

**ORDINANCE 483**

**AN ORDINANCE OF THE TOWN OF BAYFIELD, COLORADO APPROVING THE PINE RIVER COMMONS (2107 BAYFIELD PARKWAY) ANNEXATION AND ZONING.**

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

**WHEREAS**, the Property Owner filed an annexation petition for the Property along with required application materials in September, 2022, including but not limited to the annexation plat and annexation impact report.

**WHEREAS**, the Board of Trustees approved Resolution No. 537 on October 4, 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 November 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 Pine River Commons (2107 Bayfield Parkway) annexation and initial zoning was scheduled by the Board of Trustees on November 15, 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 as to 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 are 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 Owner 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  
ATTN: NICOLE KILLIAN  
PO BOX 80  
BAYFIELD CO 81122

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

**Section 1.** Subject to and 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 Pine River Commons (2107 Bayfield Parkway) 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.

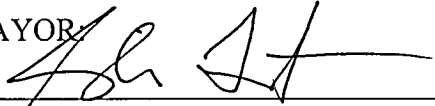
**Section 4.** This ordinance shall become effective 30 days after publication (the "Effective Date") subject to the requirements of Section 2.

**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 within 1-year of the Effective Date.

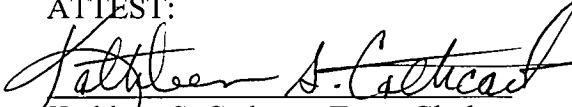
**APPROVED BY THE BOARD OF TRUSTEES** on this 15<sup>th</sup> day of November, 2022.

**TOWN OF BAYFIELD, COLORADO**

MAYOR:

  
\_\_\_\_\_  
Ashleigh Tarkington

ATTEST:

  
\_\_\_\_\_  
Kathleen S. Cathcart, Town Clerk

## EXHIBIT A

### LEGAL DESCRIPTION:

A tract of land lying and being in the SW1/4NW1/4 and in the E1/2NW1/4 of Section 12, Township 34 North, Range 7 West, N.M.P.M., La Plata County, Colorado, and being more particularly described as follows, to-wit:

BEGINNING at the point where the West boundary line of the said E1/2NW1/4 of Section 12 intersects the South right of way line of U. S. Highway No. 160; from said point of beginning the Northeast Corner of Section 12, Township 34 North, Range 7 West, N.M.P.M., bears North 73° 20' East, 4078.0 feet; Thence running from said point of beginning along said West boundary line of the E1/2NW1/4,

South 0° 04' West, 413.32 feet;  
" " North 89° 56' West, 8.0 feet;  
" " South 0° 04' West, 104.0 feet, to the North right of way line of the County Road;  
" " along said right of way, North 80° 20' East, 224.8 feet;  
" " along said right of way, North 79° 12' East, 200.0 feet;  
" " along said right of way, North 74° 07' East, 200.0 feet;  
" " along said right of way, North 70° 25' East, 200.0 feet;  
" " along said right of way, North 67° 37' East, 200.0 feet;  
" " along said right of way, North 62° 39' East, 200.0 feet;  
" " along said right of way, North 58° 25' East, 145.67 feet, to the West right of way line of said County Road;  
" " along said right of way, North 0° 05' East, 475.94 feet;  
" " along said right of way, North 55° 12' West, 58.0 feet, to the said South right of way line of U. S. Highway No. 160;  
" " along said South right of way line of U. S. Highway No. 160, South 70° 41' West, 1303.42 feet (this line being identical with a State Highway bearing given as South 71° 59' 26" West), to the point of beginning.