

**TOWN OF EAGLE
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on the 22nd day of September, 2020 at 6:00 p.m. at the Eagle Town Hall, 200 Broadway, Eagle, Colorado or via a virtual meeting platform, the Eagle Town Council will hold a public hearing on the following described petition for the annexation of certain territory to the Town of Eagle, Colorado, for the purpose of determining and finding whether the area proposed to be annexed as the “Red Mountain Ranch Annexation” meets the applicable requirements of the Colorado Constitution and the Municipal Annexation Act of 1965, and is considered eligible for annexation.

**PETITION FOR ANNEXATION
RED MOUNTAIN RANCH ANNEXATION**

TO: TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO

RE: PETITION FOR THE ANNEXATION FOR THE RED MOUNTAIN RANCH ANNEXATION TO THE TOWN OF EAGLE AS DESCRIBED IN EXHIBIT A: LEGAL DESCRIPTION OF RED MOUNTAIN RANCH PROPERTY ATTACHED HERETO

The undersigned Petitioners (“**Petitioners**”), in accordance with the provisions of Sections 31-12-101, *et. seq.* Colorado Revised Statutes, (“**C.R.S.**”), the Municipal Annexation Act of 1965, as amended and as in effect on the submission date set forth below (“**Annexation Act**”), hereby petitions the Town Council of the Town of Eagle, Colorado (“**Town**”), for annexation to the Town of land situated in the unincorporated territory located in the County of Eagle, State of Colorado, which property is more particularly described in **Exhibit A: Legal Description of Red Mountain Ranch** attached hereto and incorporated herein by reference (“**Property**”).

In support of this Petition, the Petitioners further state to the Town Council as follows:

1. Annexation of the Property into the Town of Eagle is desirable and necessary.
2. The Property meets the requirements of C.R.S. §31-12-104 and §31-12-105 in that:
 - a. Not less than one-sixth (1/6th) of the perimeter of the Property is contiguous with the Town’s current municipal boundaries.
 - b. A community of interest exists between the Property and the Town; the Property is urban or will be urbanized in the near future; and the Property is integrated with or is capable of being integrated with the Town.
 - c. The Petitioners, Red Mountain Ranch Partnership, LLP, Griffin Development LLC and Eagle River Commercial LLC, are the owners of 100% of the Property as landownership is defined for the purposes of C.R.S. §31-12-107(1)(g); and hereby consent to the

establishment of the boundaries of the territory included in the area proposed to be annexed as shown on the annexation plat submitted herewith.

- d.** The Property is not presently part of any incorporated city, city and county, or town; nor have annexation proceedings been commenced for the annexation to another municipality of 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 twelve (12) months immediately preceding the filing of this Petition.
 - e.** The annexation of the Property will not result in the detachment of area from any school district and the attachment of the same to another school district.
 - f.** The annexation of the Property will not have the effect of extending the boundary of the Town more than three (3) miles in any direction from any point of the Town's boundary in any one (1) year.
 - g.** If a portion of a platted street or alley is to be annexed, the entire width of said street or alley is included within the Property.
 - h.** Reasonable access shall not be denied to landowners, owners of an easement, or the owners of a franchise, adjoining any platted street or alley annexed by the Town but not bounded on both sides by the Town.
 - i.** The requirement of C.R.S. Sections 31-12-105 exist or have been met.
 - j.** Petitioners reserves the right to withdraw this Petition at any time prior to the Town's final approval of the annexation.
 - k.** Petitioners reserve the right to withdraw this Petition if the Town imposes terms and conditions which are in addition to this Petition and the Annexation and Development Agreement.
- 3.** This Petition is accompanied by four copies of an 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;
 - 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 lots and blocks;
 - d.** Next to the boundary of the Property, a drawing of the contiguous boundary of the Town abutting the Property and the contiguous boundary of any other municipality abutting the Property.

4. In connection with the processing of this Petition, the Petitioners request that the Town approve and execute an annexation and development agreement (“**Annexation and Development Agreement**”) which establishes vested property rights for a site specific development plan for the Property for an agreed upon term pursuant to Article 68, Title 24, Colorado Revised Statutes.
5. Petitioners have filed this Petition subject to the following conditions:
 - a. that the Town Council approve an Annexation and Development Agreement concurrently with approval of zoning at the same hearing as and immediately following the Town Council approval of annexation of the Property;
 - b. that the Annexation and Development Agreement and zoning approval are acceptable to the Petitioners, including any revisions or conditions approved by the Town Council at the hearing, which determination by Petitioners shall be made at the hearing or by the end of three (3) business days following the hearing;
 - c. that the Town Council approvals become final and non-appealable;
 - d. the annexation shall not become effective, and neither Petitioners nor the Town shall file the annexation ordinance and map with the Eagle County Clerk and Recorder until after the effective date of both the ordinance approving the annexation and the ordinance approving the zoning and Annexation and Development Agreement; and,
 - e. Petitioners reserve the right to withdraw this Petition if Petitioners object to and reject the Annexation and Development Agreement and/or approval of zoning for the Property, which notice of objection and rejection and withdrawal of this Petition shall be provided in writing to the Town by the end of three (3) business days following the final action by the Town Council to approve the Annexation and Development Agreement and zoning for the Property, and which right of Petitioners to withdraw this Petitioners shall thereafter be waived and released if not exercised timely.
6. Upon the annexation of the Property becoming effective, the Property shall become subject to all ordinances, resolutions, rules and regulations of the Town, except as otherwise set forth in the Annexation and Development Agreement.
7. Except for the terms and conditions of this Petition and of the Annexation and Development Agreement, which terms and conditions the Petitioners expressly approves and therefore do not constitute an imposition of additional terms and conditions within the meaning of C.R.S. §31-12-107(1)(g), Petitioners request that no additional terms and conditions be imposed upon annexation of the Property to the Town.

THEREFORE, PETITIONERS RESPECTFULLY REQUEST that the Town Council of the Town of Eagle, Colorado approve and complete the annexation of the Property pursuant to the provisions of the Municipal Annexation Act of 1965, as amended.

LEGAL DESCRIPTION

A parcel of land situated in Sections 26, 27, 33, and 34, Township 4 South, Range 84 West, of the Sixth Principal meridian, being a portion of Tracts 58, 59 and 70, of said Township and Range, County of Eagle, State of Colorado, being a portion of those lands described in Land Survey Plat Records, more particularly described as follows:

Beginning at a point on the south line of Highway 6 right of way and subject property; thence departing said south line S 73° 54' 09" E, 166. 17 feet; thence N 83° 53' 51" E, 164. 57 feet; thence N 03° 16' 32" E, 207. 75 feet; thence N 88° 53' 49" E, 1444. 68 feet; thence N 00° 03' 48" E, 1304. 45 feet; thence N 89° 56' 08" E, 1452. 88 feet; thence N 01° 26' 49" W, 410.52 feet to the approximate centerline of the Eagle River; thence along said approximate centerline of the Eagle River S 74° 05' 42" E, 61. 00 feet; thence N 89° 29' 45" E, 168. 06 feet; thence N 60° 21' 13" E, 237. 26 feet; thence N 41° 29' 08" E, 382. 43 feet; thence N 36° 38' 50" E, 287. 00 feet; thence N 47° 37' 56" E, 301. 83 feet; thence N 53° 45' 25" E, 221. 64 feet; thence N 56° 52' 49" E, 306. 49 feet; thence N 67° 43' 57" E, 484. 77 feet; thence S 85° 00' 54" E, 131. 72 feet; thence S 75° 53' 38" E, 341. 87 feet; thence N 83° 57' 06" E, 341. 07 feet; thence N 71° 13' 40" E, 310. 58 feet; thence N 57° 40' 11" E, 499. 51 feet; thence N 42° 33' 26" E, 259. 34 feet; thence N 32° 48' 52" E, 262. 87 feet; thence N 21° 21' 27" E, 271. 70 feet; thence N 18° 01' 29" E, 171. 02 feet; thence N 38° 30' 11" E, 154.44 feet; thence N 52° 40' 07" E, 201. 11 feet; thence departing said approximate centerline of the Eagle River N 26° 50' 41" W, 63. 81 feet to the south line of Highway 6 right of way; thence along said south line of Highway 6 right of way S 63° 08' 01" W, 3932. 72 feet; thence in a southwesterly direction with an on -tangent curve turning to the left with a radius of 11410.00 feet, having a chord bearing of S 61° 05' 01" W and a chord distance of 816. 31 feet, having a central angle of 04° 06' 00" and an arc length of 816. 48 feet; thence S 59° 02' 01" W, 2572. 80 feet; thence in a southwesterly direction with a tangent curve turning to the left with a radius of 2242. 00 feet, having a chord bearing of S 42° 41' 01" W and a chord distance of 1262. 26 feet, having a central angle of 32° 42' 00" and an arc length of 1279. 56 feet to a 1350; thence S 26° 20' 01" W, 267. 31 feet to the Point of Beginning.

Containing 106. 194 acres more or less.

Any person may appear at such hearing and present evidence upon any matter to be considered by the Town Council.

TOWN OF EAGLE, COLORADO

By: _____/s/_____
Jenny Rakow, Town Clerk

Publication Dates:
August 6, 2020
August 13, 2020
August 20, 2020
August 27, 2020
September 3, 2020