

RESOLUTION NUMBER 2019-12

A RESOLUTION FINDING SUBSTANTIAL COMPLIANCE OF THE POTCH LLC ANNEXATION PETITION, FOR THE ANNEXATION OF A TRACT OF LAND LOCATED IN TOWNSHIP 43 NORTH, RANGE 10 EAST, NEW MEXICO PRINCIPAL MERIDIAN, SAGUACHE COUNTY, COLORADO; AND SETTING FORTH DETAILS IN REGARDS THERETO; AND SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER ELIGIBILITY OF SAID LAND FOR ANNEXATION

WHEREAS, the owners of 100% of the real property included in an area proposed to be annexed in Saguache County, Colorado (which area is described in exhibit 1 attached hereto and made a part hereof by reference), excluding public streets and alleys and any land owned by the Town of Moffat, have filed a petition for annexation of said area with the Town Clerk of the Town of Moffat, Colorado, requesting the Town to commence proceedings for the annexation of said area; and

WHEREAS, having received the petition for annexation, the Town Board is required under the *Municipal Annexation Act of 1965*, as amended, to determine whether said petition is in substantial compliance with C.R.S. Sections 31-12-107 (1), 31-12-105, 31-12-104 or such parts thereof, and if so, to follow the procedure set forth in Part 1 of Chapter 31, Article 12, or C.R.S. Sections 31-12-108 through 111;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE TOWN OF MOFFAT, COLORADO:

1. The Town Board hereby finds that the petition for annexation has been signed by more than 50% of the landowners in the area proposed to be annexed, excluding public streets and alleys and any land owned by the Town of Moffat.
2. The Town Board finds that the petition for annexation meets the 1/6 contiguity requirements.
3. The Town Board hereby finds that the petition for annexation is in substantial compliance with the requirements of C.R.S. Section 12-31-107 (1), 31-12-105, 31-12-104, or such parts thereof as amended.
4. The Town Board hereby finds that it has the necessary jurisdiction to proceed with the annexation of said area.
5. The Town Board hereby determines that it shall hold a public hearing to determine if the proposed annexation complies with Sections 31-12-104 and 31-12-105, C.R.S., as amended, to establish whether or not said area is eligible for annexation under the *Municipal annexation act of 1965*, said hearing to be held at a special meeting of the Town Board on Tuesday, November 5th, 2019 at 6:30 p.m., which date is not less than 30 nor more than 60 days from the date of this Resolution, in the Town Hall, 401 Lincoln Avenue, Moffat, Colorado.
6. The Town Clerk is hereby directed to give notice of said public hearing in accordance with the provisions of Section 31-12-108 (2), C.R.S., as amended.
7. This resolution shall take effect upon its adoption.

REVIEWED, CONSIDERED, APPROVED AND ADOPTED this 16th day of September, 2019.

Town of Moffat, Colorado



Patricia Reigel

Patricia Reigel, Mayor

Attest: (SEAL)

A handwritten signature in blue ink, appearing to read 'Sarah Van Horn', is written over a horizontal line.

Sarah Van Horn, Town Clerk

PETITION FOR ANNEXATION – POTCH, LLC- POTCH ANNEXATION TO NO.2 TO THE TOWN OF MOFFAT

September 16, 2019

To the Mayor and Town Council of the Town of Moffat, Colorado:

I, the undersigned ownership (“Potch, LLC”) of 100% of the area (excluding streets and alleys) particularly described in Exhibit 1 (Potch Annexation No. 2 Plat) attached hereto and made a part of the Petition (“Described Area”), do hereby petition that the Described Area be annexed to and become a part of the Town of Moffat (“Town”) and do represent and state:

1. It is desirable and necessary that the Described Area be annexed to the Town of Moffat for various reasons, including significant economic benefits, which will improve the quality of life for residents of, and visitors to, the Town.
2. That a community of interest exists between the Described Area and the Town; that said area is urban or will be urbanized in the near future; and that said area is integrated with or is capable of being integrated with the annexing municipality.
3. The requirements of Sections 31-12-104 and 31-12-105, Colorado Revised Statutes (“C.R.S.”) 1973, as amended, exist or have been met as these sections apply to the annexation of the Described area.
4. That the annexation of the Described Area complies with Section 30 of Article II of the Colorado Constitution.
5. That no less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the Town of Moffat. (See Attached Exhibit 1).
6. That none of the limitations provided in C.R.S. § 31-12-105 are applicable and the requirements of that statute have been met because of the following:
 - a. That no annexation proceedings have been commenced by another municipality for all or part of the area proposed herein to be annexed to Moffat;
 - b. That the annexation of the Described Areas proposed to be annexed will not result in detachment of the area from any school district;
 - c. That there are presently no adult residents living within the boundaries of the Described Area;
 - d. The annexation of the Described Area will not result in the Described Area being divided into separate parts or parcels under identical ownership;
 - e. The entire width of all streets and alleys to be included within the area annexed are included.;
 - f. Annexation by the Town of the Described area will not have the effect of, and will not result in, the denial of reasonable access to landowners, owners of an easement, or owners of a franchise adjoining a platted street or ally, inasmuch as annexation of the Described Area will not result in annexation of a platted street or alley which is not bounded on both sides by the Town;
 - g. No land area with the Described Area 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 20 acres or more and having a valuation for assessment in excess of \$200,000 for ad valorem tax purposes has been

included in the Described Area to be annexed without the written consent of the landowners thereof.

7. The annexation of the Property will not have the effect of extending a boundary of the Town more than three miles in any direction from any point of the municipal boundary in the past twelve months.
8. The Petitioner comprises the owners in fee simple of more than fifty percent of the Described Area, exclusive of public streets and alleys, and comprises more than fifty percent of the landowners of the Described Area. The legal description of the land owned by the Petitioner is shown in Exhibit 1.
9. That Petitioner intends to use the parcel for commercial marijuana related activities.
10. That annexation shall benefit the Town economically through local job creation, increased demand for goods and services of local businesses, and through on-going tax revenues to the Town, which will be beneficial to the Town and its residents.
11. That the annexation will at all times maintain a non-cannabis buffer zone of not less than 1,500 feet from any public school.
12. That Petitioner request the Town approve the annexation of the Described Property in Exhibit 1.

The Petitioner hereto understands and is cognizant of the fact that the Town of Moffat is not legally required to annex the Described Area, and that if the Town does annex the Described Area, the annexation shall be upon the conditions and agreement of the Petitioner as set forth in the Annexation Agreement.

NOW, THEREFORE, in consideration of the foregoing statement, and in further consideration of the benefits which will accrue to the Petitioner and the obligations resulting to the Town if the Described Area is annexed to the Town, the Petitioner will comply with all applicable provisions of the Code of the Town of Moffat, as amended, and all applicable ordinances, resolutions, and regulations of the Town now existing or hereinafter amended.

The covenants and agreements herein above set forth shall run with the land owned by Petitioner hereto which is now subject to this annexation and shall extend to and be binding upon the heirs, assigns, legal representatives and successors to the Petitioner. The Petitioner expressly accepts the aforesaid covenants and agreements by proceeding with the Petition for Annexation to the Town.

The Individual Petitioner signing this Petition represents that they own more than fifty percent of the Described Area in Exhibit 1 as more particularly described in said exhibit hereto attached.

IN WITNESS THEROF, I have executed this Petition for Annexation this 16th day of September, 2019.

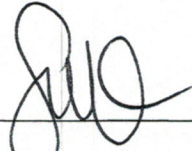
By: Whitney Justice

Whitney Justice

Owner/Managing Member Potch, LLC
PO Box 6992
Snowmass Village, CO 81615

STATE OF COLORADO)
) ss.
COUNTY OF Saguache)

SUBSCRIBED and sworn to before me by Whitney Justice, on this 16th day of September
20 19.



Notary Public

My commission expires:

11/29/2022

SARAH VAN HORN
Notary Public
State of Colorado
Notary ID # 20184045897
My Commission Expires 11-29-2022