

RECEIVED

OCT 22 2019

El Paso County  
Attorney's Office

October 9, 2019

El Paso County Attorney  
200 South Cascade Avenue, Suite 150  
Colorado Springs, CO 80903-2208  
REGISTERED MAIL

IN COMPLIANCE WITH THE PROVISIONS OF SECTION 31-12-108(2) C.R.S., please find enclosed a copy of the published Notice, including a copy of the Resolution setting the Hearing Date as November 18, 2019, concerning the annexation to the Town of Monument of territory therein described. The provisions of annexation laws of the State of Colorado require that such mailing be made to the Attorney of El Paso County, Colorado, as required by Section 31-12-108 of the Annexation Act.

Thank you,

Larry Manning  
Planning Director

## **PUBLIC NOTICE**

NOTICE IS HEREBY GIVEN that a Petition for Annexation of territory hereinafter described has been presented to the Town Board of Trustees of Monument, Colorado and found to be in apparent compliance with the applicable provisions of law. The Town Board has adopted a Resolution setting a public hearing to be held at 6:30 P.M. on November 18, 2019, at Monument Town Hall, 645 Beacon Lite Road, Monument, Colorado, to determine if the proposed annexation complies with the applicable requirements of law. Any person may appear at the hearing and present evidence upon any matter to be considered by the Town Board. The Resolution provides as follows:

### **TOWN OF MONUMENT**

#### **RESOLUTION NO. 30-2019**

#### **A RESOLUTION INITIATING ANNEXATION AND SETTING A HEARING DATE FOR THE BOARD OF TRUSTEES OF THE TOWN OF MONUMENT TO DETERMINE WHETHER ANNEXATION OF AN AREA KNOWN AS FIRE STATION NO. 1 MEETS THE REQUIREMENTS OF STATE LAW**

**WHEREAS**, on August 9, 2019, Petitions for Annexation were filed with the Town of Monument by persons alleging to comprise the landowners of one hundred percent (100 %) of the area known as Fire Station No. 1 Annexation, more specifically described in Exhibit "A", attached hereto and incorporated herein by this reference; and

**WHEREAS**, said Petitions request the Town of Monument to annex said area; and

**WHEREAS**, the Board of Trustees having examined and determined said Petitions for Annexation are in substantial compliance with Section 30(1)(b) of Article II of the Colorado Constitution and Section 31-12-107(1), C.R.S.; and

**WHEREAS**, the Board of Trustees desires to set a public hearing date to determine whether the proposed annexation complies with Section 30 of Article II of the Colorado Constitution and the applicable requirements of Sections 31-12-104 and 31-12-105, C.R.S., and is eligible for annexation;

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

Section 1. The Board of Trustees hereby finds that annexation proceedings be initiated upon the Petitions for Annexation of the area described in Exhibit "A", signed by persons alleging to comprise the landowners who assert ownership of one hundred percent (100 %) of the area proposed to be annexed, excluding public streets and alleys, which Petitions are in substantial compliance with the provisions of Article II, Section 30 of the Colorado Constitution, and Section 31-12-107(1) of the Annexation Act.

Section 2. Pursuant to Section 31-12-108, C.R.S., the Board of Trustees hereby sets a public hearing date for the Board of Trustees of Monument to consider the annexation of the area described in Exhibit "A" for **6:30 P.M. on the 18th day of November , 2019**, at Monument Town Hall, 645 Beacon Lite Road, Monument, Colorado, for the purpose of determining whether the area to be annexed meets the applicable requirements of Section 30 of Article II of the Constitution and Section 31-12-104 and 31-12-105, C.R.S. and is considered eligible for annexation. The Board of Trustees hereby further directs the Town Clerk to give notice of said hearing in the manner prescribed in Section 31-12-108 of the Annexation Act.

Section 3. The Board of Trustees also hereby directs the Town Clerk to send copies of the published notice and resolution to the Clerk of the Board of County Commissioners and the Attorney of El Paso County, Colorado, School District 38, Tri-Lakes Monument Fire Protection District, Pikes Peak Library District, Intermountain Rural Electric Association, Black Hills Energy, and the Palmer Lake Sanitation District, all encompassing the territory described in Exhibit "A" as required by Section 31-12-108 of the Annexation Act.

**PASSED AND RESOLVED** by the Board of Trustees of the Town of Monument, El Paso County, Colorado, this 7th day of October, 2019, by a vote of \_\_\_ for and \_\_\_ against.

TOWN OF MONUMENT

\_\_\_\_\_  
Don Wilson, Mayor

ATTEST:

\_\_\_\_\_  
Laura Hogan,  
Town Clerk, CMC

**EXHIBIT A**

**LEGAL DESCRIPTION**

Property Description: (Book 3211 Page 229)

A tract of land in the Northwest one quarter of the Northeast one quarter of Section 15, Township 11 South, Range 67 West of the 6<sup>th</sup> Principal Meridian, El Paso County, Colorado, described as follows:

The Point of Beginning lies at South 13° 10' East, 338.6 feet along the property line between Mitchell Richardson and the E.S. Enterprises, Inc., which is also the city limit line of the Town of Palmer Lake, from a point on the North line of the said Section which lies 110 feet East along the said North line from the North one quarter corner of Section 15,

Thence North 76° 50' East, 150 feet to an angle point;

Thence South 13° 10' East, 373.16 feet to the Northeasterly right of way line of Colorado State Highway 105;

Thence North 54° 04' West, 229.1 feet along the right of way line to an angle point; Thence North 13° 10' West, 200 feet along the aforementioned property line to the Point of Beginning.



**PETITION FOR ANNEXATION  
TO  
TOWN OF MONUMENT, COLORADO**

**TO: THE TOWN CLERK AND THE BOARD OF TRUSTEES OF THE  
TOWN OF MONUMENT, COLORADO**

**RE: ANNEXATION OF APPROXIMATELY 1 ACRE LOCATED IN  
SECTION 15, T11S, R67W OF THE 6<sup>TH</sup> P.M., EL PASO COUNTY,  
COLORADO (“FIRE STATION NO. 1 ANNEXATION”)**

**THE UNDERSIGNED PETITIONER**, in accordance with Title 31, Article 12, Part 1, of the Colorado Revised Statutes, as amended (commonly known as the Municipal Annexation Act of 1965), hereby petitions the Town of Monument, a statutory municipality of the State of Colorado (the “**Town**”), for annexation of the unincorporated areas more particularly described in Exhibit 1, attached hereto and incorporated herein by reference (the “**Property**”). In support of this Petition, the undersigned Petitioner alleges and states the following:

1. That it is desirable and necessary that the Property be annexed to the Town.
2. That the Property meets all the requirements of Sections 31-12-104 and 31-12-105, C.R.S., as amended, of the Municipal Annexation Act of 1965, in that:
  - (a) Not less than one-sixth (1/6th) of the perimeter of the Property is contiguous with the Town.
  - (b) A community of interest exists between the Property and the Town of Monument.
  - (c) The Property is urban or will be urbanized in the near future.
  - (d) The Property is integrated with or is capable of being integrated with the Town of Monument.
  - (e) No land within the Property, which is 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, meets either of the following:
    - (1) Such separate tract or parcel is being divided by the proposed annexation 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, and to the extent a tract or parcel is so divided, this petition is intended to evidence such consent; or
    - (2) If such a separate tract or parcel comprises twenty (20) acres or more and which, together with the buildings and improvements situated thereon, such tract or parcel has an assessed value in excess of Two Hundred Thousand Dollars (\$200,000.00) for ad valorem tax purposes for the year next preceding the

annexation, is included within the area proposed to be annexed without the written consent of the landowner or landowners thereof.

- (f) Annexing the Property will not result in the detachment of area from any school district and the attachment of such area to another school district.
- (g) No annexation proceedings have been commenced for annexation of any part or all of the Property to another municipality, nor is any part of the Property presently a part of any incorporated town, city, or city and county.
- (h) The requirements of Sections 31-12-104 and 31-12-105, C.R.S., as amended, exist or have been met.
- (i) Annexing the Property will not have the effect of extending the boundary of the Town of Monument more than three miles in any direction from any point of the Town's boundary in any one year.
- (j) In establishing the boundaries of the Property, where a portion of a platted street or alley is annexed, the entire width of said street or alley is included with the area annexed.
- (k) Annexing the Property will not result in the denial of reasonable access to landowners, owners of easements, or the owners of franchises adjoining a platted street or alley, which has been annexed to the Town, but is not bounded on both sides by the Town.
- (l) The area proposed to be annexed comprises ten (10) acres or less and, therefore, the Town's preparation of an Impact Report as provided for in Section 31-12-108.5, C.R.S., as amended, is not required.

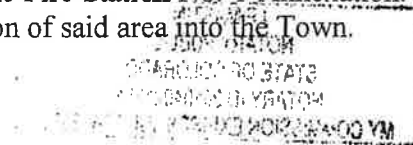
3. That accompanying this Petition are four (4) copies of an annexation map containing the following information:

- (a) a written legal description of the Property;
- (b) a map showing the boundary of the Property;
- (c) with the annexation boundary map there is shown the location of each ownership tract in unplatted land, and if part or all of the area is platted, then the boundaries and the plat numbers of plots or of lots and blocks are shown; and
- (d) next to the boundary of the Property is drawn the contiguous boundary of the Town, and the contiguous boundary of any other municipality abutting the area proposed to be annexed and the dimensions thereof.

4. Annexing the Property complies with Section 30(1)(b) of Article II of the Colorado Constitution.

5. That the Petitioner signed this Petition not more than one hundred and eighty (180) days prior to the date of the filing of this Petition with the Town Clerk.
6. That the undersigned Petitioner is the owner of 100% of the area proposed to be annexed (and therefore comprises more than fifty percent (50%) of the landowners of the area proposed to be annexed and owns more than fifty percent (50%) of the area proposed to be annexed, excluding public streets and alleys and any land owned by the Town).
7. In connection with the processing of this Petition, undersigned Petitioner requests that the Town:
  - (a) Institute zoning approval processes for the Property in accordance with C.R.S. § 31-12-115 and Title 17, the zoning ordinance of the Town of Monument, Colorado to allow use of the Property for a fire station;
  - (b) Approve, if required by the Town, the terms of an annexation and development agreement in form and substance acceptable to the Town and the District (“**Annexation and Development Agreement**”) that addresses the terms and conditions upon which further development of the Property will occur following annexation, including, but not limited to any applicable zoning and design guidelines.
8. Upon the annexation of the Property becoming effective, and subject to the conditions set forth in this Petition and to be set forth in the Annexation and Development Agreement, if any, the Property shall become subject to all ordinances, resolutions, rules and regulations of the Town, except as otherwise set forth in any Annexation and Development Agreement.
9. That this Petition includes the signature of the Petitioner proposing the annexation, the mailing addresses of the Petitioner, the legal description of the land owned by the Petitioner, the date on which each Petitioner executed this Petition, and the circulator’s affidavit required by Section 31-12-107(1)(c), C.R.S., certifying that the signature on this Petition is the signature of each person whose name it purports to be and certifying the accuracy of the date of such signature.
10. Except for the terms and conditions contained or referenced in this Petition, which terms and conditions Petitioner expressly approves and therefore does not constitute an imposition of additional terms and conditions within the meaning of Sections 31-12-107(4) and 31-12-110(2), C.R.S., Petitioner requests that no additional terms and conditions be imposed upon annexation of the Property.

**THEREFORE, THE PETITIONER**, respectfully requests that the Town Board of Trustees approve the annexation of the Property, constituting the Fire Station No. 1 Annexation. To that end, the Petitioner does hereby consent to the annexation of said area into the Town.



**PETITIONER:**

**TRI-LAKES MONUMENT FIRE PROTECTION DISTRICT**, a Colorado special district

By: Roger K Lance  
Roger Lance, Vice-President of the Board of Directors

Date of Signature: August 9, 2019.

As the Owner of the Property

**Mailing Address:**

Tri-Lakes Monument Fire Protection District  
16055 Old Forest Point  
Suite 103  
Monument, CO 80132

**AFFIDAVIT OF CIRCULATOR**

The undersigned, being of lawful age, who being first fully sworn upon oath, deposes and says that the undersigned was a circulator of the foregoing Petition for Annexation of lands to the Town of Monument, Colorado, and that the signature immediately above this Affidavit was witnessed by affiant and is the true signature of the person whose it purports to be.

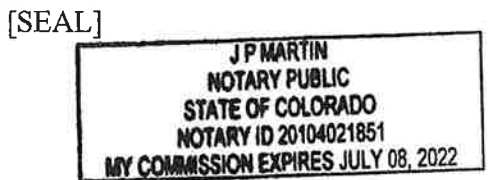
By: Christopher Truty  
Christopher Truty, Circulator

STATE OF Colorado )  
COUNTY OF El Paso ) ss.

The foregoing Affidavit of Circulator was subscribed and sworn to before me this 9 day of August, 2019, by Christopher Truty.

Witness my hand and official seal.  
My commission expires:

By: J.P. Martin  
Notary Public





## EXHIBIT 1

### LEGAL DESCRIPTION OF BOUNDARIES OF AREA TO BE ANNEXED

#### ANNEXATION PARCEL DESCRIPTION:

A tract of land in the Northwest one quarter of the Northeast one quarter of Section 15, Township 11 South, Range 67 West of the 6<sup>th</sup> Principal Meridian, El Paso County, Colorado, described as follows:

The Point of Beginning lies at South 13° 10' East, 338.6 feet along the property line between Mitchell Richardson and the E.S. Enterprises, Inc., which is also the city limit line of the Town of Palmer Lake, from a point on the North line of the said Section which lies 110 feet East along the said North line from the North one quarter corner of Section 15,

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Thence South 13° 10' East, 373.16 feet to the Northeasterly right of way line of Colorado State Highway 105;

Thence North 54° 04' West, 229.1 feet along the right of way line to an angle point; Thence North 13° 10' West, 200 feet along the aforementioned property line to the Point of Beginning

**Note: in accordance with Section 31-12-107(1)(d), C.R.S., four (4) copies of the annexation map accompany this Petition.**