

**ORDINANCE NO. 0426**  
**(Series of 2017)**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF NORWOOD, COLORADO, ANNEXING TO THE TOWN OF NORWOOD, COLORADO CERTAIN REAL PROPERTY KNOWN AS THE LONE CONE LIBRARY ANNEXATION.**

**WHEREAS**, the District R2Jt Public No. 2 (“Petitioner”) submitted its Annexation Petition to the Norwood Town Clerk for certain real property described below, pursuant to the Colorado Municipal Annexation Act of 1965, as amended, C.R.S. 31-12-101, *et seq.* (hereinafter “Act”); and

**WHEREAS**, the Petition seeks to annex to the Town the following described real property:

A portion of the Northwest  $\frac{1}{4}$  of Section 27, Township 45 North, Range 13 West, of the New Mexico Principal Meridian, described as follows:

Beginning at a point on the South line of the Northwest  $\frac{1}{4}$  of said Section 27, from which the Center  $\frac{1}{4}$  corner of said Section 27, being a rebar and cap LS 2376, bears South 89°55'47" East for a distance of 646.60 feet;

Thence North 89°55'47" West a distance of 272.50 feet along the South line of the Northwest  $\frac{1}{4}$  of said Section 27 to the Southeast corner of the Wrights Mesa Limited Liability Company parcel as described in Book 557 at Page 395;

Thence North 00°00'00" East along said Wrights Mesa Limited Liability Company parcel and along the East line of the King & Williams Subdivision Filings 1 and 2 a distance of 1,914.55 feet to the Northeast corner of said King & Williams Subdivision Filing 1, being on the South line of San Miguel Street;

Thence North 90°00'00" East a distance of 42.97 feet along the South line of San Miguel Street to the Southwest corner of the San Miguel County Parcel described in Book 561 at Page 650;

Thence continuing North 90°00'00" East for a distance of 206.50 feet to the Southeast corner of said San Miguel County parcel;

Thence continuing North 90°00'00" East along the South line of San Miguel Street extended for a distance of 23.03 feet;

Thence South 00°00'00" East a distance of 1914.88 feet to the Point of Beginning, County of San Miguel, State of Colorado (“Property”); and

The Property is shown and depicted on the Lone Cone Library Annexation Map, a reduced sized-draft of which is attached and incorporated herein by this reference; and

**WHEREAS**, on February 8, 2017, the Town Board of Trustees found at public hearing substantial compliance of the Petition with the requirements of C.R.S. Section 31-12-107(1), referred the Petition to the Town’s Planning and Zoning Commission for a review and recommendation, and set the annexation for a public hearing to determine if the proposed annexation complied with section 30 of article II of the state constitution and -C.R.S. §§ 31-12-104–105, or such provisions thereof as may be required to establish eligibility to annex under the terms of C.R.S. § 31-12-101 *et seq.*; and

adopted Resolution 0208, Series of 2017 initiating annexation proceedings for the Property, and published and mailed said Resolution and Notice of Public Hearing as required by law; and

**WHEREAS**, on March 16, 2017 the Board of Trustees conducted a public hearing and determined that the annexation meets the requirements of section 30 of article II of the state constitution and with Sections 31-12-104 and 31-12-105 of the Act, and otherwise set forth findings and conclusions, and adopted Resolution 0316, Series of 2017; and

**WHEREAS**, on April 26, 2017 the Planning and Zoning Commission (“P&Z”) met, reviewed and recommended approval of the Lone Cone Library Annexation as set forth in Resolution 0426, Series of 2017; and

**WHEREAS**, based on the facts put forward by the Petitioner in its Master Plan and Annexation Impact Report, the testimony and evidence presented at the public hearing, the Board of Trustees finds that the Lone Cone Library Annexation:

1. Complies with the criteria for annexations of vacant/raw land under the Norwood Major Streets and Future Land Use Plan; and
2. Open Space will be considered with a concurrent application for subdivision of the Property;
3. Is desirable and will contribute to the general wellbeing of the community;
4. Will not be detrimental to the health, safety or general welfare of person residing within the corporate boundaries or injurious to property or improvements in the vicinity of the annexed area when all mitigation measures are implemented;
5. A logical extension of streets exists and may be implemented upon development of the Property as contemplated in the Norwood Major Streets and Future Land Use Plan;
6. Extension of municipal services and utilities is feasible and will be financed as the Property is developed and will not be financed by the Town; and
7. Petitioner will convey by quit claim deed all of its right, title and interest in any water rights associated with the Property or in any and all water located beneath the Property; and
8. Will not generate revenues equal to the costs of services since the Petitioner is a tax exempt entity; however, the construction of a new library facility is a significant public benefit to the community; and
9. Petitioner will dedicate land equal to the minimum eight percent (8%) of the gross land area is required or will pay its equivalent in cash pursuant to LUC section 4.05(f)(2) at \$25,000 per acre. Petitioner has proposed creation of an Open Space Tract with its concurrent subdivision application; however that land dedication is not adequate to meet the minimum required land dedication. The land area of the Open Space Tract, if created and dedicated to the

Town at subdivision, may be credited toward the required land dedication with the remainder to be paid in cash; and

**WHEREAS**, an annexation agreement is not required; and

**WHEREAS**, annexation is a discretionary legislative act, and the Town of Norwood is willing to annex the Property.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF NORWOOD, COLORADO that:**

**Section 1.**

- A. The Recitals of this Ordinance, as set forth above, are hereby incorporated into this Ordinance as findings of fact and conclusions of law of the Board of Trustees.
- B. This ordinance shall be known and may be cited as the Lone Cone Library Annexation Ordinance.
- C. The Board of Trustees has the authority to adopt this Ordinance and to annex the Property pursuant to the Act, including Section 31-12-111.
- D. The Board of Trustees hereby grants final approval of the Annexation.
- E. The Property is hereby annexed into the Town of Norwood, San Miguel County, Colorado and shall be known as the Lone Cone Library Annexation.

**Section 2.**

This Ordinance shall be in full force and effect, and the annexation of the Property to the Town of Norwood, Colorado shall be complete and effective at the time of its adoption. The Mayor and the Town Clerk are directed to file: (i) one copy of the annexation map and this ordinance with the office of the Town Clerk of the Town of Norwood; and (ii) three certified copies of this ordinance and the Annexation map with the County Clerk of San Miguel County, Colorado.

**Section 3.**

This ordinance shall not have any effect on existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided and the same shall be construed and concluded under such prior ordinances.

**Section 4.**


The provisions of this ordinance are severable and the invalidity of any section, phrase, clause or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

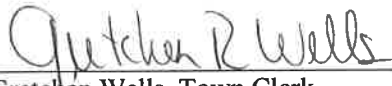
**INTRODUCED, READ AND FINALLY ADOPTED by the Board of Trustees of the Town of Norwood, Colorado this 26<sup>th</sup> day of April, 2017.**

TOWN OF NORWOOD

ATTEST

By:

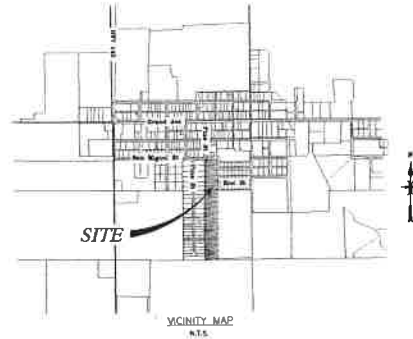
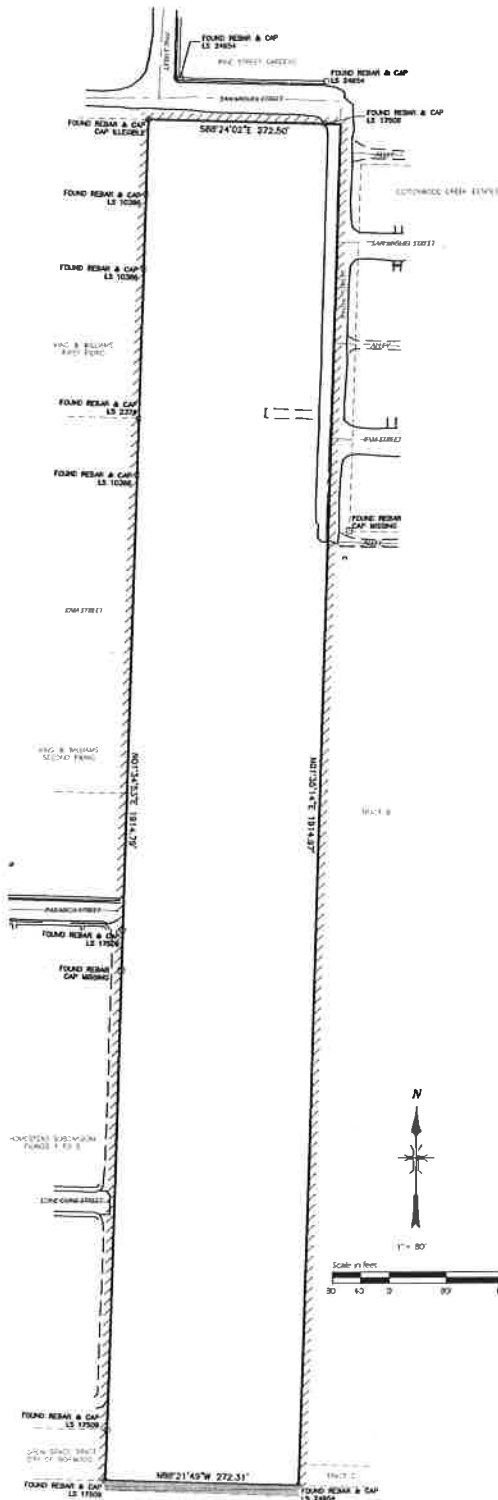
  
\_\_\_\_\_  
C. Kieffer Parrino, Mayor

  
\_\_\_\_\_  
Gretchen Wells, Town Clerk

Attachments: Annexation Map

# LONE CONE LIBRARY ANNEXATION TO THE TOWN OF NORWOOD

SITUATED IN NW¼ OF SECTION 27, TOWNSHIP 45 NORTH, RANGE 13 WEST, NEW MEXICO PRINCIPAL MERIDIAN,  
COUNTY OF SAN MIGUEL, STATE OF COLORADO



### NOTES:

- This map does not constitute a boundary survey. It is only a completion of existing records for the purpose of annexation.
- Length of perimeter contiguous with Town Limits = 4,102.26 feet.  
Length of total perimeter of annexation = 4,374.07 feet.

### LEGEND

- - - - - FOUND REBAR & CAP (L.S. AS NOTED)
- - - - - FOUND REBAR
- - - - - TOWN LIMITS
- - - - - SAN MIGUEL COUNTY LIMITS
- - - - - LIMITS OF ANNEXATION
- - - - - ASPHALT
- - - - - CONCRETE
- - - - - GRAVEL

### PROPERTY DESCRIPTION

A portion of the Northwest ¼ of Section 27, Township 45 North, Range 13 West, of the New Mexico Principal Meridian, described as follows:

Beginning at a point on the South line of the Northwest ¼ of said Section 27, from which the Center ¼ corner of said Section 27, being a rebar and cap LS 2376, bears South 93°54'47" East for a distance of 646.80 feet;  
Thence North 89°55'47" West a distance of 272.50 feet along the South line of the Northwest ¼ of said Section 27 to the Southwest corner of the Wrights Mass Limited Liability Company parcel as described in Book 557 at Page 365;  
Thence North 00°00'00" East along said Wrights Mass Limited Liability Company parcel and along the East line of the King & Williams Subdivision Flings 1 and 2 a distance of 1814.55 feet to the Northwest corner of said King & Williams Subdivision Fling 1, being on the South line of San Miguel Street;  
Thence North 93°00'00" East a distance of 42.87 feet along the South line of San Miguel Street to the Southwest corner of the San Miguel County Parcel described in Book 561 at Page 856;  
Thence continuing North 90°00'00" East for a distance of 206.50 feet to the Southwest corner of said San Miguel County parcel;  
Thence continuing North 90°00'00" East along the South line of San Miguel Street extended for a distance of 23.03 feet;  
Thence South 00°00'00" East a distance of 1814.86 feet to the Point of Beginning, County of San Miguel, State of Colorado.

### SURVEYORS CERTIFICATE

I, Jack Williams Stormes, a Registered Land Surveyor in the State of Colorado, do hereby certify Lone Cone Library Addition Annexation Map was prepared under my direct supervision.

Jack William Stormes, P.L.S.  
Registration No. 20608  
Date: \_\_\_\_\_

### MAYOR'S CERTIFICATE

This is to certify that the Town of Norwood, a municipal corporation in the County of San Miguel, State of Colorado has by its Ordinance No. \_\_\_\_\_ adopted on the \_\_\_\_\_ day of 20\_\_\_\_, annexed the property herein to the Town of Norwood.

Mayor \_\_\_\_\_

Attest: \_\_\_\_\_  
Town Clerk

### CLERK AND RECORDER'S CERTIFICATE

This map was filed for record in the office of the Clerk and Recorder of San Miguel County at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, in Book \_\_\_\_\_ Page \_\_\_\_\_ Reception No. \_\_\_\_\_

County Clerk and Recorder \_\_\_\_\_

County Clerk and Recorder \_\_\_\_\_



	DISTRICT 224 PUBLIC LIBRARY NO. 2 P.O. BOX 127 NORWOOD, CO 81403
	ANNEXATION MAP