

**TOWN OF SILT
RESOLUTION NO. 5
SERIES OF 2024**

**A RESOLUTION FINDING SUBSTANTIAL COMPLIANCE WITH AN ANNEXATION
PETITION FOR A PROPERTY KNOWN AS 129 WEST HOME AVENUE, SILT COLORADO**

WHEREAS, on or about September 15, 2023, Israel and Jorge Marioni (hereinafter referred to as “Owner”) submitted an Annexation Application, a Petition for Annexation, and Affidavit of Circulator for that real property specifically described on Exhibit “A” attached hereto and known as 129 West Home Avenue Annexation; or more generally known as the “Property”; and-

WHEREAS, the Town of Silt (the “Town”) planning staff advised the Board that after a review of the annexation Petition and map, staff determined that the Petition and map are in substantial compliance with the state statutes, as required by C.R.S. §31-12-107; and

WHEREAS, the Petition alleges as follows:

1) It is desirable and necessary that the territory described above be annexed to the Town.

2) The requirements of C.R.S. §31-12-104, as amended, exist or have been met, including without limitation the following:

a) Not less than 1/6th of the perimeter of the area proposed to be annexed is contiguous with the Town.

b) A community of interest exists between the area proposed to be annexed and the Town.

c) The area proposed to be annexed is urban or will be urbanized in the near future.

d) The area proposed to be annexed is integrated with or is capable of being integrated with the Town.

3) The requirements of C.R.S. §31-12-105, as amended, exist or have been met, including without limitation the following:

a) In establishing the boundaries of the area proposed to be annexed, 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:

(1) has been divided into separate parts or parcels without the written consent of the landowner or landowners thereof.

(2) comprising twenty (20) acres or more (which together with buildings and improvements situated thereon having a valuation for assessment in excess of \$200,000.00 for ad valorem tax purposes for the year preceding the proposed annexation), has been included without the written consent of the landowners.

- b) No annexation proceedings have been commenced for the annexation to a municipality other than the Town of Silt, Colorado, of all or part of the territory proposed to be annexed.
- c) The annexation proposed in the Petition will not result in the detachment of area from any school district and the attachment of the same area to another school district.
- d) The annexation proposed in the Petition will not have the effect of extending the municipal boundary of the Town more than three (3) miles in any direction from any point on the current municipal boundary of the Town in any one year; and

WHEREAS, the Town has or will have in place a plan meeting the requirements of C.R.S. §31-12-105(e) prior to the effective date of the proposed annexation; and

WHEREAS, no election for annexation of the area proposed to be annexed to the Town has been held in the preceding twelve (12) months; and

WHEREAS, the signer of the Petition is the owner of one hundred percent (100%) of the territory proposed to be annexed, exclusive of public streets and alleys; and

WHEREAS, the annexation to the Town of the area proposed to be annexed will not result in a change of county boundaries; and

WHEREAS, the name and mailing address of the signer of the Petition and date of signing are included in the Petition, and the legal descriptions of the land owned by Petitioner is attached to the Petition. No signature on the Petition is dated more than 180 days prior to the date of filing of the Petition for annexation with the Town Clerk; and

WHEREAS, the Petition is accompanied by four (4) or more copies of an Annexation Map containing, among other things, the following information:

- a) A written legal description of the boundaries of the area proposed to be annexed to the Town;
- b) The boundary of the area proposed to be annexed to the Town;
- c) Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks; and
- d) Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the Town; and

WHEREAS, none of the area proposed to be annexed to the Town of Silt, Colorado, is presently a part of any incorporated city, city and county, or town, and is not contiguous to any other incorporated city, city and county, or town; and

WHEREAS, on or about December 5, 2023, the Planning & Zoning Commission considered the Annexation Petition and Application materials for the Property and recommended to the Board of Trustees approval of the Annexation application; and

WHEREAS, the Silt Board of Trustees has determined that the Petition and appurtenant documents are in substantial compliance with the requirements of sections 31-12-104, 31-12-105, and 31-12-107, C.R.S.;

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF SILT, COLORADO, THAT:

- 1) The Town incorporates the foregoing recitals as findings by the Town of Silt, Board of Trustees (the "Board").
- 2) The Board of Trustees of the Town of Silt hereby accepts the Petition for Annexation submitted by Owner for the 129 West Home Avenue Annexation as shown on the attached Exhibit "A".
- 3) The Petition is in substantial compliance with the requirements of the Municipal Annexation Act of 1965, C.R.S. §31-12-107(1), as amended.
- 4) Pursuant to 31-12-108, C.R.S., the Board will hold a hearing upon the Petition for the purpose of determining and finding whether the area proposed to be annexed meets the applicable requirements of C.R.S. §31-12-104 and §31-12-105, as amended, and is considered eligible for annexation. The hearing shall be held on **February 12, 2024**, commencing at the hour of 7 p.m. at 231 N. 7th Street, Silt, Colorado.
- 5) Any person may appear at such hearing and present evidence upon any matter to be determined by the Board of Trustees for the Town of Silt, Colorado.
- 6) The Town Clerk of the Town of Silt, Colorado shall give notice of the hearing to be held upon the Petition by causing notice thereof, in accordance with C.R.S. §31-12-108(2), as amended, to be published once a week for four (4) successive weeks in the *Post Independent*, a newspaper of general circulation in the area proposed to be annexed, the first publication to occur at least thirty (30) days prior to the aforesaid hearing. In addition, a copy of the published notice, together with a copy of this resolution and petition as filed, shall be sent by registered mail by the Town Clerk to the board of county commissioners and to the county attorney and to any special district or school district having territory within the area to be annexed at least twenty-five (25) days prior to the hearing date.

INTRODUCED, READ AND APPROVED at a regular meeting of the Board of Trustees of the Town of Silt, Colorado held on the 8th day of January, 2024.

ATTEST:


Town Clerk Sheila M. McIntyre, CMC

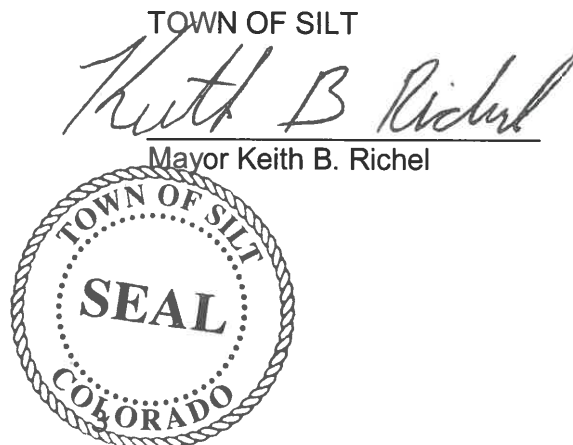


EXHIBIT A

LEGAL DESCRIPTION

ANNEXATION: 129 WEST HOME AVENUE

A TRACT OF LAND SITUATED IN THE NORTHEAST ONE-QUARTER NORTHEAST ONE-QUARTER OF SECTION 9, TOWNSHIP 6 SOUTH, RANGE 92 WEST OF THE SIXTH P.M., DESCRIBE AS BEGINNING AT A POINT WHENCE THE INTERSECTION OF THE NORTH LINE OF U.S. HIGHWAY NO. 24 WITH THE WEST LINE OF SAID NORTHEAST ONE-QUARTER NORTH EAST ONE-QUARTER BEARS SOUTH 85°23' WEST 1121.8 FEET; THENCE NORTH 89°22' WEST 72.5 FEET AND THENCE NORTH 00° 38' EAST 112.5 FEET; THENCE SOUTH 89° 22' EST 72.5 FEET; AND THENCE SOUTH 00° 38' WEST 112.5 FEET TO THE POINT OF BEGINNING. EXCEPTING THAT PART CONVEYED BY WARRANTY DEED RECORDED JUNE 24, 1946 AT RECEPTION NO. 157718.

SAID TRACT CONTAINS 7,840 SQUARE FEET AND/OR 0.18 ACRES, MORE OR LESS.

TOTAL PERIMETER IS APPROXIMATELY 370 LINEAL FEET.

REQUIRED 1/6th CONTIGUOUS BOUNDARY IN TOWN LIMITS IS THREE SIDE; NORTH, WEST AND EAST, EQUALLY APPROXIMATELY 300 FEET.