annexation, 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, would be included without the written consent of the landowners.
7. No annexation proceedings have been commenced for the annexation to another municipality of part or all of that territory proposed to be annexed as described on the attached **Exhibit A**.
8. The proposed annexation of the real estate described on the attached **Exhibit A** will not result in the detachment of area from any school district and the attachment of the same to another school district.
9. The petition for annexation of the real estate described on the attached **Exhibit A** meets the requirements of law and is in proper order for annexation for the property proposed to be annexed as described on the attached **Exhibit A**.
10. 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.
11. The entire width of any public street or alley to be annexed is included within the proposed annexation.
12. 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.
13. The petition was signed by owners of 100% of the property to be annexed exclusive of streets and alleys.

CONCLUSIONS

The Property described in the attached **Exhibit A** is eligible for annexation to the Town of Larkspur, Colorado and all requirements of law have been met to make such property eligible for annexation, including the requirements of C.R.S. §§ 31-12-104 and 31-12-105, as amended. No election is required pursuant to C.R.S. § 31-12-107(2) or any other law of the State of Colorado.

INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF LARKSPUR AFTER PUBLIC HEARING AND SIGNED THIS 6TH DAY OF APRIL 2023.



Votes Approved: 6

Votes Opposed: 0

Absent: 0

Abstained: 1

ATTEST:

**TOWN COUNCIL OF THE
TOWN OF LARKSPUR, COLORADO**

Heather Yanda
Heather Yanda
Deputy Town Clerk

Sherilyn West
Sherilyn West
Mayor

EXHIBIT A

