



ORDINANCE 473

AN ORDINANCE OF THE TOWN OF BAYFIELD, COLORADO APPROVING THE BAYFIELD EAST ANNEXATION AND ZONING.

WHEREAS, Bayfield East LLC, a Colorado limited liability company (the “**Property Owner**”) own 100% of a properties that is legally described in “**EXHIBIT A**” and referred hereto as (“the “**Properties**”).

WHEREAS, the Property Owner filed an annexation petition for the Properties along with required application materials in December of 2021, including but not limited to the annexation map and annexation impact report.

WHEREAS, the Board of Trustees approved Resolution No. 509 on January 18, 2022 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 annexation and Planned Unit Development (PUD) initial zoning on March 8, 2022, with public notice of such hearing provided as required by the Land Use Code, and passed a motion recommending approval subject to findings and conditions that have been incorporated into the annexation agreement.

WHEREAS, a Public Hearing on the Bayfield East annexation and initial zoning was scheduled by the Board of Trustees on January 18, 2022 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 more than 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 surrounded by urban development, and the Property will be urbanized with the proposed development and can be integrated into 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.
4. The initial zoning meets the requirements of the Bayfield Comprehensive Plan and Land Use Code requirements.

RTN TO:
TOWN OF BAYFIELD
PO Box 80
BAYFIELD, CO 81122
ATTN: NICOL KILLIAN

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 Bayfield East Annexation Agreement and Annexation Plat for the Property.

Section 3. The Property shall be zoned Planned Unit Development (PUD) and subject to the requirements of the Comprehensive Plan and Land Use Code and other adopted Town codes and standards.

Section 4. This ordinance shall become effective on April 18, 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 April 18, 2023.


APPROVED BY THE BOARD OF TRUSTEES on this 15th day of March, 2022.

TOWN OF BAYFIELD, COLORADO

ATTEST



Town Clerk, Kathleen Cathcart



Ashleigh Tarkington, Mayor

EXHIBIT A

CERTIFICATE OF OWNERS:

KNOW ALL MEN BY THESE PRESENTS THAT

Bayfield East, LLC, a Colorado Limited Liability Company, whose address is 8229 County Road 334, Ignacio, Colorado 81137 being the legal and record owners of those tracts of land as described in the Title Policy prepared by Colorado Title and Closing Services, LLC under Policy Number LP22105409 and being more particularly described as follows, to wit:

A tract of land located in Sections 1 and 12, Township 34 North, Range 7 West, N.M.P.M., and being more particularly describes as follows:

BEGINNING at a point on the northerly Right-of-Way of U.S. Highway 160 and the West line of the NW1/4NE1/4 of said Section 12 whence the Southeast Corner of said Section 12 bears N78°43'30"E, a distance of 2688.46 feet;

Thence North 01° 10' 59" East, a distance of 573.57 feet along the West line of the NW1/4NE1/4 of said Section 12 to the North 1/4 Corner of said Section 12 common to said Section 1, Township 34 North, Range 7 West, N.M.P.M., monumented by a found 2-1/2" Aluminum cap on a 3/4" rebar stamped "Jeff Helmer PLS 30827";

Thence North 01° 06' 00" East, a distance of 1346.50 feet along the West line of the SW1/4SE1/4 of said Section 1 to the Center-South 1/16 Corner of said Section 1 monumented by a found 2-1/2" Aluminum cap on a 3/4" rebar stamped "Jeff Helmer PLS 30827";

Thence North 01° 26' 13" East, a distance of 1301.13 feet along the West line of the NW1/4SE1/4 of said Section 1 to the Center 1/4 Corner of said Section 1, monumented by a found 2-1/2" Aluminum cap on a 3/4" rebar stamped "Pinnacle Surveying, Inc PLS 34996";

Thence North 01° 25' 49" East, a distance of 1360.47 feet along the West line of the SW1/4NE1/4 of said Section 1 to the Center-North 1/16 Corner of said Section 1 monumented by a found 2" Aluminum Cap on a 3/4" Rebar stamped "Flint PE/PLS 35870";

Thence South 87° 51' 17" East, a distance of 1296.48 feet along the North line of the SW1/4NE1/4 of said Section 1 to the North East 1/16 Corner of said Section 1, monumented by a found 2-1/2" Aluminum cap on a 3/4" rebar stamped "Jeff Helmer PLS 30827";

Thence South 87° 53' 07" East, a distance of 742.14 feet along the northerly line of that Tract of land as described in the Deed recorded in the Office of the La Plata County, Colorado Clerk and Recorder under Reception No. 991415;

Thence South 18° 45' 57" East, a distance of 192.53 feet along the easterly line of said Tract of land;

Thence South 60° 38' 43" East, a distance of 482.86 feet along the easterly line of said Tract of land;

Thence South 01° 19' 30" West, a distance of 935.17 feet along the easterly line of said Tract of land to a point on the South line of SE1/4NE1/4 of said Section 1, whence the Southeast Corner of said Section 1 bears South 00° 44' 11" East, a distance of 2624.98 feet;

Thence North 88° 25' 11" West, a distance of 1233.91 feet along the South line of the SE1/4NE1/4 of said Section 1 to the Center-East 1/16 Corner of said Section 1, monumented by a found 2-1/2" Aluminum cap on a 3/4" rebar stamped "Jeff Helmer PLS 30827";

Thence South 15° 30' 00" West, for a distance of 829.34 feet along the easterly line of that Tract of land as shown on Southviews Subdivision recorded in the Office of the La Plata, Colorado Clerk and Recorder under Reception No. 951997;

Thence South 10° 57' 19" West, a distance of 221.09 feet along the easterly line of said Southviews Subdivision;

Thence South 18° 32' 49" West, a distance of 77.01 feet along the easterly line of said Southviews Subdivision;

Thence South 08° 14' 16" West, a distance of 193.78 feet along the easterly line of said Southviews Subdivision to the southeasterly corner of said Southviews Subdivision;

Thence along the arc of a tangent curve to the left with a Delta Angle of 12° 47' 10" and a radius of

458.97 feet for a distance of 102.42 feet, the long chord bears South 01° 16' 25" East, 102.21 feet along the easterly line of that Tract of land as described in the Deed recorded under Reception No. 1090783; Thence South 07° 40' 00" East, 550.00 feet along said Reception No. 1090783; Thence along the arc of a tangent curve to the left with a Delta Angle of 04° 45' 00" and a radius of 1205.54 feet for a distance of 99.94 feet, the long chord bears South 10° 02' 30" East, a distance of 99.91 feet along the easterly line of said Reception No. 1090783; Thence South 12° 25' 00" East, a distance of 98.42 feet along the easterly line of said Reception No. 1090783; Thence along the arc of a tangent curve to the left with a Delta Angle of 16° 35' 00" and a radius of 480.32 feet for a distance of 139.02 feet, the long chord bears South 20° 42' 30" East, 138.54 feet along the easterly line of said Reception No. 1090783; Thence South 29° 00' 00" East, a distance of 368.07 feet along the easterly line of line of said Reception No. 1090783 to the northerly right of way of U.S. Highway 160; Thence South 56° 35' 00" West, a distance 26.50 feet along the northerly right of way of U.S. Highway 160; Thence South 58° 44' 43" West, a distance of 102.69 feet along the northerly right of way of U.S. Highway 160; Thence along the arc of a tangent curve to the right with a Delta Angle of 11° 57' 43" and a radius of 5654.60 feet for a distance of 1180.54 feet, the long chord bears South 64° 43' 35" West, 1178.40 feet along the northerly right of way of U.S. Highway 160; Thence South 70° 42' 26" West, 187.68 feet along the northerly right of way of U.S. Highway 160 to the Point of Beginning.

CONTAINS 153.50 ACRES, MORE OR LESS

TOGETHER WITH a non-exclusive access and utility easement, 60 feet in width, located in the SE1/4SW1/4 of Section 1, Township 34 North, Range 7 West, N.M.P.M., and being more particularly described in grant of easement recorded June 11, 1992 as Reception No. 628593.

ALSO TOGETHER WITH an access and utility easement, 25 feet in width, lying immediately adjacent to and easterly of the western boundary of the following described lands. Extending from the southwest corner of said lands to a point of intersection with the southern right of way line of the pipeline easement described in instrument recorded under Reception No. 607400 in the La Plata County, Colorado real estate records:

A tract of land being the Northeast Quarter of the Southeast Quarter and portions of the Southeast Quarter of the Southeast Quarter, the Southwest Quarter of the Southeast Quarter and the Northwest Quarter of the Southeast Quarter, all in Section 1, Township 34 North, Range 7 West, N.M.P.M., being more particularly described as follows:

BEGINNING on the northerly right of way of U.S. Highway 160 and the East line of said Section 1, whence the Southeast corner of said Section 1 bears South 00° 04' 46" West, 839.14 feet; Thence South 58° 20' 07" West, 201.36 feet along the Northerly right of way of U.S. Highway 160; " South 58° 47' 30" West, 1252.44 feet along the Northerly right of way of U.S. Highway 160 to the Southwesterly line of that tract of land as shown on the results of survey Taliaferro Property (revised plat) deposited in the County Surveyor's Plat Book under Reception No. 941; " North 29° 00' 00" West, 368.07 feet along the Southwesterly line of said tract of land, also being along the existing gas well road; " along the arc of a curve to the right with a delta angle of 16° 35' 00" and a radius of 480.32 feet for a distance of 139.02 feet, the long chord bears North 20° 42' 30" West, 138.54 feet along the Southwesterly line of said tract of land and along the centerline of said gas well road; " North 12° 25' 00" West, 98.42 feet along the southwesterly line of said tract of land and along the

centerline of said gas well road;

" along the arc of a curve to the right with a delta angle of $04^{\circ} 45' 00''$ and a radius of 1205.54 feet for a distance of 99.94 feet, the long chord bears North $10^{\circ} 02' 30''$ West, 99.91 feet along the southwesterly line of said tract of land and along the centerline of said gas well road;

" North $07^{\circ} 40' 00''$ West, 550.00 feet along the southwesterly line of said tract of land and along the centerline of said gas well road;

" along the arc of a curve to the right with a delta angle of $12^{\circ} 47' 10''$ and a radius of 458.97 feet, for a distance of 102.42 feet, the long chord bears North $01^{\circ} 16' 25''$ West, 102.21 feet along the southwesterly line of said tract of land and along the centerline of said gas well road;

" North $06^{\circ} 55' 53''$ East, 193.68 feet along the centerline of said gas well road;

" North $17^{\circ} 19' 50''$ East, 76.97 feet along the centerline of said gas well road;

" North $09^{\circ} 40' 06''$ East, 221.11 feet along the centerline of said gas well road;

" North $14^{\circ} 14' 26''$ East, 829.39 feet to the center-east 1/16 corner of said Section 1;

" South $89^{\circ} 41' 04''$ East, 1299.33 feet along the North line of the Southeast Quarter of said Section 1 to the East 1/4 corner of said Section 1;

" South $00^{\circ} 04' 46''$ West, 1819.08 feet along the East line of the SE1/4 of said Section 1 to the Point of Beginning.

TOGETHER WITH a non-exclusive access and utility easement, 60 feet in width, as described in Exhibit "C" of Warranty Deed recorded February 27, 2009 as Reception No. 991415.