

CITY OF RIFLE, COLORADO
RESOLUTION NO. 23
SERIES OF 2023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIFLE,
COLORADO, CONCERNING THE HIGHWAY 6 AND SWALLOW LANE
ANNEXATION TO THE CITY OF RIFLE.

WHEREAS, in February 2023, Caerus Piceance, LLC (“Petitioner”) filed with the City Clerk of the City of Rifle, Colorado, a petition and request (the “Petition”) that the City Council of the City of Rifle, Colorado, commence proceedings to annex to the City of Rifle a certain unincorporated tract of land located in the County of Garfield, State of Colorado, known as the Highway 6 and Swallow Lane Annexation described on Exhibit A, attached hereto and incorporated herein by reference (hereinafter the “Annexation Parcel”); and

WHEREAS, the City Council by Resolution No. 18, Series of 2023, found that the Petition is in substantial compliance with the requirements of the Municipal Annexation Act of 1965, C.R.S. §31-12-107(1), as amended, established a date, time, and place for a hearing upon the Petition, and directed the City Clerk to give notice of the hearing in accordance with C.R.S. §31-12-108(2); and

WHEREAS, notice of such hearing was published in the *Citizen Telegram* newspaper; and

WHEREAS, the public hearing on the Petition was held on August 16, 2023, at a regularly scheduled meeting of the Rifle City Council, and at such hearing any person permitted to appear pursuant to C.R.S. §31-12-109(1) had the opportunity to appear and present evidence upon any matter determined by the City Council; and

WHEREAS, a radiation hazards reports on the Annexation Parcel has been submitted to the City as required by Rifle Municipal Code §16-2-50; and

WHEREAS, the City Council finds and determines that the hearing upon the Petition is now complete.

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

FINDINGS OF FACT, DETERMINATIONS AND CONCLUSIONS

1. The City incorporates the foregoing recitals as findings and determinations by the City Council, and conclusively makes all of the Findings of Fact, Determinations and Conclusions contained herein.

2. For the Annexation Parcel, the City staff has determined, and the City Council so finds, that the landowners of one hundred percent (100%) of the Annexation Parcel to be

annexed, excluding public streets and alleys, signed and filed the Petition requesting the annexation to the City of the Annexation Parcel described in the Petition.

3. The Petition is accompanied by five (5) or more copies of the Annexation Map which contains, among other things, the information required by C.R.S. §31-12-107(1)(d).

4. For the Annexation Parcel, the requirements of C.R.S. §31-12-104, as amended, exist or have been met, including, without limitation, the following:

- A. Not less than one-sixth (1/6th) of the perimeter of the Annexation Parcel is contiguous with the City.
- B. A community of interest exists between the Annexation Parcel and the City.
- C. The Annexation Parcel is urban or will be urbanized in the near future.
- D. The Annexation Parcel is integrated with or is capable of being integrated with the City.
- E. No election for annexation of the area proposed to be annexed to the City has been held in the preceding twelve (12) months.

5. For the Annexation Parcel, the requirements of C.R.S. §31-12-105, as amended, exist or have been met, including without limitation the following:

- A. In establishing the boundaries of the area proposed to be 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:
 - (1) has been divided into separate parts or parcels without the written consent of the landowner or landowners thereof unless such tracts or parcels are separated by a dedicated street, roadway, or other public way; or
 - (2) comprising twenty (20) acres or more (which together with buildings and improvements situated thereon having a valuation for assessment in excess of \$200,000.00 for ad valorem tax purposes for the year preceding the proposed annexation) has been included without the written consent of the landowners.
- B. No annexation proceedings have been commenced for the annexation to a municipality other than the City of all or part of the Annexation Parcel.

- C. The annexation proposed in the Petition will not result in the detachment of area from any school district and the attachment of the same area to another school district.
 - D. The annexation proposed in the Petition will not have the effect of extending the municipal boundary of the City more than three (3) miles in any direction from any point on the current municipal boundary of the City.
 - E. The City has previously prepared and adopted a plan meeting the requirements of C.R.S. §31-12-105(e).
6. No election is required under C.R.S. §§31-12-112 and -107(2) for the Annexation Parcel, as no additional terms or conditions are to be imposed upon the owners of property not otherwise agreed to by such owners.
7. The signer of the Petition is the sole owner of one hundred percent (100%) of the area proposed to be annexed, exclusive of public streets and alleys.
8. The annexation to the City of the Annexation Parcel will not result in a change of county boundaries.
9. The names and mailing address of the signer of the Petition and dates of signing are included in the Petition, and the legal description of the land owned by such Petitioner is attached to the Petition. No signature on the Petition is dated more than 180 days prior to the date of filing of the Petition for annexation with the City Clerk.
10. No area of the Annexation Parcel proposed to be annexed to the City is presently a part of any incorporated city, city and county, or town, and is not contiguous to any other incorporated city, city and county, or town.
11. It is desirable and necessary that the Annexation Parcel described on Exhibit A be annexed to the City.
12. On even date herewith, the City Council of the City of Rifle, Colorado, shall, by ordinance, annex the Annexation Parcel described on Exhibit A to the City of Rifle.


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THIS RESOLUTION was read, passed, and adopted by the Rifle City Council at a regular meeting held this 16th day of August, 2023.

CITY OF RIFLE, COLORADO

By 
Mayor

ATTEST:


City Clerk




EXHIBIT A

A PORTION OF A TRACT OF LAND SITUATED IN THE SOUTH 1/2 OF THE NW 1/4 AND THE NORTH 1/2 OF THE SW 1/4 OF SECTION 13, TOWNSHIP 6 SOUTH, RANGE 94 WEST, 6TH P.M., DESCRIBED AS FOLLOWS: BEGINNING AT THE COMMON CORNER OF SAID SECTION 13 AND ADJACENT SECTIONS 14, 23 AND 24 OF SAID TOWNSHIP AND RANGE; THENCE NORTH 00°59'00" WEST 1050.30 FEET; THENCE NORTH 65°18'12" EAST 508.35 FEET, BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 09°13'49" WEST 1111.23 FEET; THENCE NORTH 63°00'00" EAST 1252.91 FEET; THENCE SOUTH 27°56'43" EAST 1122.78 FEET; THENCE SOUTH 65°18'12" WEST 1611.75 FEET TO THE TRUE POINT OF BEGINNING CONTAINING APPROXIMATELY 35.952± ACRES.

ALSO KNOWN AS PARCEL A, AS RECORDED CAERUS EXEMPTION PLAT AT RECEPTION NO. 982842, GARFIELD COUNTY CLERK AND RECORDER'S OFFICE.