

**RESOLUTION NO. 16
SERIES 2009**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, MAKING FINDINGS OF FACT REGARDING THE ELIGIBILITY FOR ANNEXATION OF THE PROPERTY DESCRIBED IN THE AMENDED PETITION FOR ANNEXATION FILED WITH THE CITY OF GUNNISON BY GUNNISON VALLEY PARTNERS, LLC, DONNA R. BRATTON, AND GUNNISON GATEWAY, LLC.

WHEREAS, an amended petition for annexation was filed with the City of Gunnison by Gunnison Valley Partners, LLC, Donna R. Bratton, and Gunnison Gateway, LLC on May 22, 2009, for annexation of 633.024 acres of land to the City of Gunnison; and

WHEREAS, the City Council of the City of Gunnison held a public hearing upon the issue of eligibility of the property described in the amended petition for annexation on July 14, 2009;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, THAT:

Section 1. Findings of Fact. Based upon the amended petition for annexation, the annexation impact report, and the testimony received at the public hearing, the City Council of the City of Gunnison makes the following findings of fact:

A. That not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous to the existing boundaries of the City of Gunnison. The length of the perimeter of the area proposed to be annexed is 40,889.66 feet, of which 13,124.20 feet are contiguous to the City of Gunnison boundary, which is greater than the one-sixth contiguity requirement of 6,814 feet. Such contiguity is not established by use of any boundary of an area which was previously annexed to the City of Gunnison that was not, at the time of its annexation, contiguous at any point with the boundary of the City of Gunnison, or did not otherwise comply with the requirements of paragraph (a) of subsection (1) of Section 31-12-104, Colorado Revised Statutes, and was located more than three (3) miles from the nearest boundary of the City of Gunnison, and further, contiguity is not established by use of any boundary of territory which was subsequently annexed directly to or which is directly connected through subsequent annexation to such an area.

B. That based upon the contiguity of the area proposed to be annexed to the City of Gunnison and the land use plan submitted for the area, a community of interest exists between the area proposed to be annexed and the City of Gunnison. The area proposed to be annexed will be urbanized in the near future and is capable of being integrated into the City of Gunnison.

C. That the amended petition for annexation has been executed and consented to by the owners of 100 per cent of the area proposed to be annexed.

D. That in establishing the boundaries of the area proposed to be annexed to the City of Gunnison, no land held in identical ownership will be divided into separate parts or parcels without the written consent of the landowners thereof.

E. That no part of the area proposed to be annexed to the City of Gunnison is the subject of annexation proceedings to any other municipality.

F. That the annexation, as proposed, will not result in the detachment of area from any school district and attachment of the area to another school district.

G. That the annexation, as proposed, will not result in the extension of the boundaries of the City of Gunnison more than three miles in any direction in one year.

H. That an annexation impact report was prepared at least twenty-five days prior to the hearing on the eligibility of the property described in the amended annexation petition for annexation held on July 14, 2009, and that a copy of such annexation impact report was filed with the Board of County Commissioners of Gunnison County within five days after the annexation impact report was prepared.

Section 2. Conclusions. Based upon the findings of fact contained herein, the City Council of the City of Gunnison concludes that:

A. The requirements of the applicable parts of Sections 31-12-104 and 31-12-105, Colorado Revised Statutes, have been met, and the area described in the petition is eligible for annexation to the City of Gunnison.

B. An election upon the proposed annexation is not required under Section 31-12-107(2), Colorado Revised Statutes.

Section 3. Additional Conditions Imposed. The City Council of the City of Gunnison hereby determines that additional conditions shall be imposed upon the annexation pursuant to an annexation agreement acceptable to the City Council of the City of Gunnison and the petitioners.

INTRODUCED, READ, PASSED, AND ADOPTED at a Regular Meeting of the City Council of the City of Gunnison, Colorado, held this 28th day of July, 2009.

Stu Ferguson
Mayor

(SEAL)

Gail A. Davidson
City Clerk