

**TOWN OF PALMER LAKE**

**RESOLUTION NO. 13-2024**

**A RESOLUTION MAKING FINDINGS REGARDING THE ELIGIBILITY FOR ANNEXATION TO THE TOWN OF PALMER LAKE, COLORADO, OF CERTAIN UNINCORPORATED PROPERTY OWNED BY THE UNITED CONGREGATIONAL CHURCH AND COMMONLY REFERRED TO AS BEN LOMAND MOUNTAIN**

**WHEREAS**, United Congregational Church (“the Applicant”) is the owner of real property described on Exhibit A, attached (“the Property”), commonly referred to as Ben Lomand Mountain, which is located in unincorporated El Paso County, Colorado adjacent to the Town of Palmer Lake; and

**WHEREAS**, the Applicant has filed a Petition for Annexation and an Annexation Map, requesting that the Property be annexed to and made a part of the Town of Palmer Lake; and

**WHEREAS**, whether to annex the Property is a discretionary decision to be exercised by the Board of Trustees of the Town of Palmer Lake; and

**WHEREAS**, before the Board of Trustees can decide whether it wishes to exercise its discretion to annex the Property, it must first determine that the Property is eligible to be annexed to the Town of Palmer Lake; and

**WHEREAS**, the criteria and limitations to be applied in order to determine whether property is eligible to be annexed to a town are set forth in the Colorado Constitution, Article II, Section 30, and the Colorado Revised Statutes, primarily Sections 31-12-104 and 31-12-105, and are reflected in the Findings set forth below.

**WHEREAS**, notice of a public hearing to determine the eligibility of the Property to be annexed was given as required by law; and

**WHEREAS**, the public hearing on said annexation petition was conducted commencing on January 25, 2024 and properly continued to February 22, 2024, in accordance with the requirements of law.

**FINDINGS**

Based on the Petition and Annexation Map, as well as the statements and materials presented during the public hearing in connection with this matter, the Board of Trustees finds as follows in relation to the Property described on Exhibit A:

1. Not less than one-sixth of the perimeter of the area proposed to be annexed as described on the attached Exhibit A is contiguous with the existing boundaries of the Town of Palmer Lake.

2. As a result of such contiguity as well as other considerations, a community of interest exists between the Property and the Town of Palmer Lake, Colorado, and the Property is urban or will be urbanized in the near future.
3. The Property is integrated with or is capable of being integrated with the Town of Palmer Lake, Colorado.
4. If the Property is annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts of real estate, would be divided into separate tracts or parcels 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.
5. If the Property is 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 comprising twenty (20) acres or more which, together with the buildings and improvements situated thereon, has a valuation for assessment in excess of \$200,000 for ad valorem tax purposes for the year next preceding the annexation, has been included without the written consent of the landowners.
6. No annexation proceedings have been commenced for the annexation to another municipality of part or all of the Property.
7. The proposed annexation of the Property will not result in the detachment of area from any school district and the attachment of the same to another school district.
8. The petition for annexation of the Property meets the requirements of law and is in proper order for annexation for the Property.
9. The proposed annexation will not have the effect of extending a municipal boundary more than three (3) miles in any direction from any point of the Town boundary in any one year, or to the extent the proposed annexation extends beyond such three (3) mile limit, confining the annexation to such three (3) mile limit would have the effect of dividing a parcel of property held in identical ownership and at least fifty (50%) percent of the said property is within the three (3) mile limit.
10. The entire width of any public street or alley to be annexed is included within the proposed annexation.
11. The proposed annexation would not result in denial of reasonable access to landowners, owners of easements, or owners of franchises to use the Town's public ways.
12. The Petition for annexation of the Property was signed by owners of 100% of the Property exclusive of streets and alleys.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, COLORADO AS FOLLOWS:**

- A. The property described in the attached Exhibit A is eligible for annexation to the Town of Palmer Lake, Colorado and all requirements of law have been met to make such property eligible for annexation, including the requirements of Sections 31-12-104 and 31-12-105, C.R.S., as amended.
- B. No election is required pursuant to Section 31-12-107(2), C.R.S., or any other law of the State of Colorado, as the petition to annex the Property was signed by 100% of the owners of the Property.

**MOVED, SECONDED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, COLORADO THIS 22nd DAY OF FEBRUARY, 2024.**

Votes Approving	<u>6</u>
Votes Opposed:	<u>0</u>
Absent:	<u>1</u>
Abstained:	<u>0</u>

ATTEST:

TOWN OF PALMER LAKE, COLORADO

*Dawn A. Collins*  
Dawn A. Collins  
Town Administrator/Clerk

BY: *Giant Havenar*  
Giant Havenar  
Mayor

## ANNEXATION PETITION

The undersigned landowner, in accordance with the provisions of Section 31-12- 101 et. seq. C.R.S., and known as the Municipal Annexation Act of 1965, as amended, hereby petitions the Board of Trustees of the Town of Palmer Lake for annexation to the Town of Palmer Lake of the within described unincorporated area situated and being in the County of El Paso, State of Colorado.

In support of this Petition, the petitioners allege and submit the following and make the within requests:

1) That it is desirable and necessary to annex the property shown on Exhibit A, attached hereto, comprising a total of 344.5 acres more or less. Of those 344.5 acres, 163 acres are already included within Palmer Lakes boundaries. This Annexation Petition seeks to annex the remaining 181.5 acres into the Town of Palmer Lake.

2) That the area sought to be annexed to the Town of Palmer Lake meets the requirements of section 31-12-104 and 105 C.R.S. of the Municipal Annexation Act of 1965, as amended, in that:

a. Not less than one-sixth of the perimeter of the described property is contiguous to the Town of Palmer Lake. The property for which annexation is sought has a total of 2884.52 feet contiguous to the Town of Palmer Lake.

b. The area for which annexation is sought shares a community of interest with the Town of Palmer Lake.

c. The area for which annexation is sought will be rural in character in the near future.

d. The area for which annexation is sought is integrated with or is capable of being integrated with the Town of Palmer Lake.

e. Within the area for which annexation is sought, no lands held in identical ownership shall be divided into separate lots or parcels without the written consent of the landowners thereof.

f. No land held in identical ownership comprising twenty (20) acres or more shall be included within the annexation without the written consent of the landowners thereof.

g. The annexation which is sought will not result in a detachment of area from any school district and will not result in the attachment of the annexed area to another school district other than that in which it already is.

h. The annexation of the area proposed to be annexed will not have the effect of extending the boundary of the Town of Palmer Lake more than three miles in any direction from any point of the Town's boundary in any one year.

3) That the signers of this Petition comprise the landowners of one hundred percent (100%) of the territory included in the area for which annexation is sought.

4) That the petitioners request that the Town of Palmer Lake approve this annexation.

5) That the legal description of the territory proposed to be annexed is attached hereto as Exhibit B.

6) The names and addresses of adjacent property owners to the property for which annexation is sought and within 300 feet of the boundary of the property for which annexation is sought are attached as Exhibit C; the applicant must inform each property owner within 300 feet of the boundary of the property of the annexation petition by way of certified mail; the return receipts will be required to complete the applicants file.

7) No annexation proceedings have been commenced for the annexation to another municipality of part or all of the territory proposed to be annexed.

8) If a portion of a platted street or alley is to be annexed, the entire width of said street or alley is included within the area to be annexed.

9) Upon annexation, property owners utilizing residential wells, or a private water system will not be required to dedicate water rights. (Ordinance 8-1985).

10) The Town of Palmer Lake will distribute a copy of the annexation plat to the affected agencies for comment, including public entities of school district and various utilities (i.e., gas, cable, sewer).

11) That upon the Annexation Ordinance becoming effective, all lands within the area sought to be annexed shall become subject to the Colorado Revised Statutes and all ordinances, resolutions, and regulations of the Town of Palmer Lake.

THEREFORE, the undersigned petitioners request that the Town of Palmer Lake approve the annexation of the Property.

Roger Sampford, et al.  
Petitioner Name

\_\_\_\_\_  
Petitioner Name

[Signature]  
Signature

OCT 17 23  
Date

\_\_\_\_\_  
Signature

Date

STATE OF COLORADO )  
COUNTY OF EL PASO ) ss.

Subscribed and sworn to before me this 17<sup>th</sup> day of October, 2023  
by Roger Sung\_\_\_\_\_.

Brandi Murphy  
Notary Public

My commission expires:

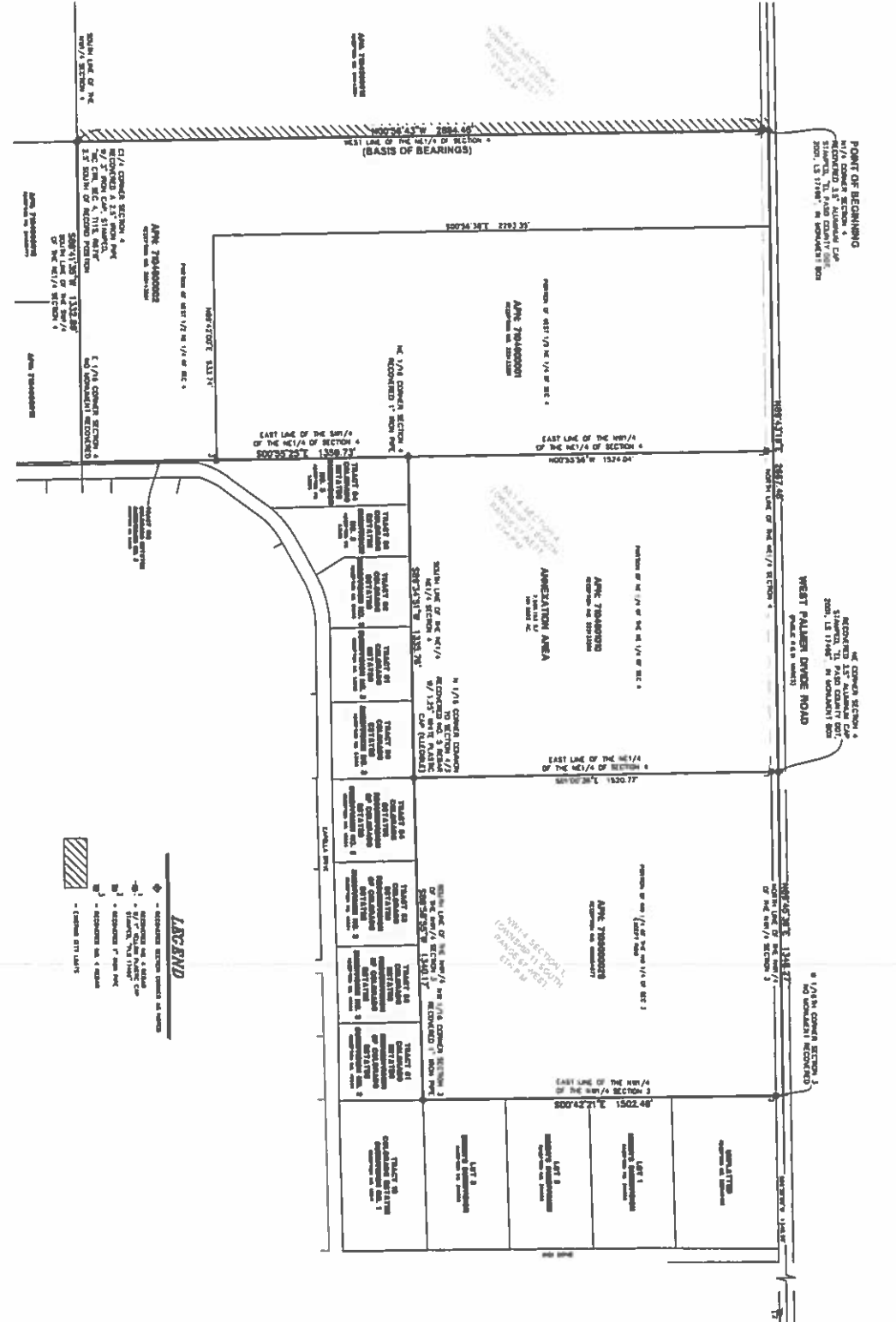
03/04/2025

BRANDI MURPHY  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20214068745  
MY COMMISSION EXPIRES 03/04/2025

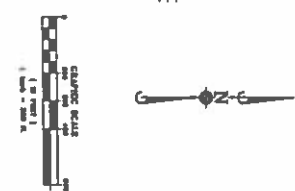


# BEN LOMAND MOUNTAIN ANNEXATION MAP

LOCATED IN THE NORTHEAST QUARTER OF SECTION 4 AND THE NORTHWEST QUARTER OF SECTION 3,  
SOUTH PLAINS AND WEST PALMER PRINCIPAL MERIDIAN,  
TOWNSHIP 11 SOUTH, RANGE 68 WEST OF THE 10TH PRINCIPAL MERIDIAN,  
COUNTY OF EL PASO, STATE OF COLORADO



- LAW END**
- 1 - SECTION 3
  - 2 - SECTION 4
  - 3 - SECTION 5
  - 4 - SECTION 6
  - 5 - SECTION 7
  - 6 - SECTION 8
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  - 98 - SECTION 100



FOR REVIEW ONLY  
TO BE USED BY BOARD OF  
SUPERVISORS ONLY