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ORDINANCE 470

**AN ORDINANCE OF THE TOWN OF BAYFIELD, COLORADO
APPROVING THE MARLIN VILLAGE ANNEXATION**

WHEREAS, Mark and Linda E. Head (the “**Property Owners**”) own 100% of a property that is legally described in Exhibit A (“the “**Property**”).

WHEREAS, the Property Owners filed an annexation petition for the Property along with required application materials in September of 2021, including but not limited to the annexation map.

WHEREAS, the Board of Trustees approved Resolution No. 496 on November 2, 2021 that found the Property is eligible for annexation due to substantial compliance with Colorado Revised Statutes (the “**CRS**”) 31-12-107(1) as required by the Bayfield Land Use Code (the “**Land Use Code**”) Section 3-15 and initiated annexation proceedings.

WHEREAS, the Town of Bayfield Planning Commission conducted a hearing on the proposed PUD (Planned Unit Development) zoning on December 14, 2021, with public notice of such hearing provided as required by the Land Use Code, and passed a motion recommending approval subject to conditions.

WHEREAS, a Public Hearing on the Marlin Village annexation and zoning was scheduled by the Board of Trustees on December 7, 2021, at the Bayfield Town Hall, with public notice as required by law, to determine if the annexation complies with the CRS 31-12-101 *et seq.* and if the zoning complies with the Land Use Code.

WHEREAS, the Board of Trustee finds:

1. The annexation complies with CRS 31-12-104 with the Property having a minimum of one-sixth of its perimeter contiguous to the Town boundary; and that a community of interest exists between the Property and the Town, the Property is bordered by the Town’s Bayfield Parkway, County Road 509, Los Pinos River and rural residential, and the Property plan can be integrated within the Town.
2. The annexation complies with CRS 31-12-105 with the Property Owners owning 100% of the Property and not holding adjacent land in identical ownership; and the annexation will not split the land into another school district.
3. The annexation complies with the Colorado Constitution Article II, Section 30 because the Town received a petition for the annexation of the Property signed by the Property Owners who comprise more than fifty percent of the landowners of the Property and owning more than fifty percent of the area, excluding public streets, and alleys and any land owned by the annexing municipality.

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF BAYFIELD, COLORADO HEREBY ORDAINS:

Section 1. Subject to a conditioned upon the execution and recording of a satisfactory Annexation Agreement and Annexation Plat, the annexation of the Property is hereby approved.

Section 2. The annexation of the Property to the Town of Bayfield shall become a part of the incorporated Town of Bayfield following the Effective Date of this ordinance but not until the completion and recording of the Annexation Agreement and Annexation Plat for the Property.

Section 3. The Property shall be zoned PUD (Planned Unit Development) and subject to the requirements of the Land Use Code.

Section 4. This ordinance shall become effective on January 24, 2022, 30 days after publication. (the “**Effective Date**”) subject to the requirements of Section 2.

Section 5. This ordinance shall become void and the Town approval of the zoning and annexation will expire if the Annexation Agreement and Annexation Plat are not recorded by December 31, 2022.

APPROVED BY THE BOARD OF TRUSTEES on this 21st day of December.

TOWN OF BAYFIELD, COLORADO



Ashleigh Tarkington, Mayor

ATTEST



Town Clerk, Kathleen Cathcart