

**RESOLUTION 23-04**

**A RESOLUTION OF THE TOWN OF EMPIRE, COLORADO MAKING FINDINGS OF FACTS AND CONCLUSIONS UPON THE PETITION FOR ANNEXATION OF HARMONY DOMES TO THE TOWN OF EMPIRE**

**WHEREAS**, on May 12, 2021, a petition for annexation was filed with the Town Clerk of the Town of Empire, Colorado, and a request was made that the Board of Trustees of the Town of Empire, Colorado commence proceedings to annex to the Town a certain unincorporated parcel of land located in Clear Creek County, Colorado and described in **Exhibit A**; and

**WHEREAS**, on April 4, 2023, the petition for annexation was determined to be in substantial compliance with the requirements of C.R.S. § 31-12-107(1), with approval of Resolution 23-03; and

**WHEREAS**, on April 4, 2023, the Board by Resolution 23-03 found the petition for annexation to be in substantial compliance with the requirements of the Municipal Annexation Act of 1965, C.R.S. § 31-12-101 et seq.; and

**WHEREAS**, by Resolution 23-03 the Board set May 16<sup>th</sup>, 2023 at 7:00 PM in Town Hall, as the time and place for holding a hearing upon the annexation petition, for the purpose of determining and finding whether the parcel of land proposed to be annexed meets the applicable requirements of C.R.S. § § 31-12-104 and 31-12-105 and is considered eligible for annexation; and

**WHEREAS**, the Town Clerk gave notice of the hearing to be held upon the petition for annexation by causing notice thereof to be published on April 13<sup>th</sup>, April 20<sup>th</sup>, April 27<sup>th</sup>, and May 4<sup>th</sup>, 2023 in the Clear Creek Courant, a newspaper of general circulation in the area proposed to be annexed; and

**WHEREAS**, a hearing was held on May 16<sup>th</sup>, 2023, where evidence and testimony were heard pertaining to the purpose of this annexation, at the conclusion of which the Board considered the evidence and testimony so introduced, and by the Resolution sets forth its findings of fact and conclusions based thereon.

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

**Section 1.** The finding of fact and conclusions based upon the evidence and testimony received at the hearing held upon the petition for annexation as set forth above are as follows:

1. The requirements of C.R.S. § 31-12-104 exist or have been met, including without limitation, the following:

- a. Not less than 1/6<sup>th</sup> of the perimeter of the parcel of land proposed to be annexed are contiguous with the Town of Empire, Colorado.
  - b. A community of interest exists between the parcel of land described in Exhibit A hereof and the Town of Empire, Colorado.
  - c. The area proposed to be annexed is urban or will be urbanized in the near future.
  - d. The area proposed to be annexed is integrated with or is capable of being integrated with the Town of Empire, Colorado.
  - e. No election for annexation of the parcel of land to the Town of Empire, Colorado has been held in the preceding twelve months.
2. The requirements of C.R.S. § 31-12-105 exist or have been met, including without limitation, the following:
- a. In establishing the boundaries of the parcel of land proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts of real estate:
    - i. Has been 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, roadway, or other public way; or
    - ii. Comprises twenty acres or more together with buildings and improvements situated thereon having a valuation for assessment in excess of \$200,000 for ad valorem tax purposes for the year preceding the proposed annexation.
  - b. No annexation proceedings have been commenced for the annexation to a municipality other than the Town of Empire, Colorado of all or part of the parcel of land proposed to be annexed.
  - c. The annexation proposed in the petition will not result in the detachment of the parcel of land from any school district and the attachment of the same in another school district.
  - d. The annexation proposed in the petition will not have the effect of extending the municipal boundary of the Town of Empire, Colorado more than three miles in any direction from any point on the current municipal boundary of the Town.
3. The signers of the petition for annexation are the owners of one hundred percent of the parcel of land proposed to be annexed, exclusive of public streets and alleys.
  4. The annexation to the Town of Empire, Colorado of the parcel of land proposed to be annexed will not result in a change of county boundaries.
  5. The parcel of land proposed to be annexed is not presently a part of any incorporated city, city and county, or town and is not contiguous to any other incorporated city, city and county, or town.
  6. An election to determine whether or not the parcel of land proposed to be annexed should be annexed to the Town of Empire, Colorado, is not required by C.R.S. § 31-12-107(2).
  7. No additional terms or conditions shall be imposed upon the parcel of land proposed to be annexed by the annexation thereof to the Town of Empire, Colorado.

**Section 2.** The parcel of land described in **Exhibit A** meets the requirements of C.R.S. § § 31-12-104 and 31-12-105 and is eligible for annexation to the Town of Empire, Colorado.

**Section 3.** The parcel of land described in Exhibit A shall be annexed to the Town of Empire, Colorado, by ordinance.

**ADOPTED THIS 16TH DAY OF MAY 2023.**

TOWN OF EMPIRE, COLORADO



Mayor Wendy Koch

ATTEST:



Town Clerk Jeannette Piel

## EXHIBIT A

EMMA, BUTTE & HECKLA LODES M.S. NO. 15847  
THE CAMBRIAN LODE, M.S. NO. 12083,  
AND THE GOLD DUST LODE, M.S. NO. 1699A  
AND VARIOUS GOVERNMENT LOTS WITHIN SECTION 28, T3S, R74W, 6TH P.M.  
COUNTY OF CLEAR CREEK, STATE OF COLORADO  
Located east of 433 East Park, on the north side of U.S. 40.

Attached to and forming a part of Deed from Larry E. Romine Trust dated November 1, 1989  
and Laura D. Romine Trust dated November 1, 1989 to Vasyi Kostiuk in Severalty

### Parcel A:

Lot 7, Block 43, and that unnumbered portion of Block 43 lying Easterly of said Lot 7, Block 43,  
Town of Empire, and that portion of the Gold Dust Lode Mining Claim, U.S. Mineral Survey  
No. 1699A, Shown as Gold Dust Addition on Monumented Land Survey Plat recorded August  
25, 1987, in Book 456, Page 741, County of Clear Creek, State of Colorado.

### Parcel B:

The Emma Lode Mining Claim, U.S. Mineral Survey No. 15847, as described in U.S. Patent  
dated December 29, 1904, and recorded April 6, 2021, in Book 1009, Page 413,  
Excepting therefrom any portion embraced in Survey Nos. 1088A, 1262, 1699A, 11584, 11879,  
and 12088, and the Dimericus and Harrison Lode Claims, unsurveyed, and the Empire Townsite,  
as excepted in said Patent,  
Together with Government Lots 29, 33, and 34, Section 28, Township 3 South, Range 74 West of  
the 6<sup>th</sup> P.M.,  
Together with a tract of land located in Section 28, Township 3 South, Range 74 West of the 6<sup>th</sup>  
P.M., more particularly described as follows:  
Beginning at the point of intersection of Line 4-3 of the Paymaster Lode Mining Claim, U.S.  
Mineral Survey No. 1088A with Line 3-4 of said Emma Lode; thence Northwesterly along Line  
3-4 of said Emma Lode to the point of intersection with Line 1-2 of the Harrison Lode Mining  
Claim, U.S. Mineral Survey No. 18187; thence Northeasterly along Line 1-2 of said Harrison  
Lode to the point of intersection with Line 3-2 of the unlotted Golden Eagle Lode Mining Claim,  
U.S. Mineral Survey No. 15847; thence Southeasterly along Line 3-2 of said unlotted Golden  
Eagle Lode to the point of intersection with Line 3-4 of said Paymaster Lode; thence  
Southwesterly along Line 3-4 of said Paymaster Lode to the point of intersection with Line 3-4  
of said Emma Lode, the Point of Beginning,  
Combined into a single parcel by Combination of Lots Agreement recorded October 8, 2013, in  
Book 877, Page 482, County of Clear Creek, State of Colorado.