

**TOWN OF MONUMENT**

**RESOLUTION NO. 21-2009**

**A RESOLUTION CONFIRMING THAT THE ANNEXATION OF CERTAIN PROPERTY WAS INVALID BECAUSE THE ACTUAL OWNER OF THE PROPERTY DID NOT CONSENT TO ITS ANNEXATION**

**WHEREAS**, the Board of Trustees of the Town of Monument pursuant to Ordinance No. 5-89 annexed the Forest Lakes Business Center Additions 1, 2 and 3; and

**WHEREAS**, by Court decree in Civil action 99 CV 1946 in the District Court of El Paso County, Colorado the Court determined that certain Quiet Title action determining that a portion of the property annexed pursuant to Ordinance No. 5-89 was not owned by the petitioner who requested the annexation at the time the annexation was approved by the Board of Trustees; and

**WHEREAS**, the actual property owner does not desire that the property be incorporated within the town limits of the Town of Monument; and

**WHEREAS**, the Town did not have jurisdiction to annex the property at the time of the passage of Ordinance No. 5-89; and

**WHEREAS**, this Resolution therefore commemorates the fact that the property described in the attachment hereto, which attachment is fully incorporated herein by this reference, is not a part of the Town of Monument but is within the unincorporated area of El Paso County; and

**WHEREAS**, this Resolution applies ONLY to that property described in the attachment hereto and the remainder of the property annexed by Ordinance No. 5-89 remains within the corporate limits of the Town of Monument.

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

Section 1. The Board of Trustees hereby determines that the property described in the attachment hereto was not properly annexed into the Town of Monument and that it is in fact a part of unincorporated El Paso County, State of Colorado..

Section 2. This Resolution applies ONLY to the property described in the attachment hereto. The remainder of Forest Lakes Business Center annexed pursuant to

ROBERT C. "BOB" BALINK El Paso County, CO

06/01/2009 03:45:35 PM

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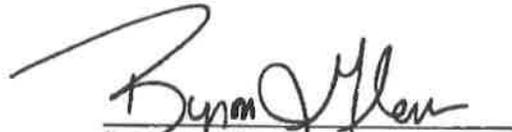
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Ordinance No. 5-89 was properly annexed and remains within the corporate limits of the Town of Monument.

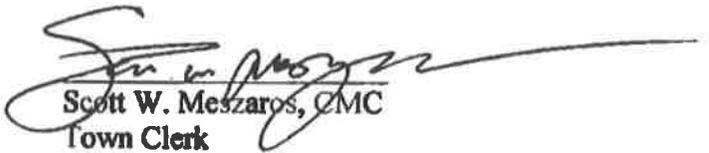
Section 3. This Resolution shall be recorded in the records of El Paso County, State of Colorado.

**PASSED AND RESOLVED** by the Board of Trustees of the Town of Monument, El Paso County, Colorado, this 18 day of May, 2009 by a vote of 7 for and 0 against.

TOWN OF MONUMENT

  
Byron J. Glenn, Mayor

ATTEST:

  
Scott W. Meszaros, CMC  
Town Clerk

Commencing at the North Quarter Corner of said Section 35;

Thence South  $00^{\circ} 23' 44''$  West, along the north-south centerline of said Section 35, also being the westerly line of a parcel as recorded in Book 1944 at Page 226 of said El Paso County records, a distance of 695.00 feet;

Thence South  $86^{\circ} 18' 29''$  East, a distance of 109.72 feet to the Point of Beginning; said point also being on the northerly right-of-way of an Old County Road;

Thence North  $03^{\circ} 42' 09''$  East, along the easterly line of a parcel as recorded in Book 6257 at Page 237, a distance of 569.54 feet to a point on the southerly right-of-way of Baptist Assembly Road;

Thence North  $86^{\circ} 07' 58''$  East, along said southerly right-of-way, a distance of 107.37 feet to a point on the westerly right-of-way line of said Old County Road;

Thence along the easterly right-of-way line of said Old County Road the following five courses;

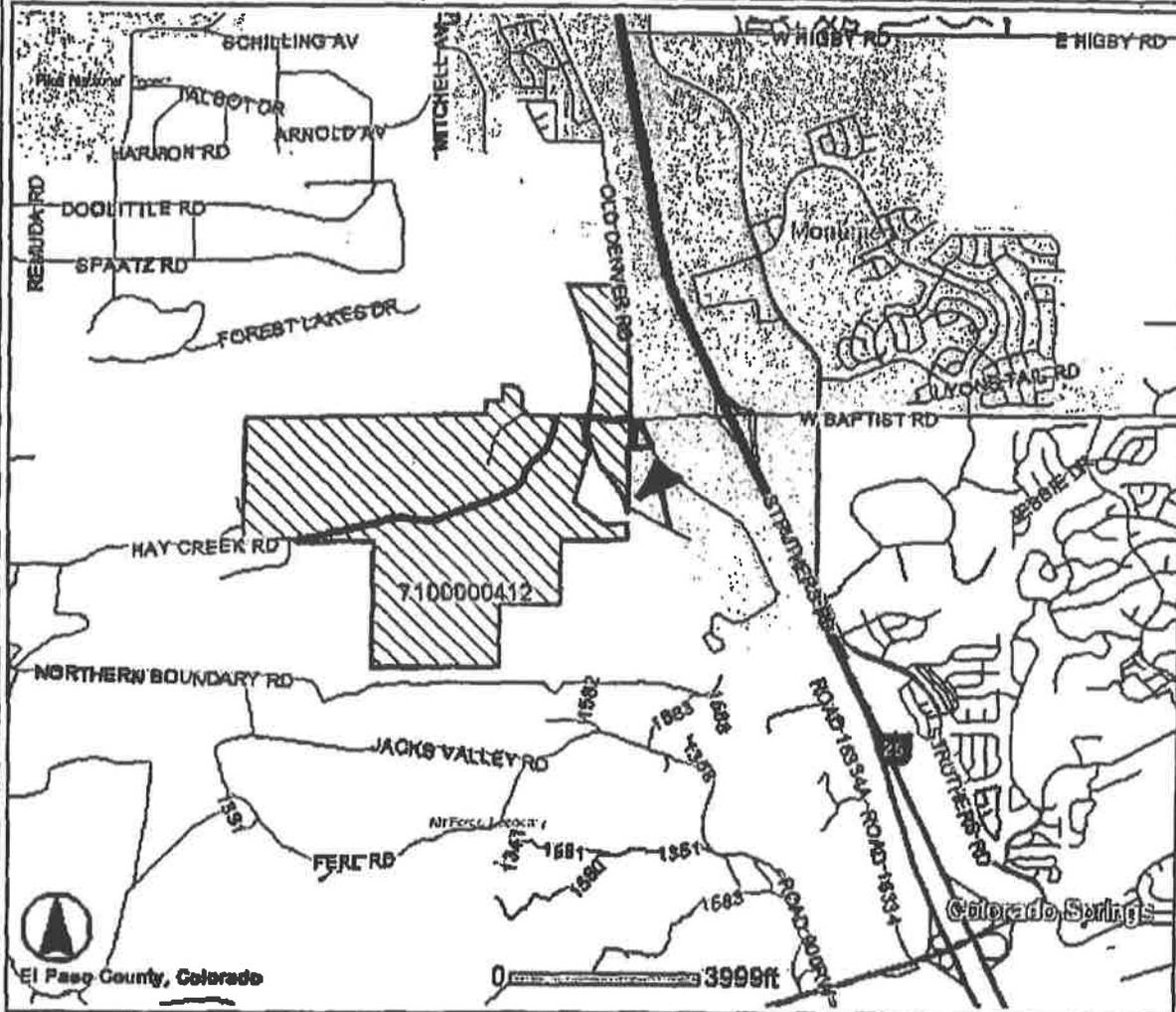
1. South  $12^{\circ} 09' 26''$  East, a distance of 197.02 feet;
2. South  $17^{\circ} 29' 05''$  East, a distance of 98.08 feet;
3. South  $23^{\circ} 19' 02''$  East, a distance of 134.29 feet;
4. South  $27^{\circ} 16' 56''$  East, a distance of 197.73 feet;
5. North  $88^{\circ} 27' 55''$  West, a distance of 358.79 feet to the Point of Beginning and containing 2.81 acres more or less.

PORTION OF  
71000-00-412  
⊗ AKA PARCEL 4  
YOU CAN SEE THIS ON MAPSHEET 71350

### El Paso County Schedule Information

Schedule Number: 7100000412  
Schedule Address: 0 34-11-67  
Schedule Owner: DELLACROCE RANCH LLC  
Zoned: A-35  
Area: 689.24 Acres

Owner Mailing Address: PO BOX 60477



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WOODCARVER RD

JUMPING MOUSE VW

MONUMENT