

**TOWN OF PARACHUTE, COLORADO  
RESOLUTION NO. 2017-14**

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**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE, COLORADO, CONCERNING THE ANNEXATION OF PROPERTY TO THE TOWN OF PARACHUTE OWNED BY JOHN AND JODY LYONS AND THE JOHN LYONS FAMILY PARTNERSHIP, LP.**

**WHEREAS**, in May 2017, John and Jody Lyons and the John Lyons Family Partnership, LP (“Petitioner”) filed with the Town Clerk of the Town of Parachute, Colorado, a Petition for Annexation (“Petition”), including annexation map, requesting that the Board of Trustees commence proceedings to annex to the Town of Parachute certain unincorporated tracts of land located in the County of Garfield, State of Colorado, described on Exhibit A (the “Annexation Parcels”), attached hereto and incorporated herein by reference;

**WHEREAS**, the Board of Trustees, by Resolution 2017-10, found that Petition in substantial compliance with the requirements of the Municipal Annexation Act of 1965, C.R.S. §31-12-107, as amended, established a date, time, and place for a hearing upon the Petition, and directed the Town Clerk to give notice of the hearing in accordance with C.R.S. §31-12-108(2);

**WHEREAS**, notice of such hearing was published on May 10, May 23, May 30, and ~~May~~ <sup>June</sup> 6, 2017 in the *Post Independent* newspaper;

**WHEREAS**, the public hearing on the Petition was held on June 15, 2017 at a regularly scheduled meeting of the Parachute Board of Trustees, 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 Board of Trustees;

**WHEREAS**, Board of Trustees finds and determines that the hearing upon the Petition is now complete and makes such other findings as required by C.R.S. § 31-12-110; and

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE, COLORADO THAT:**

Section 1. The foregoing recitals are incorporated herein as if set forth in full and are adopted as findings.

Section 2. In accordance with C.R.S. § 31-12-110, the Board of Trustees makes the following findings fact, determinations, and conclusions in regard to the Annexation Parcels:

1. The requirements of Section 30, Article II of the Colorado Constitution have been met, as the signer of the Petition is the owner of one hundred percent (100%) of the territory proposed to be annexed, exclusive of public streets and alleys.

2. The requirements of C.R.S. § 31-12-104, as amended, exist or have been met, including without limitation the following:
  - a. By serial annexation, not less than 1/6th of the perimeter of the Annexation Parcels are contiguous with the Town of Parachute, Colorado.
  - b. A community of interest exists between the Annexation Parcels and the Town of Parachute, Colorado.
  - c. The Annexation Parcels are urban or will be urbanized in the near future.
  - d. The Annexation Parcels are integrated with or is capable of being integrated with the Town of Parachute, Colorado.
  
3. 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 Annexation Parcels, 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:
    - i. has been divided into separate parts or parcels without the written consent of the landowner or landowners thereof; and
    - ii. 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 Town of Parachute, Colorado, of all or part of the territory proposed to be annexed.
  - 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 Town of Parachute more than three (3) miles in any direction from any point on the current municipal boundary of the Town in any one year.
  - e. The Town has or will have in place a plan meeting the requirements of C.R.S. § 31-12-105(e) prior to the effective date of the proposed annexation.

4. No election is required under Section 30(1)(a), Article II of the Colorado Constitution or C.R.S. § 31-12-107(2) for the Annexation Parcels.
5. No additional terms or conditions are to be imposed upon the owners of Annexation Parcels not otherwise agreed to by such owner and as set forth in the Annexation Agreement.
6. Pursuant to C.R.S. § 31-12-108.5, an annexation impact report was prepared by the Town and filed with the Board of County Commissioners of Garfield County
7. It is desirable and necessary that the Annexation Parcels be annexed to the Town of Parachute, Colorado.
8. No election for annexation of the Annexation Parcels to the Town has been held in the preceding twelve (12) months.
9. The annexation to the Town of Parachute, Colorado, of the Annexation Parcels will not result in a change of county boundaries.
10. The Annexation Parcels are not presently a part of any incorporated city, city and county, or town, and are not contiguous to any other incorporated city, city and county, or town.
11. The Petition was found to be in substantial compliance with the requirements of the Municipal Annexation Act of 1965, C.R.S. §31-12-107(1) and the Annexation Parcels are found to be eligible for annexation.
12. On even date herewith, the Board of Trustees of the Town of Parachute, shall, by ordinance, annex the Annexation Parcels described on Exhibit A to the Town of Parachute.

**INTRODUCED, PASSED, ADOPTED, AND APPROVED** by a vote of 4 to 0 of the Board of Trustees and approved by the Mayor of the Town of Parachute, Colorado at a regular meeting held at Town Hall in the Town of Parachute, Colorado, on the 15<sup>th</sup> day of June 2017.



**BOARD OF TRUSTEES OF THE  
TOWN OF PARACHUTE, COLORADO**

By Roy B McClung  
Roy B McClung  
Mayor

**ATTEST:**

Lucy Cordova  
Lucy Cordova  
Town Clerk