

PETITION FOR ANNEXATION

RESERVE AT HOCKETT GULCH - ANNEXATION

TO THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO:

The undersigned (“**Petitioner**”), in accordance with the Municipal Annexation Act of 1965 as set forth in Article 12, Title 31, Colorado Revised Statutes, as amended and as in effect on the submission date set forth below (“**Annexation Act**”), hereby petitions the Board of Trustees of the Town of Eagle, Colorado (“**Board**”), to annex to the Town of Eagle (“**Town**”) the unincorporated territory located in the County of Eagle, State of Colorado, which property is more particularly described by its legal description in **Exhibit A** attached hereto and incorporated herein by reference (“**Property**”). In support of this Petition for Annexation (“**Petition**”) the Petitioner states that:

1. It is desirable and necessary that the Property be annexed to the Town.
2. The requirements of C.R.S. §§ 31-12-104 and 31-12-105, as amended, exist or have been met in that:
 - (a) Not less than one-sixth (1/6) of the perimeter of the Property is contiguous with the Town.
 - (b) A community of interest exists between the Property and the Town.
 - (c) The Property is urban or will be urbanized in the near future.
 - (d) The Property is integrated with or is capable of being integrated with the Town.
 - (e) In establishing the boundaries of the Property, no land which is held in identical ownership, whether consisting of a single tract or parcel of real estate or two (2) or more contiguous tracts or parcels of real estate:
 - (i) is being 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, road or other public way; or
 - (ii) comprising twenty (20) acres or more and together with buildings and improvements situate thereon having a valuation for assessment in excess of Two Hundred Thousand and 0/100 Dollars (\$200,000.00) for ad valorem tax purposes for the year next preceding the proposed annexation, is included in the Property without the written consent of the landowner or landowners.
 - (f) The Property is not presently a part of any incorporated city, city and county, or town; nor have any proceedings been commenced for incorporation or annexation of an area that is part or all of the Property; nor has any election for annexation of the Property or substantially the same territory to the Town been held within the twelve (12) months immediately preceding the filing of this Petition.

- (g) The proposed annexation will not result in detachment of area from any school district or attachment of same to another school district.
 - (h) The annexation of the Property will not have the effect of extending the municipal boundary of the Town more than three (3) miles in any direction from any point of the current municipal boundary.
 - (i) Prior to completion of the annexation of the Property, the Town will have in place a plan for that area, which generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the Town; and the proposed land uses for the area.
 - (j) If a portion of a platted street or alley is to be annexed, the entire width of the street or alley has been included within the territory to be annexed.
 - (k) The proposed annexation will not result in the denial of reasonable access to any landowner, owner of an easement, or owner of a franchise adjoining a platted street or alley which has been annexed by the Town but is not bounded on both sides by the Town.
3. Petition is the landowner of the entirety of the Property and, thus, Petitioner comprises more than fifty percent (50%) of the landowners in the Property owning more than fifty percent (50%) of the Property, excluding public streets, and alleys and any land owned by the annexing municipality, and the Petitioner hereby consents to the establishment of the boundaries of the Property as shown in the annexation maps submitted herewith.
4. This Petition is accompanied by four (4) copies of the annexation map (Reserve at Hockett Gulch Annexation Map) containing, among other things, the following information:
- (a) A written legal description of the boundaries of the Property;
 - (b) A map showing the boundary of the Property, which has been prepared by a registered engineer as evidenced by the engineer's seal;
 - (c) Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks; and
 - (d) Next to the boundary of the Property, a drawing of the contiguous boundary of the Town and the contiguous boundary of any other municipality abutting the Property, and a showing of the dimensions of such contiguous boundaries.
5. The affidavit of the circulator of this Petition certifying that the signature on this Petition is the signature of the person whose name it purports to be and certifying the accuracy of the date of such signature is attached hereto as **Exhibit B** and is incorporated herein by this reference.

6. The proposed annexation of the Property complies with Section 30(1)(b) of Article II of the Colorado Constitution.
7. Petitioner has executed and submitted this Petition for the purposes of, *inter alia*: (a) facilitating annexation, zoning and development approvals for the Property, in form and substance acceptable to Petitioner, to enable Petitioner's development of the Property under the Town's jurisdiction in a manner consistent with Petitioner's future development plans for the Property ("**Entitlements Condition**"); and (b) facilitating resolution of ingress/egress, access approvals/permits, and similar traffic matters ("**Traffic Condition**"). Accordingly, it is Petitioner's intent, and Petitioner has submitted this Petition on the express condition, that Petitioner may withdraw its signature from this Petition at any time prior to the effective date of the annexation in accordance with the provisions of C.R.S. § 32-12-107(1)(e) of the Annexation Act by delivering written notice of such withdrawal to the Town Attorney's Office. If Petitioner withdraws its signature from the petition in accordance with this Section 7, this Petition shall be void and of no further effect.
8. Accordingly, in connection with the processing of this Petition, Petitioner requests that the Town, in order to satisfy the Entitlements Condition and the Traffic Condition, approve the terms of an annexation and development agreement in form and substance acceptable to Petitioner ("**Annexation and Development Agreement**") that addresses the terms and conditions upon which the development of the Property will occur after annexation, including, but not limited to, the terms and conditions pertaining to the Entitlements Condition, the Traffic Condition, and the scope and duration of vested property rights.
9. Upon the annexation of the Property becoming effective, and subject to the conditions set forth in this Petition and to be set forth in the Annexation and Development Agreement, the Property will become subject to all ordinances, rules and regulations of the Town, except for general property taxes of the Town which shall become effective as the January 1 next ensuing following adoption of the annexation ordinance.
10. Except for the terms and conditions contained or referenced in this Petition, which terms and conditions Petitioner expressly approves and therefore do not constitute an imposition of additional terms and conditions within the meaning of C.R.S. §§ 31-12-107(4) and 31-12-110(2) of the Annexation Act, Petitioner requests that no additional terms and conditions be imposed upon annexation of the Property to the Town.

THEREFORE, Petitioner requests that the Board complete and approve the annexation of the Property pursuant to the provisions of the Annexation Act.

[Signature Page Follows This Page]

Respectfully submitted this 7th day of March, 2018.

Signature of Petitioner:

BCP-EAGLE I LLC,
a Colorado limited liability company

By: BRUE CAPITAL PARTNERS, LLC, a
Colorado limited liability company
Its: Manager

By: 
Chad Brue, its Manager

Date of Signature: 3.07.2018

Mailing Address: 1555 Blake Street, Suite 210,
Denver CO 80202

Resident of the Property? NO

EXHIBIT A
TO PETITION FOR ANNEXATION

Legal Description of Property to be Annexed

SURVEYED LEGAL DESCRIPTION:

A TRACT OF LAND DESIGNATED THE MONTGOMERY TRACT LOCATED IN TRACTS 49 AND 50 OF SECTIONS 5 AND 6, TOWNSHIP 5 SOUTH, RANGE 84 WEST OF THE SIXTH PRINCIPAL MERIDIAN IN THE COUNTY OF EAGLE AND STATE OF COLORADO AS DESCRIBED IN THE DEED RECORDED IN BOOK 440 AT PAGE 486, ALL BEARINGS SHOWN HEREON BEING BASED ON A BEARING OF N0°33'00"W BETWEEN STREET MONUMENTS FOUND AT 5TH AND BROADWAY AND 2ND AND BROADWAY BOTH BEING 2" BRASS MONUMENTS IN CAST IRON MONUMENT BOXES, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING A CORNER NO. 1 OF THE MONTGOMERY TRACT FROM WHICH A 1-1/2" ALUMINUM CAP WITNESS CORNER, PLS 23089, ON A 5/8" REBAR BEARS N72°59'13"W 60 FEET AND ALSO FROM WHICH CORNER NO. 1 OF TRACT 49, BEING A FOUND 3" ALUMINUM CAP ON ALUMINUM PIPE, PLS NO. 26967 BEARS N47°02'40"E 586.67 FEET; THENCE N72°59'13"W 730.00 FEET TO THE SOUTHERLY RIGHT OF WAY OF U.S. HIGHWAY 6 AND 24, TO A FOUND 2" ALUMINUM CAP ON A NO. 6 REBAR, PLS NO. 23089; THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING FOUR COURSES:

1. 356.57 FEET ALONG A NON-TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 1529.01 FEET, A TANGENT OF 179.01 FEET, A DELTA ANGLE OF 13°21'42", AND A CHORD THAT BEARS S74°36'16"W 355.77 FEET;
2. N8°42'53"W 49.89 FEET;
3. 104.29 FEET ALONG A NON-TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 1479.08 FEET, A TANGENT OF 52.17 FEET, A DELTA ANGLE OF 4°02'24" AND A CHORD THAT BEARS S83°18'19"W 104.27 FEET;
4. S85°19'31"W 481.28 FEET;

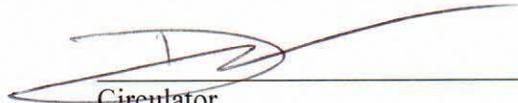
THENCE DEPARTING THE RIGHT OF WAY OF U.S. HIGHWAY 6 AND 24 S40°59'23"E 1.63 FEET TO A FOUND BRAZED CAP, STAMPED "MONTGOMERY TRACT"; THENCE S40°59'23"E 808.14 FEET TO A FOUND 2" BRAZED CAP, STAMPED "MONTGOMERY TRACT"; THENCE S74°48'55"E 1526.35 FEET TO A POINT ON THE TRACT LINE BETWEEN CORNER NO. 1 AND CORNER NO. 6 OF TRACT 49, FROM WHICH CORNER NO. 6, A 3" ALUMINUM CAP ON AN ALUMINUM PIPE, PLS NO. 23089 BEARS S02°33'18"W 14.67 FEET; THENCE ALONG THE 6-1 LINE OF TRACT 49 N02°33'18"E 597.31 FEET; THENCE DEPARTING SAID TRACT LINE N53°18'48"W 497.53 FEET TO THE POINT OF BEGINNING.
Containing 29.65 Acres more or less.

EXHIBIT B
TO PETITION FOR ANNEXATION

Affidavit of Circulator

The undersigned, being of lawful age, who being first duly sworn upon oath deposes and says:

That (s)he was the circulator of the foregoing Petition for Annexation of lands to the Town of Eagle, Colorado, consisting of five (5) pages, including **Exhibits A**, but excluding the page of this **Exhibit B**, and that the signature thereon was witnessed by the circulator and is the true and original signature of the person whose name its purports to be, and that the date of the signature is correct.


_____)
Circulator

STATE OF COLORADO)
)
CITY AND COUNTY OF DENVER)

The foregoing AFFIDAVIT OF CIRCULATOR was subscribed and sworn to before me
this 7th day of March, 2018, by Daniel Metzger.

My commission expires: 2.21.21

Witness my hand and official seal.


_____)
Notary Public

THERESA L WATSON
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20014004819
MY COMMISSION EXPIRES FEB. 21, 2021