



**703 Weld County Road 37
BOARD OF TRUSTEES
SPECIAL MEETING AGENDA
AND NOTICE OF SPECIAL MEETING
February 12, 2024
5:30 p.m.**

This special meeting will be held via Zoom and in the Town Hall Board Room, 703 WCR 37, Lochbuie, Colorado. The public is welcome to join us in the Board Room or view by accessing the meeting through the following Zoom link:

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/85804161819>

Or One tap mobile :

+17193594580,,85804161819# US

+12532158782,,85804161819# US (Tacoma)

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

+1 719 359 4580 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 444 9171 US

+1 669 900 9128 US (San Jose)

+1 253 205 0468 US

+1 646 931 3860 US

+1 689 278 1000 US

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 360 209 5623 US

+1 386 347 5053 US

+1 507 473 4847 US

+1 564 217 2000 US

+1 646 558 8656 US (New York)

Webinar ID: 858 0416 1819

International numbers available: <https://us02web.zoom.us/j/85804161819>

AGENDA

1. CALL TO ORDER

2. ROLL CALL

Michael Mahoney, Mayor

Jamie Jeffery, Mayor Pro-Tem

May Wescott, Trustee

Kat Bristow, Trustee

Dawn Coen, Trustee

Jacklyn White, Trustee

Peggy Tapey, Trustee

3. APPROVAL OF AGENDA

4. ACTION ITEMS

- a. Public Hearing on whether South Weld Annexation No. 2 as more particularly described in Resolution No 2024-06, approved January 12, 2024, meets the applicable requirements of Section 30 of Article II of the Colorado Constitution and C.R.S. § 31-12-104 and C.R.S. § 31-12-105, and is eligible for annexation to the Town of Lochbuie.

**This public hearing to be opened and continued to February 20, 2024, at 6:30 pm at Town Hall, 703 Weld County Road 37 and by Zoom (instructions to be posted on the Town web site at least 24 hours in advance.)
The proceedings related to this matter are being held in abeyance pursuant to CRS Section 31-12-114.**

- b. Public Hearing on whether South Weld Annexation No. 3 as more particularly described in Resolution No 2024-07, approved January 12, 2024 meets the applicable requirements of Section 30 of Article II of the Colorado Constitution and C.R.S. § 31-12-104 and C.R.S. § 31-12-105, and is eligible for annexation to the Town of Lochbuie.

**This public hearing to be opened and continued to February 20, 2024, at 6:30 pm at Town Hall, 703 Weld County Road 37 and by Zoom (instructions to be posted on the Town web site at least 24 hours in advance.)
The proceedings related to this matter are being held in abeyance pursuant to CRS Section 31-12-114.**

- c. Public Hearing and, to follow, consideration of Ordinance 2024-691, annexing certain territory to the Town known as the South Weld Annexation No. 1 and approving an agreement.

5. EXECUTIVE SESSION

- a. Executive Session Pursuant to C.R.S. § 24-6-402(4)(b) with Town legal counsel to discuss ongoing litigation related to annexation.

6. ADJOURN

The Board may convene a lawfully called executive session at any time during a regular or special meeting of the Board. Michael Mahoney, Mayor of Lochbuie, has authorized issuance of this Notice of Special Meeting in accordance with the requirements of Section 2-2-60 of the Lochbuie Municipal Code.



Agenda Item Summary

MEETING DATE: Board of Trustees – February 12, 2024
SUBJECT: Ordinance 2024-691 (South Weld Holdings Annexation No. 1)
PRESENTED BY: Chris Kennedy, Community Development Director
Maureen Juran, Town Attorney

SUMMARY

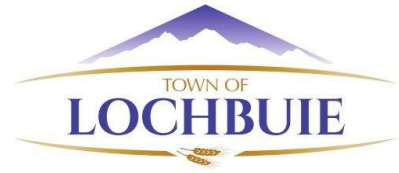
This is a request for the Board of Trustees to approve Ordinance 2024-691 annexing certain territory known as the South Weld Holdings Annexation No. 1, consisting of 194.37 acres located at the northeast corner of the WCR 4 and I-76 intersection. Annexation No. 1 also contains the portion of WCR 4 between WCR 39 and WCR 41 (the property subject to Annexation No. 1 is hereafter referred to as the “Property”).¹

Board action will be taken following the statutorily required public hearing. Notice of such public hearing has been published in accordance with state law. The affidavit of publication is made part of the record on the hearing.

Ordinance 2024-691 also approves a memorandum of understanding (MOU) articulating the intent of the Town and the Developer to execute a final annexation agreement prior to June 30, 2024. If the annexation is approved, state statute will require that the property be assigned Town zoning by June 11, 2024. Staff anticipates returning to the Board at that time for consideration of zoning and the final annexation agreement.

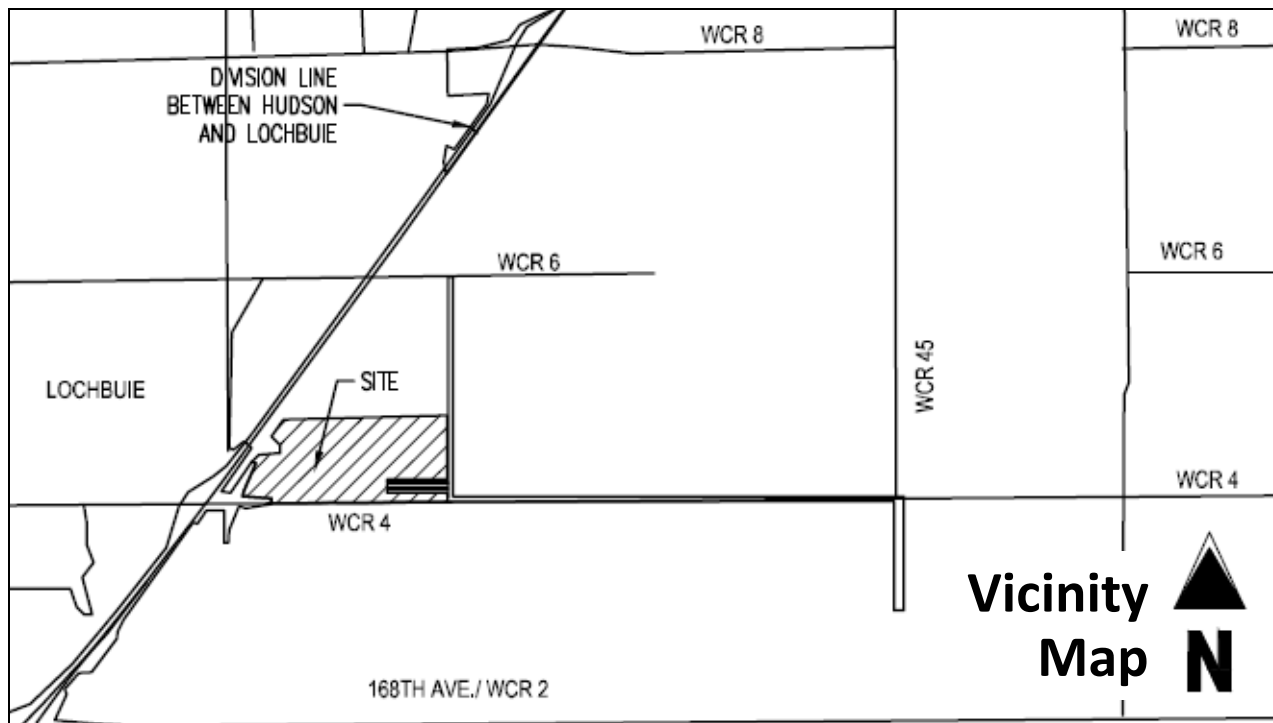
Pursuant to the MOU, if the Town and the Developer do not execute a final annexation agreement by such date, the annexation ordinance and maps will not be recorded with Weld County, the annexation will not be completed, and the property will remain unincorporated.

¹ The same petitioner has also filed petitions for two separate but related annexations, South Weld Holdings Annexation Nos. 2 and 3, which include portions of WCR 41, WCR 4 and WCR 45. Those petitions are being processed separately and are not addressed in this report.



DISCUSSION

The Property is owned by South Weld Holdings, LLC and contains three undeveloped tracts of land and one parcel dedicated to oil and gas uses. The Property is currently zoned A (Agricultural) in unincorporated Weld County. The Property is located within Lochbuie's future growth area, as identified in the 2018 Comprehensive Plan, and is designated for a variety of commercial and residential uses. The Developer currently identifies the anticipated land use for the property as "flex," which means that the precise locations of specific land uses on the property have not been finalized. As a result, Town staff and the Developer have not yet identified specific Town zoning districts that will be assigned to the property.



When the Property is annexed, the jurisdiction that governs it will change from Weld County to the Town of Lochbuie. State law requires that property annexed to the Town be assigned Town zoning within 90 days of the effective date of the annexation (120 days after the date of Board approval). Staff is working with the Developer to determine the appropriate zoning for the property and will return within the ninety-day period to present the proposed zoning for consideration by the Board.

Ordinance 2024-691 also approves a memorandum of understanding (MOU) articulating the intent of the Town and the Developer to execute a final annexation agreement by June 30, 2024. The final annexation agreement will outline requirements related to land use, utilities, transportation,



drainage, and other aspects of development. Staff anticipates presenting the agreement to the Board for consideration when zoning is assigned. Pursuant to the MOU, if the Town and the Developer cannot execute an agreement, the annexation ordinance and maps will not be recorded with Weld County, the annexation will not be completed, and the property will remain unincorporated.

REQUIRED FINDINGS

The following is an analysis of the request as it relates to the three findings that the Board is required to make prior to the annexation of the property as outlined in C.R.S. § 31-12-110. The analysis includes staff confirmation of compliance with relevant requirements.

Finding No. 1: Applicable requirements of Section 30 of Article II of the Colorado Constitution and C.R.S. §§ 31-12-104 and 31-12-105 have been met.

The proposed annexation of the Property satisfies the applicable requirements of C.R.S. § 31-12-104 and § 31-12-105 related to the following topics as follows:

- a) Contiguity – Staff has confirmed that the proposed annexation complies with C.R.S. § 31-12-104(1)(a), which requires that one-sixth of the perimeter of each of the areas proposed to be annexed be contiguous with existing Town boundaries. The required contiguity may be established through the annexation of multiple parcels in a series (including segments of public roadway) that may be considered simultaneously. South Weld Annexation No. 1 proposes to annex three parcels in a series in compliance with the requirements of C.R.S. § 31-12-104(1)(a).
- b) Community of Interest – Staff has confirmed that the proposed annexation complies with C.R.S. § 31-12-104(1)(b), which requires that a “community of interest” exists between the Town and the annexation area; the annexation area will be urbanized in the near future; and the area is capable of being integrated with the Town. The Property is adjacent to existing Town boundaries and I-76 in an area where urban growth is imminent. In addition, C.R.S. § 31-12-104(1)(b) states that “community of interest” requirements are met when properties proposed for annexation meet state contiguity requirements. As discussed, South Weld Annexation No. 1 stands in compliance with the requirements of C.R.S. § 31-12-104(1)(a) related to contiguity. For these reasons, a community of interest is believed to exist between the Town and the area proposed for annexation.
- c) Partial Annexations – Staff has confirmed that the proposed annexation complies with C.R.S. § 31-12-105(1)(a), which prohibits lands held in identical ownership from being divided into



separate parcels without the written consent of the landowner(s) unless separated by a street, road or other public way. Small portions of one of the tracts associated with South Weld Annexation No. 1 are proposed for annexation through other petitions, which could divide the parcel in this context. However, the Petition for South Weld Annexation No. 1 has been executed by South Weld Holdings, LLC, which owns 100% of the Property, exclusive of public rights-of-way. The signed petition constitutes the written consent required to split the parcel across multiple annexations.

- d) Assessed Value – Staff has confirmed that the proposed annexation complies with C.R.S. § 31-12-105(1)(b), which prohibits lands held in identical ownership, comprising 20 acres or more and with an assessed value of \$200,000 to be included in the proposed annexation area without the written consent of the landowners. Such conditions do not apply in this case. The Petition has been executed by all owners of the Property. No property has been included in the proposed annexation area without the written consent of the landowners.
- e) Conflicting Annexations – Staff has confirmed that the proposed annexation complies with C.R.S. § 31-12-105(1)(c), which states that annexation petitions are invalid “when annexation proceedings have been commenced for the annexation of part or all of such territory to another municipality, except in accordance with the provisions of section 31-12-114.” No part of the Property proposed for annexation in South Weld Holdings Annexation No. 1 is in the process of being annexed into another municipality.
- f) School District Detachment – Staff has confirmed that the proposed annexation complies with C.R.S. § 31-12-105(1)(d), which prohibits the area proposed for annexation from resulting in detachment from any school district or the attachment of the same to another school district. The Property will remain in the RE3J School District.
- g) Three-Mile Planning Area – Staff has confirmed that the proposed annexation complies with C.R.S. § 31-12-105(1)(e), which prohibits the Town from extending its municipal boundary more than three miles in any direction within one year and requires the Town to have a plan in place for the Three-Mile Planning Area prior to annexation. The South Weld Annexation No. 1 extends less than one mile to the east. Pursuant to C.R.S. § 31-12-105, the 2018 Lochbuie Comprehensive Plan constitutes the “plan in place” referenced in C.R.S. § 31-12-105(1)(e). Pursuant to C.R.S. § 31-12-108.5, the applicant has also submitted an Annexation Impact Report, which references other master plans put in place by the Town to provide this area with water and sewer services.
- h) ROW-Adjacent Property Owners – Staff has confirmed that the proposed annexation complies with C.R.S. § 31-12-105(1)(e.3), which requires municipalities that are annexing rights-of-way



to provide notice of the proposed annexation to property owners adjacent to those rights-of-way and provide those adjacent property owners the opportunity to annex into the municipality if they so desire. Staff provided the required notice of the proposed South Weld Holdings Annexation No. 1 to all property owners adjacent to the Weld County Road 4 right-of-way that is proposed for annexation with that petition. To date, no property owners have chosen to move forward with the annexation of their property.

- i) Annexing Full-width of ROW – Staff has confirmed that the proposed annexation complies with C.R.S. § 31-12-105(1)(f), which requires municipalities that are annexing road rights-of-way to annex the full width of a given road right-of-way. South Weld Holdings Annexation No. 1 includes a portion of Weld County Road 4 right-of-way and the entire width of that portion of right-of-way is proposed for annexation.

Finding No. 2: An election is not required under Section 31-12-107(2), C.R.S.

Staff has confirmed that the proposed annexation complies with C.R.S. § 31-12-107(2), which requires compliance with Article II, Section 30 of the State Constitution, which states that an unincorporated area may be annexed without an election if the annexation petition has been signed by more than fifty percent of the landowners in the area owning more than fifty percent of the land, excluding public streets and alleys. South Weld Holdings, LLC, owns 100% of the Property, exclusive of streets and alleys. Therefore, no election is required.

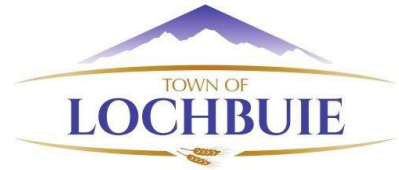
Finding No. 3: No additional terms and conditions are to be imposed.

No additional terms/conditions are recommended by staff at this time.

OTHER ISSUES

As required by state law (Municipal Annexation Act of 1965), the Board of Trustees approved a resolution on January 12, 2024, determining that the petition submitted for this annexation is in “substantial compliance” with C.R.S. Section 31-12-107 and setting the date for the required public hearing before the Board of Trustees between thirty and sixty days from the effective date of the resolutions, in compliance with C.R.S. 31-12-108.

Notice has also been provided as required by C.R.S. § 31-12-108 and C.R.S. § 31-12-105, including publication of a public hearing notice (and relevant attachments) in a newspaper of general circulation (Denver Post), provision of relevant annexation materials to the Weld County Board of Commissioners and Weld County Attorney, and provision of the public hearing notice and



notification of the opportunity to annex into Lochbuie to all property owners adjacent to public rights-of-way proposed for annexation.

RECOMMENDATION

Pursuant to C.R.S. Section 31-12-10 and 11, if the Board of Trustees finds that the criteria above have been met, then the Board may annex the land by ordinance. Staff believes the criteria to be satisfied, based on previously presented evidence. As a result, staff recommends the Board approve the request by adopting Ordinance 2024-691 using the following motion:

“I move that the Board of Trustees adopt Ordinance No. 2024-691, an ordinance of the Town of Lochbuie, Colorado, annexing certain territory to the Town known as the South Weld Annexation No. 1.”

ATTACHMENTS:

Annexation Petition

Annexation Map

Ordinance No. 2024-691 – South Weld Annexation No. 1

**TOWN OF LOCHBUIE
COUNTIES OF WELD AND ADAMS
STATE OF COLORADO
ORDINANCE NO. 2024-691**

**AN ORDINANCE OF THE TOWN OF LOCHBUIE, COLORADO
ANNEXING CERTAIN TERRITORY TO THE TOWN KNOWN AS THE
SOUTH WELD ANNEXATION NO. 1**

WHEREAS, the Town Board of Trustees of the Town of Lochbuie, Colorado, received and examined a Petition for Annexation submitted by South Weld Holdings, LLC (“Petitioner”) requesting the annexation to the Town of Lochbuie of certain real property generally described as South Weld Annexation No. 1, consisting of three separate annexation parcels of unincorporated areas to be serially annexed by this ordinance to the Town of Lochbuie, Colorado, each such parcel as described in **Exhibit 1** attached hereto as Annexation Parcel No. 1, (“Parcel 1”), Annexation Parcel No. 2 (“Parcel 2”) and Annexation Parcel No. 3 (“Parcel 3”), such three parcels totaling together 194.37 acres more or less (hereinafter Parcel 1, Parcel 2 and Parcel 3 referred to as the “Property”); and

WHEREAS, the Property is located in an unincorporated area of Weld County, Colorado; and

WHEREAS, the Town Board of Trustees finds that, pursuant to the findings set forth in Resolution No. 2024-05:

- That the Property, as serially annexed by this ordinance, meets the applicable requirements of Section 30 of Article II of the Colo. Constitution and §§ 31-12-104 and 31-12-105, C.R.S., and is eligible for annexation to the Town of Lochbuie;
- That an election is not required under the applicable requirements of Section 30(1)(a) of Article II of the Colo. Constitution and § 31-12-107(2), C.R.S.; and
- That no additional terms or conditions are imposed which would require an election under § 31-12-112(1), C.R.S.; and

WHEREAS, the Town Board of Trustees held a duly noticed public hearing to consider annexation of the Property, notice of which was duly published in accordance with the requirements set forth in Section 31-12-108(2), C.R.S. in the *Denver Post* on January 13, 2024, January 20, 2024, January 27, 2024 and February 3, 2024; and

WHEREAS, annexation of the Property will not result in detachment of any area from any school district and the attachment of the same to another school district; and

WHEREAS, annexation proceedings to annex the Property have not commenced for annexation of all or part of the Property to another municipality; and

WHEREAS, the Board of Trustees finds that it is in the best interests of the Town to annex the Property into the Town; and

WHEREAS, the Board of Trustees finds that this ordinance is necessary to protect the public health, safety and welfare as set forth herein.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LOCHBUIE, WELD AND ADAMS COUNTIES, COLORADO:

Section 1. Recitals Incorporated. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the Board of Trustees.

Section 2. Serial Annexation Parcel 1. Parcel 1 of the Property as more particularly described in **Exhibit 1** attached hereto is hereby annexed to and included within the corporate limits of the Town of Lochbuie, Colorado, in accordance with law.

Section 3. Serial Annexation Parcel 2. To follow the action in Section 2 above, Parcel 2 of the Property as more particularly described in **Exhibit 1** attached hereto is hereby annexed to and included within the corporate limits of the Town of Lochbuie, Colorado, in accordance with law.

Section 4. Serial Annexation Parcel 3. To follow the action in Section 3 above, Parcel 3 of the Property as more particularly described in **Exhibit 1** attached hereto is hereby annexed to and included within the corporate limits of the Town of Lochbuie, Colorado, in accordance with law.

Section 5. Approval of Memorandum of Agreement. The Board of Trustees hereby approves the Memorandum of Agreement between the Town and the Petitioner as attached hereto as **Exhibit 2** and authorizes the Mayor to execute and deliver the same on behalf of the Town.

Section 6. Direction to Town Staff. The Board of Trustees hereby directs all Town staff (“Staff”) that upon *and only after the execution by the Town and by the Petitioner of a mutually acceptable annexation and development agreement (the “Annexation Agreement”)* that directs the Town to do so, Staff shall complete all necessary procedures required for annexation of said Property to the Town including: (1) filing for recording three certified copies of this Annexation Ordinance and the maps of the annexed Property containing a legal description of the Property annexed hereby (“Annexation Map”) with the Weld County Clerk and Recorder, and (2) filing the original of this Annexation Ordinance together with a copy of the Annexation Map with the Town Clerk of the Town of Lochbuie, Colorado (collectively, the “Ordinance and Map Filings”). Under no circumstances shall the Staff cause the Ordinance and Map Filings to occur unless and until the Town and the Petitioner both duly execute a mutually acceptable Annexation Agreement that includes the express agreement that the Ordinance and Map Filings shall be made.

Section 7. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Board of Trustees hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and

includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

Section 8. Safety Clause. The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Lochbuie, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relationship to the proper legislative object sought to be obtained.

Section 9. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 10. Effective Date. This Ordinance shall take effect thirty (30) days after publication, as provided by C.R.S. § 31-16-105 and Sections 1-3-60 and 2-2-110 of the Lochbuie Municipal Code.

ADOPTED by a vote of ___ in favor, __ against and ___ abstaining, AND ORDERED PUBLISHED by title only this 12th day of February, 2024.

TOWN OF LOCHBUIE, COLORADO

Michael Mahoney, Mayor

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Lochbuie at its meeting of _____, 2024, and ordered published by title only one time by *The Brighton Blade* newspaper on _____, 2024.

[SEAL]

Heather Bowen, Town Clerk

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Lochbuie at its meeting of _____, 2024, and ordered published by title only one time by *The Brighton Blade* newspaper on _____, 2024.

Heather Bowen, Town Clerk

Approved as to Form:

Town Attorney

Exhibit 1

(Legal description of Property – South Weld Annexation No. 1)

(AREA TO BE ANNEXED TO TOWN OF LOCHBUIE)

ANNEXATION PARCEL NO. 1 DESCRIPTION

A TRACT OF LAND BEING A PORTION OF PARCEL A, RECORDED EXEMPTION NO. 1473-29-4 RE-411, RECORDED AT RECEPTION NO. 1802825 IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 65 WEST OF THE 6TH P.M., WELD COUNTY, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF PARCEL A, RECORDED EXEMPTION NO. 1473-29-4 RE-411, RECORDED AT RECEPTION NO. 1802825 IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE AND CONSIDERING THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 29 TO HAVE AN ASSUMED BEARING OF N 00°23'01" W, MONUMENTED AT THE SOUTHWEST CORNER OF SAID SECTION 29 BY NO. 6 REBAR OF UNKNOWN LENGTH WITH AN ATTACHED 3-1/4"ALUMINUM CAP STAMPED "LS 23520 WELD CO., 2002" AND TO THE NORTH BY A NO. 6 REBAR OF UNKNOWN LENGTH WITH NO CAP, AS SHOWN HEREON AND WITH ALL OTHER BEARINGS RELATIVE THERETO;

THENCE ON THE WESTERLY AND NORTHERLY LINES OF SAID RECORDED EXEMPTION FOR THE FOLLOWING THREE (3) COURSES;

1. N18°26'29"E, A DISTANCE OF 412.52 FEET;
2. N27°54'59"E, A DISTANCE OF 234.01 FEET;
3. N89°29'09"E, A DISTANCE OF 22.74 FEET;

THENCE S27°54'59"W, A DISTANCE OF 113.71 FEET;

THENCE N89°29'09"E, A DISTANCE OF 1264.35 FEET;

THENCE S00°00'00"E, A DISTANCE OF 30.00 FEET;

THENCE S89°29'09"W, A DISTANCE OF 1280.32 FEET;

THENCE S27°54'59"W, A DISTANCE OF 95.35 FEET;

THENCE S18°26'29"W, A DISTANCE OF 404.07 FEET TO THE SOUTH LINE OF SAID PARCEL A;

THENCE S89°41'32"W, A DISTANCE OF 21.12 FEET ON SAID SOUTH LINE TO THE POINT OF BEGINNING.

PARCEL CONTAINS 51,108 SQUARE FEET OR 1.173 ACRES, MORE OR LESS.

ANNEXATION PARCEL NO. 2 DESCRIPTION

A TRACT OF LAND BEING A PORTION OF PARCEL A, RECORDED EXEMPTION NO. 1473-29-4 RE-411, RECORDED AT RECEPTION NO. 1802825 IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 65 WEST OF THE 6TH P.M., WELD COUNTY, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF PARCEL A, RECORDED EXEMPTION NO. 1473-29-4 RE-411 RECORDED AT RECEPTION NO. 1802825 IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE AND CONSIDERING THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 29 TO HAVE AN

ASSUMED BEARING OF N 00°23'01" W, MONUMENTED AT THE SOUTHEAST CORNER OF SAID SECTION 29 BY NO. 6 REBAR OF UNKNOWN LENGTH WITH AN ATTACHED 3-1/4"ALUMINUM CAP STAMPED "LS 23520 WELD CO., 2002" AND TO THE NORTH BY A NO. 6 REBAR OF UNKNOWN LENGTH WITH NO CAP, AS SHOWN HEREON AND WITH ALL OTHER BEARINGS RELATIVE THERETO;

THENCE N89°41'32"E, A DISTANCE OF 21.12 FEET TO THE POINT OF BEGINNING;

THENCE N18°26'29"E, A DISTANCE OF 404.07 FEET;

THENCE N27°54'59"E, A DISTANCE OF 95.35 FEET;

THENCE N89°29'09"E, A DISTANCE OF 1280.32 FEET;

THENCE N00°00'00"E, A DISTANCE OF 30.00 FEET;

THENCE S89°29'09"W, A DISTANCE OF 1264.35 FEET;

THENCE N27°54'59"E, A DISTANCE OF 113.71 FEET TO THE NORTHERLY LINE OF SAID PARCEL A;

THENCE N89°29'09"E, A DISTANCE OF 2749.44 FEET ON SAID NORTHERLY LINE TO THE WESTERLY LINE OF A DEED RECORDED AT RECEPTION NO. 4674628 IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE;

THENCE ON THE WESTERLY LINES OF SAID DEED FOR THE FOLLOWING FIVE (5) COURSES

1. S05°51'17"E, A DISTANCE OF 70.27 FEET;
2. ON A CURVE TO THE LEFT, HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 40°22'33", A DISTANCE OF 70.47 FEET, A CHORD BEARING OF S26°02'35"E WITH A CHORD DISTANCE OF 69.02 FEET;
3. S46°13'54"E, A DISTANCE OF 554.63 FEET;
4. ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 55.00 FEET, A CENTRAL ANGLE OF 45°43'00", A DISTANCE OF 43.88 FEET, A CHORD BEARING OF S23°22'25"E WITH A CHORD DISTANCE OF 42.73 FEET;
5. THENCE S00°30'57"E, A DISTANCE OF 321.12 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF WELD COUNTY ROAD 4;

THENCE ON THE NORTHERLY RIGHT-OF-WAY LINES FOR THE FOLLOWING TWO (2) COURSES;

1. S89°29'12"W, A DISTANCE OF 1272.23 FEET;
2. S89°41'24"W, A DISTANCE OF 509.36 FEET TO THE SOUTHEAST CORNER OF LOT B, RECORDED EXEMPTION NO. 1473-29-4 RE-3392, RECORDED AT RECEPTION NO. 3003416 IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE;

THENCE ON THE EASTERLY AND NORTHERLY LINES OF SAID RECORDED EXEMPTION FOR THE FOLLOWING TWO (2) COURSES;

1. THENCE N29°53'42"W, A DISTANCE OF 317.53 FEET;
2. THENCE S89°41'32"W, A DISTANCE OF 1509.07 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 2,340,589 SQUARE FEET OR 53.733 ACRES, MORE OR LESS.

ANNEXATION PARCEL NO. 3 DESCRIPTION

A TRACT OF LAND BEING PARCEL A, RECORDED EXEMPTION NO. 1473-29-4 RE-411 RECORDED AT RECEPTION NO. 1802825, PARCEL A, RECORDED EXEMPTION NO. 1473-29-4 RE-412 RECORDED AT RECEPTION NO. 1802828 ALL IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE RELOCATED IN SECTIONS 29 AND 32, TOWNSHIP 1 NORTH, RANGE 65 WEST OF THE 6TH P.M., WELD COUNTY, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 29 AND CONSIDERING THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 29 TO HAVE AN ASSUMED BEARING OF N 00°23'01" W, MONUMENTED AT THE SOUTHEAST CORNER OF SAID SECTION 29 BY NO. 6 REBAR OF UNKNOWN LENGTH WITH AN ATTACHED 3-1/4"ALUMINUM CAP STAMPED "LS 23520 WELD CO., 2002" AND TO THE NORTH BY A NO. 6 REBAR OF UNKNOWN LENGTH WITH NO CAP, AS SHOWN HEREON AND WITH ALL OTHER BEARINGS RELATIVE THERETO;

THENCE N89°41'24"E, A DISTANCE OF 1080.86 FEET ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 29 TO THE TO THE POINT OF BEGINNING;

THENCE N89°41'24"E, A DISTANCE OF 10.91 FEET ON SAID SOUTH LINE TO THE EASTERLY LINE OF A DEPARTMENT OF HIGHWAYS OF STATE OF COLORADO DEED RECORDED AT BOOK 921, PAGE 1842847 IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE;

THENCE N00°18'40"W, A DISTANCE OF 30.00 FEET ON SAID EASTERLY LINE TO THE SOUTHERLY LINE OF RECORDED EXEMPTION NO. 1473-29-4 RE-3392, RECORDED AT RECEPTION NO. 3003416 IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE TO THE NORTHERLY RIGHT-OF-WAY OF WELD COUNTY ROAD 4;

THENCE ON THE SAID NORTHERLY RIGHT-OF-WAY LINES FOR THE FOLLOWING THREE (3) COURSES;

1. N89°41'24"E, A DISTANCE OF 1052.75 FEET;
2. N89°41'24"E, A DISTANCE OF 509.36 FEET;
3. N89°29'12"E, A DISTANCE OF 1272.23 FEET TO THE SOUTHWEST CORNER OF A DEED RECORDED AT RECEPTION NO. 4674628 IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE;

THENCE ON THE WESTERLY LINES OF SAID DEED FOR THE FOLLOWING FIVE (5) COURSES;

1. N00°30'57"W, A DISTANCE OF 321.12 FEET;
2. ON A CURVE TO THE LEFT, HAVING A RADIUS OF 55.00 FEET, A CENTRAL ANGLE OF 45°43'00", A DISTANCE OF 43.88 FEET, A CHORD BEARING OF N23°22'25"W WITH A CHORD DISTANCE OF 42.73 FEET;
3. N46°13'54"W, A DISTANCE OF 554.63 FEET;
4. ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 40°22'33", A DISTANCE OF 70.47 FEET, A CHORD BEARING OF N26°02'35"W WITH A CHORD DISTANCE OF 69.02 FEET;
5. N05°51'17"W, A DISTANCE OF 70.27 FEET TO THE SOUTH LINE OF PARCEL A, RECORDED EXEMPTION NO. 1473-29-4 RE-412, RECORDED AT RECEPTION NO. 1802828 IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE ;

THENCE ON THE SOUTHERLY, WESTERLY AND NORTHERLY LINES OF SAID PARCEL A, RECORDED EXEMPTION NO. 1473-29-4 RE-412 FOR THE FOLLOWING NINE (9) COURSES;

1. S89°29'09"W, A DISTANCE OF 2846.17 FEET;
2. N35°31'02"E, A DISTANCE OF 276.38 FEET;
3. N85°11'31"E, A DISTANCE OF 417.02 FEET;
4. S87°28'40"E, A DISTANCE OF 70.55 FEET;
5. N88°44'54"E, A DISTANCE OF 31.51 FEET;
6. N01°11'40"W, A DISTANCE OF 191.89 FEET;
7. N45°51'01"W, A DISTANCE OF 290.94 FEET;
8. N35°31'02"E, A DISTANCE OF 502.41 FEET;
9. N88°30'57"E, A DISTANCE OF 3893.87 FEET TO A POINT THAT IS 1' WESTERLY OF (WHEN MEASURED AT RIGHT ANGLES) OF THE WESTERLY RIGHT-OF-WAY OF WELD COUNTY ROAD 41;

THENCE S00°23'01"E, A DISTANCE OF 1927.95 FEET ON SAID LINE;

THENCE N90°00'00"W, A DISTANCE OF 899.58 FEET;

THENCE S00°00'00"E, A DISTANCE OF 20.00 FEET;

THENCE N90°00'00"E, A DISTANCE OF 900.72 FEET;

THENCE S00°23'01"E, A DISTANCE OF 1.00 FEET;

THENCE N90°00'00"W, A DISTANCE OF 900.73 FEET;

THENCE S00°00'00"E, A DISTANCE OF 20.00 FEET;

THENCE N90°00'00"E, A DISTANCE OF 900.86 FEET;

THENCE S00°23'01"E, A DISTANCE OF 1.00 FEET;

THENCE N90°00'00"W, A DISTANCE OF 900.87 FEET;

THENCE S00°00'00"E, A DISTANCE OF 20.00 FEET;

THENCE N90°00'00"E, A DISTANCE OF 901.00 FEET;

THENCE S00°23'01"E, A DISTANCE OF 9.99 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF WELD COUNTY ROAD 41;

THENCE S00°23'01"E, A DISTANCE OF 70.00 FEET ON SAID WESTERLY RIGHT-OF-WAY LINE TO THE SOUTH LINE OF A DEED OF DEDICATION RECORDED AT RECEPTION NO. 2940780 IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE;

THENCE ON THE SOUTHERLY AND WESTERLY LINES OF SAID DEED OF DEDICATION FOR THE FOLLOWING THREE (3) COURSES;

1. S89°29'04"W, A DISTANCE OF 1301.27 FEET;
2. S89°29'12"W, A DISTANCE OF 1331.02 FEET;
3. N01°03'39"W, A DISTANCE OF 10.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF WELD COUNTY ROAD 4;

THENCE S89°41'24"W, A DISTANCE OF 1573.22 FEET ON SAID SOUTHERLY RIGHT-OF-WAY TO THE
EASTERLY LINE OF A DEPARTMENT OF HIGHWAYS OF STATE OF COLORADO DEED RECORDED AT BOOK
909, PAGE 1830747 IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE;

THENCE N00°23'00"W, A DISTANCE OF 30.00 FEET ON SAID EASTERLY LINE TO THE POINT OF BEGINNING.

PARCEL CONTAINS 6,075,061 SQUARE FEET OR 139.464 ACRES, MORE OR LESS.

EXHIBIT 2
Form of [Agreement]

**PETITION FOR ANNEXATION
TO
TOWN OF LOCHBUIE, COLORADO
(SOUTH WELD ANNEXATION NO. 1)**

**TO: THE TOWN CLERK AND THE BOARD OF TRUSTEES OF THE
TOWN OF LOCHBUIE, COLORADO**

**RE: ANNEXATION OF APPROXIMATELY 194.37 ACRES IN WELD
COUNTY, COLORADO, AS DESCRIBED ON EXHIBIT 1-A,
EXHIBIT 1-B AND EXHIBIT 1-C ATTACHED HERETO**

THE UNDERSIGNED PETITIONER, in accordance with Title 31, Article 12, Part 1, of the Colorado Revised Statutes, as amended (commonly known as the Municipal Annexation Act of 1965), hereby petitions the Town of Lochbuie, a statutory municipality of the State of Colorado (the “Town”), for annexation of three (3) unincorporated areas more particularly described in **Exhibit 1-A (“Annexation Property No. 1”)**, **Exhibit 1-B (“Annexation Property No. 2”)**, and **Exhibit 1-C (“Annexation Property No. 3”)**, attached hereto and incorporated herein by reference. Annexation Property No. 1, Annexation Property No. 2 and Annexation Property No. 3 are collectively referred to herein as the “**Property.**” In support of this Petition, the undersigned Petitioner alleges and states the following:

1. That it is desirable and necessary that the Property be annexed to the Town.
2. That the undersigned Petitioner owns the real property legally described in **Exhibit 2** attached hereto and incorporated herein by this reference, which is located within the Property proposed to be annexed.
3. That either (check one)
 - a. X the undersigned Petitioner, together with owner(s) submitting other valid petition(s) for annexation to the Town for the Property described in **Exhibit 1**, comprise more than fifty percent (50%) of the landowners of the area proposed to be annexed exclusive of streets, and by their signatures have attested to the facts and agree to the conditions herein contained negating the necessity for any annexation election

OR

 - b. _____ the undersigned Petitioner, together with owner(s) submitting other valid petition(s) for annexation to the Town for the Property described in **Exhibit 1** are landowners of more than fifty percent (50%) of the area proposed to be annexed, excluding public streets and alleys.
4. That all the requirements of Sections 31-12-104 and 31-12-105 of the Municipal Annexation Act of 1965, as amended, exist or have been met.

5. Annexing the Property will not have the effect of extending the boundary of the Town more than three miles in any direction from any point of the Town's boundary in any one year.

6. The area proposed to be annexed is comprised of (check one):

_____ MORE THAN TEN ACRES AND THE BOARD OF COUNTY COMMISSIONERS OF WELD COUNTY HAS AGREED TO WAIVE THE REQUIREMENT OF AN IMPACT REPORT AS PROVIDED FOR IN SECTION 31-12-108.5, C.R.S., AS AMENDED. (Copy of resolution approving such waiver is provided.)

X MORE THAN TEN ACRES AND AN IMPACT REPORT AS PROVIDED FOR IN SECTION 31-12-105.5, C.R.S., AS AMENDED, IS REQUIRED.

_____ TEN ACRES OR FEWER AND AN IMPACT REPORT AS PROVIDED FOR IN SECTION 31-12-105.5, C.R.S., AS AMENDED, IS NOT REQUIRED.

7. That accompanying this Petition are four (4) copies of an annexation map containing the following information:

A. a written legal description of Annexation Property No. 1, Annexation Property No. 2 and Annexation Property No. 3;

B. a map showing the boundary of each of Annexation Property No. 1, Annexation Property No. 2 and Annexation Property No. 3;

C. with the annexation boundary map there is shown the location of each ownership tract in unplatted land, and if part or all of the area is platted, then the boundaries and the plat number of plots or of lots and blocks are shown; and

D. next to the boundary of the Property is drawn the contiguous boundary of the Town, and the contiguous boundary of any other municipality abutting the area proposed to be annexed and the dimensions thereof.

8. The undersigned and the Town may enter into an annexation and development agreement in form and substance acceptable to the Town and the undersigned ("**Annexation and Development Agreement**") prior to or after the effective date of this annexation, as provided for in Chapter 31-12-112(2), Colorado Revised Statutes, as amended.

9. That the Property proposed to be annexed is located within special district(s) identified on Exhibit 3 and no other(s).

10. That the undersigned Petitioner signed this Petition not more than one hundred and eighty (180) days prior to the date of the filing of this Petition with the Town Clerk.

11. That, in connection with the processing of this Petition, Petitioner requests that the Town institute zoning approval processes for the Property in accordance with C.R.S. § 31-12-

115 and Article II of Chapter 19 of the Lochbuie Municipal Code.

12. That, 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 shall become subject to all ordinances, resolutions, rules and regulations of the Town, except as otherwise set forth in the Annexation and Development Agreement, and except for general property taxes of the Town, which shall become effective on January 1 of the next succeeding year following adoption of the annexation ordinance.
13. The Petitioner hereby reserves the right to withdraw this Petition at any time prior to the final reading of the ordinance to effectuate the annexation contemplated in this Petition for Annexation.
14. That this Petition includes the signature of the Petitioner proposing the annexation, the mailing addresses of the Petitioner, the legal description of the land owned by the Petitioner, the date on which each Petitioner executed this Petition, and the circulator's affidavit required by Section 31-12-107(1)(c), C.R.S., certifying that the signatures on this Petition are the signature of each person whose name it purports to be and certifying the accuracy of the date of such signatures.


THEREFORE, THE PETITIONER, respectfully requests that the Town Board of Trustees of the Town, approve the annexation of the Property. To that end, the Petitioner does hereby consent to the annexation of said area into the Town.

PROPERTY OWNER/PETITIONER SIGNATURES

The signatures affixed hereon represent property owners within the Property who desire annexation to the Town of Lochbuie, Colorado.

Page 1 of 1 pages of petitioner signatures

Note to Circulator(s): Please make copies of this page to collect signatures and necessary information, attach all signature sheets and note the quantity of pages of signature pages in the area provided above.)


Name of Petitioner (print):	South Weld Holdings, LLC
Address of parcel within Property proposed for annexation (no. street, city):	N/A
Legal description (lots, blocks and subdivision name or metes and bounds if unplatted):	See Exhibits 1 and 2
Signature of Petitioner:	South Weld Holdings, LLC  By: T. Josh Shipman, as Manager
Mailing address of Petitioner:	8301 E. Prentice Ave., Suite 100 Greenwood Village, CO 80111
Date of Signature:	1/10/2024

SIGNATURE OF PROPERTY OWNER

This Petition is hereby executed by the property owner of the property described on Exhibit 2.

Page 1 of 1

South Weld Holdings, LLC


By: T. Josh Shipman, as Manager

STATE OF Colorado)
) ss.
COUNTY OF Arapahoe)

The foregoing was subscribed and sworn to before me this 10th day of January, 2024, by Josh Shipman.

Witness my hand and official seal.

My commission expires: 4/13/2026

By: 
Notary Public

[SEAL]

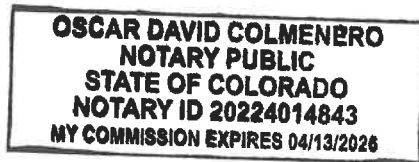


EXHIBIT 1

LEGAL DESCRIPTION OF BOUNDARIES OF AREA TO BE ANNEXED

See Exhibit 1-A, Exhibit 1-B, and Exhibit 1-C attached hereto

Note: in accordance with Section 31-12-107(1)(d), C.R.S., four (4) copies of the annexation map accompany this Petition.

EXHIBIT 1-A
ANNEXATION PROPERTY NO. 1 DESCRIPTION
[See the attached]

**LEGAL DESCRIPTION
ANNEXATION NO. 1**

A TRACT OF LAND BEING A PORTION OF PARCEL A, RECORDED EXEMPTION NO. 1473-29-4 RE-411, RECORDED AT RECEPTION NO. 1802825 IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 65 WEST OF THE 6TH P.M., WELD COUNTY, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF PARCEL A, RECORDED EXEMPTION NO. 1473-29-4 RE-411, RECORDED AT RECEPTION NO. 1802825 IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE AND CONSIDERING THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 29 TO HAVE AN ASSUMED BEARING OF N 00°23'01" W, MONUMENTED AT THE SOUTHWEST CORNER OF SAID SECTION 29 BY NO. 6 REBAR OF UNKNOWN LENGTH WITH AN ATTACHED 3-1/4"ALUMINUM CAP STAMPED "LS 23520 WELD CO., 2002" AND TO THE NORTH BY A NO. 6 REBAR OF UNKNOWN LENGTH WITH NO CAP, AS SHOWN HEREON AND WITH ALL OTHER BEARINGS RELATIVE THERETO;

THENCE ON THE WESTERLY AND NORTHERLY LINES OF SAID RECORDED EXEMPTION FOR THE FOLLOWING THREE (3) COURSES;

1. N18°26'29"E, A DISTANCE OF 412.52 FEET;
2. N27°54'59"E, A DISTANCE OF 234.01 FEET;
3. N89°29'09"E, A DISTANCE OF 22.74 FEET;

THENCE S27°54'59"W, A DISTANCE OF 113.71 FEET;

THENCE N89°29'09"E, A DISTANCE OF 1264.35 FEET;

THENCE S00°00'00"E, A DISTANCE OF 30.00 FEET;

THENCE S89°29'09"W, A DISTANCE OF 1280.32 FEET;

THENCE S27°54'59"W, A DISTANCE OF 95.35 FEET;

THENCE S18°26'29"W, A DISTANCE OF 404.07 FEET TO THE SOUTH LINE OF SAID PARCEL A;

THENCE S89°41'32"W, A DISTANCE OF 21.12 FEET ON SAID SOUTH LINE TO THE POINT OF BEGINNING.

PARCEL CONTAINS 51,108 SQUARE FEET OR 1.173 ACRES, MORE OR LESS.

EXHIBIT 1-B
ANNEXATION PROPERTY NO. 2 DESCRIPTION
[See the attached]

**LEGAL DESCRIPTION
ANNEXATION NO. 2**

A TRACT OF LAND BEING A PORTION OF PARCEL A, RECORDED EXEMPTION NO. 1473-29-4 RE-411, RECORDED AT RECEPTION NO. 1802825 IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 65 WEST OF THE 6TH P.M., WELD COUNTY, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF PARCEL A, RECORDED EXEMPTION NO. 1473-29-4 RE-411 RECORDED AT RECEPTION NO. 1802825 IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE AND CONSIDERING THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 29 TO HAVE AN ASSUMED BEARING OF N 00°23'01" W, MONUMENTED AT THE SOUTHWEST CORNER OF SAID SECTION 29 BY NO. 6 REBAR OF UNKNOWN LENGTH WITH AN ATTACHED 3-1/4"ALUMINUM CAP STAMPED "LS 23520 WELD CO., 2002" AND TO THE NORTH BY A NO. 6 REBAR OF UNKNOWN LENGTH WITH NO CAP, AS SHOWN HEREON AND WITH ALL OTHER BEARINGS RELATIVE THERETO;

THENCE N89°41'32"E, A DISTANCE OF 21.12 FEET TO THE POINT OF BEGINNING;

THENCE N18°26'29"E, A DISTANCE OF 404.07 FEET;

THENCE N27°54'59"E, A DISTANCE OF 95.35 FEET;

THENCE N89°29'09"E, A DISTANCE OF 1280.32 FEET;

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THENCE S89°29'09"W, A DISTANCE OF 1264.35 FEET;

THENCE N27°54'59"E, A DISTANCE OF 113.71 FEET TO THE NORTHERLY LINE OF SAID PARCEL A;

THENCE N89°29'09"E, A DISTANCE OF 2749.44 FEET ON SAID NORTHERLY LINE TO THE WESTERLY LINE OF A DEED RECORDED AT RECEPTION NO. 4674628 IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE;

THENCE ON THE WESTERLY LINES OF SAID DEED FOR THE FOLLOWING FIVE (5) COURSES

1. S05°51'17"E, A DISTANCE OF 70.27 FEET;
2. ON A CURVE TO THE LEFT, HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 40°22'33", A DISTANCE OF 70.47 FEET, A CHORD BEARING OF S26°02'35"E WITH A CHORD DISTANCE OF 69.02 FEET;
3. S46°13'54"E, A DISTANCE OF 554.63 FEET;
4. ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 55.00 FEET, A CENTRAL ANGLE OF 45°43'00", A DISTANCE OF 43.88 FEET, A CHORD BEARING OF S23°22'25"E WITH A CHORD DISTANCE OF 42.73 FEET;
5. THENCE S00°30'57"E, A DISTANCE OF 321.12 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF WELD COUNTY ROAD 4;

THENCE ON THE NORTHERLY RIGHT-OF-WAY LINES FOR THE FOLLOWING TWO (2) COURSES;

1. S89°29'12"W, A DISTANCE OF 1272.23 FEET;
2. S89°41'24"W, A DISTANCE OF 509.36 FEET TO THE SOUTHWEST CORNER OF LOT B, RECORDED EXEMPTION NO. 1473-29-4 RE-3392, RECORDED AT RECEPTION NO. 3003416 IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE;

THENCE ON THE EASTERLY AND NORTHERLY LINES OF SAID RECORDED EXEMPTION FOR THE FOLLOWING TWO (2) COURSES;

1. THENCE N29°53'42"W, A DISTANCE OF 317.53 FEET;
2. THENCE S89°41'32"W, A DISTANCE OF 1509.07 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 2,340,589 SQUARE FEET OR 53.733 ACRES, MORE OR LESS.

EXHIBIT 1-C
ANNEXATION PROPERTY NO. 3 DESCRIPTION
[See the attached]

ANNEXATION NO. 3 DESCRIPTION

A TRACT OF LAND BEING PARCEL A, RECORDED EXEMPTION NO. 1473-29-4 RE-411 RECORDED AT RECEPTION NO. 1802825, PARCEL A, RECORDED EXEMPTION NO. 1473-29-4 RE-412 RECORDED AT RECEPTION NO. 1802828 ALL IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE RELOCATED IN SECTIONS 29 AND 32, TOWNSHIP 1 NORTH, RANGE 65 WEST OF THE 6TH P.M., WELD COUNTY, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE N89°41'24"E, A DISTANCE OF 10.91 FEET ON SAID SOUTH LINE TO THE EASTERLY LINE OF A DEPARTMENT OF HIGHWAYS OF STATE OF COLORADO DEED RECORDED AT BOOK 921, PAGE 1842847 IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE;

THENCE N00°18'40"W, A DISTANCE OF 30.00 FEET ON SAID EASTERLY LINE TO THE SOUTHERLY LINE OF RECORDED EXEMPTION NO. 1473-29-4 RE-3392, RECORDED AT RECEPTION NO. 3003416 IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE TO THE NORTHERLY RIGHT-OF-WAY OF WELD COUNTY ROAD 4;

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1. N00°30'57"W, A DISTANCE OF 321.12 FEET;
2. ON A CURVE TO THE LEFT, HAVING A RADIUS OF 55.00 FEET, A CENTRAL ANGLE OF 45°43'00", A DISTANCE OF 43.88 FEET, A CHORD BEARING OF N23°22'25"W WITH A CHORD DISTANCE OF 42.73 FEET;
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4. ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 40°22'33", A DISTANCE OF 70.47 FEET, A CHORD BEARING OF N26°02'35"W WITH A CHORD DISTANCE OF 69.02 FEET;
5. N05°51'17"W, A DISTANCE OF 70.27 FEET TO THE SOUTH LINE OF PARCEL A, RECORDED EXEMPTION NO. 1473-29-4 RE-412, RECORDED AT RECEPTION NO. 1802828 IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE ;

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PARCEL CONTAINS 6,075,061 SQUARE FEET OR 139.464 ACRES, MORE OR LESS.

EXHIBIT 2

LEGAL DESCRIPTION OF LAND OWNED BY PETITIONER

[See the attached]

**PROPERTY WITHIN
SOUTH WELD ANNEXATION NO. 1**

A TRACT OF LAND BEING A PORTION OF PARCEL A, RECORDED EXEMPTION NO. 1473-29-4 RE-411 RECORDED AT RECEPTION NO. 1802825 AND A PORTION OF PARCEL A, RECORDED EXEMPTION NO. 1473-29-4 RE-412 RECORDED AT RECEPTION NO. 1802828 ALL IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE RELOCATED IN SECTIONS 29, TOWNSHIP 1 NORTH, RANGE 65 WEST OF THE 6TH P.M., WELD COUNTY, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF PARCEL A, RECORDED EXEMPTION NO. 1473-29-4 RE-411, RECORDED AT RECEPTION NO. 1802825 IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE AND CONSIDERING THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 29 TO HAVE AN ASSUMED BEARING OF N 00°23'01" W, MONUMENTED AT THE SOUTHEAST CORNER OF SAID SECTION 29 BY NO. 6 REBAR OF UNKNOWN LENGTH WITH AN ATTACHED 3-1/4"ALUMINUM CAP STAMPED "LS 23520 WELD CO., 2002" AND TO THE NORTH BY A NO. 6 REBAR OF UNKNOWN LENGTH WITH NO CAP, AS SHOWN HEREON AND WITH ALL OTHER BEARINGS RELATIVE THERETO;

THENCE ON THE WESTERLY LINES OF SAID RECORDED EXEMPTION FOR THE FOLLOWING TWO (2) COURSES;

1. N18°26'29"E, A DISTANCE OF 412.52 FEET;
2. N27°54'59"E, A DISTANCE OF 234.01 FEET TO THE SOUTHERLY LINE OF PARCEL A, RECORDED EXEMPTION NO. 1473-29-4 RE-412

THENCE ON THE SOUTHERLY, WESTERLY AND NORTHERLY LINES OF SAID PARCEL A, RECORDED EXEMPTION NO. 1473-29-4 RE-412 FOR THE FOLLOWING NINE (9) COURSES;

1. S89°29'09"W, A DISTANCE OF 73.99 FEET;
2. N35°31'02"E, A DISTANCE OF 276.38 FEET;
3. N85°11'31"E, A DISTANCE OF 417.02 FEET;
4. S87°28'40"E, A DISTANCE OF 70.55 FEET;
5. N88°44'54"E, A DISTANCE OF 31.51 FEET;
6. N01°11'40"W, A DISTANCE OF 191.89 FEET;
7. N45°51'01"W, A DISTANCE OF 290.94 FEET;
8. N35°31'02"E, A DISTANCE OF 502.41 FEET;
9. N88°30'57"E, A DISTANCE OF 3893.87 FEET TO A POINT THAT IS 1' WESTERLY OF (WHEN MEASURED AT RIGHT ANGLES) OF THE WESTERLY RIGHT-OF-WAY OF WELD COUNTY ROAD 41;

THENCE S00°23'01"E, A DISTANCE OF 1927.95 FEET ON SAID LINE;

THENCE N90°00'00"W, A DISTANCE OF 899.58 FEET;

THENCE S00°00'00"E, A DISTANCE OF 20.00 FEET;

THENCE N90°00'00"E, A DISTANCE OF 900.72 FEET;

THENCE S00°23'01"E, A DISTANCE OF 1.00 FEET;

THENCE N90°00'00"W, A DISTANCE OF 900.73 FEET;

THENCE S00°00'00"E, A DISTANCE OF 20.00 FEET;

THENCE N90°00'00"E, A DISTANCE OF 900.86 FEET;

THENCE S00°23'01"E, A DISTANCE OF 1.00 FEET;

THENCE N90°00'00"W, A DISTANCE OF 900.87 FEET;

THENCE S00°00'00"E, A DISTANCE OF 20.00 FEET;

THENCE N90°00'00"E, A DISTANCE OF 901.00 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF WELD COUNTY ROAD 41;

THENCE S00°23'01"E, A DISTANCE OF 9.99 FEET ON SAID WESTERLY RIGHT-OF-WAY TO THE NORTHERLY RIGHT-OF-WAY OF WELD COUNTY ROAD 4;

THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINES FOR THE FOLLOWING THREE (3) COURSES;

1. S89°29'04"W, A DISTANCE OF 1301.43 FEET;
2. S89°29'12"W, A DISTANCE OF 1331.14 FEET;
3. S89°41'24"W, A DISTANCE OF 509.36 FEET TO THE SOUTHEAST CORNER OF LOT B, RECORDED EXEMPTION NO. 1473-29-4 RE-3392, RECORDED AT RECEPTION NO. 3003416 IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE;

THENCE ON THE EASTERLY AND NORTHERLY LINES OF SAID RECORDED EXEMPTION FOR THE FOLLOWING TWO (2) COURSES;

1. N29°53'42"W, A DISTANCE OF 317.53 FEET;
2. S89°41'32"W, A DISTANCE OF 1530.19 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 8,188,423 SQUARE FEET OR 187.980 ACRES, MORE OR LESS.

EXHIBIT 3
SPECIAL DISTRICTS WITH BOUNDARIES THAT INCLUDE PROPERTY
PROPOSED TO BE INCLUDED

School District RE 37J
Central Colorado Water Conservancy District
Central Colorado Water Conservancy Subdistricts
Hudson Fire
Aims Junior College
High Plains Library
Altamira Metro District #5
Bromley Park Metropolitan District #6

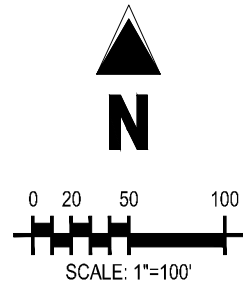
SOUTH WELD ANNEXATION NO. 1

TO THE TOWN OF LOCHBUIE

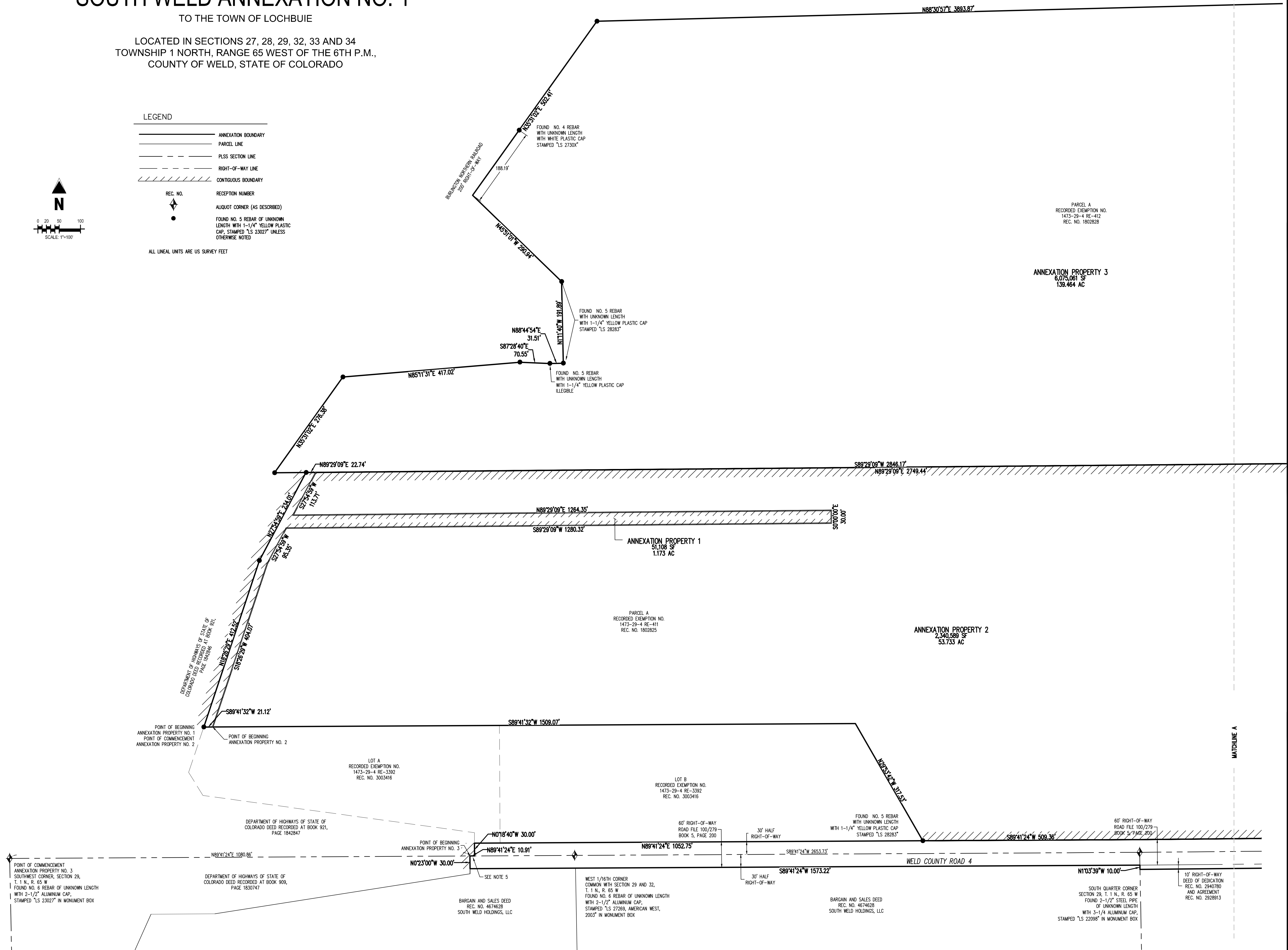
LOCATED IN SECTIONS 27, 28, 29, 32, 33 AND 34
TOWNSHIP 1 NORTH, RANGE 65 WEST OF THE 6TH P.M.,
COUNTY OF WELD, STATE OF COLORADO

LEGEND

- ANNEXATION BOUNDARY
- PARCEL LINE
- PLSS SECTION LINE
- RIGHT-OF-WAY LINE
- CONTIGUOUS BOUNDARY
- REC. NO.
- RECEPTION NUMBER
- ALLOTMENT CORNER (AS DESCRIBED)
- FOUND NO. 5 REBAR WITH UNKNOWN LENGTH WITH 1-1/4" YELLOW PLASTIC CAP, STAMPED "LS 23027" UNLESS OTHERWISE NOTED



ALL LINEAL UNITS ARE US SURVEY FEET



Galloway

5265 Ronald Reagan Blvd., Suite 210
Johnstown, CO 80534
970.800.3300
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SOUTH WELD ANNEXATION NO. 1
TO THE TOWN OF LOCHBUIE
LOCATED IN SECTIONS 29 AND 32
TOWNSHIP 1 NORTH, RANGE 65 WEST OF THE 6TH P.M.,
COUNTY OF WELD, STATE OF COLORADO

#	Date	Issue / Description	Init.

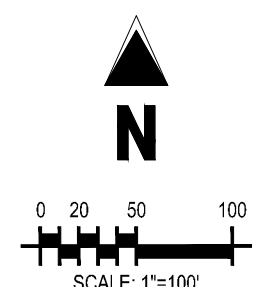
Project No: WCD0005.10
Drawn By: AN
Checked By: RCR
Date: 1/10/2024

G:\Projects\2024\1002729\1002729.dwg
 1/10/2024 10:58:10 AM
 User: RCR
 Plot: 1/10/2024 10:58:10 AM
 Plot Scale: 1"=100'
 Plot Device: HP DesignJet T1300

SOUTH WELD ANNEXATION NO. 1

TO THE TOWN OF LOCHBUIE

LOCATED IN SECTIONS 29 AND 32
TOWNSHIP 1 NORTH, RANGE 65 WEST OF THE 6TH P.M.,
COUNTY OF WELD, STATE OF COLORADO

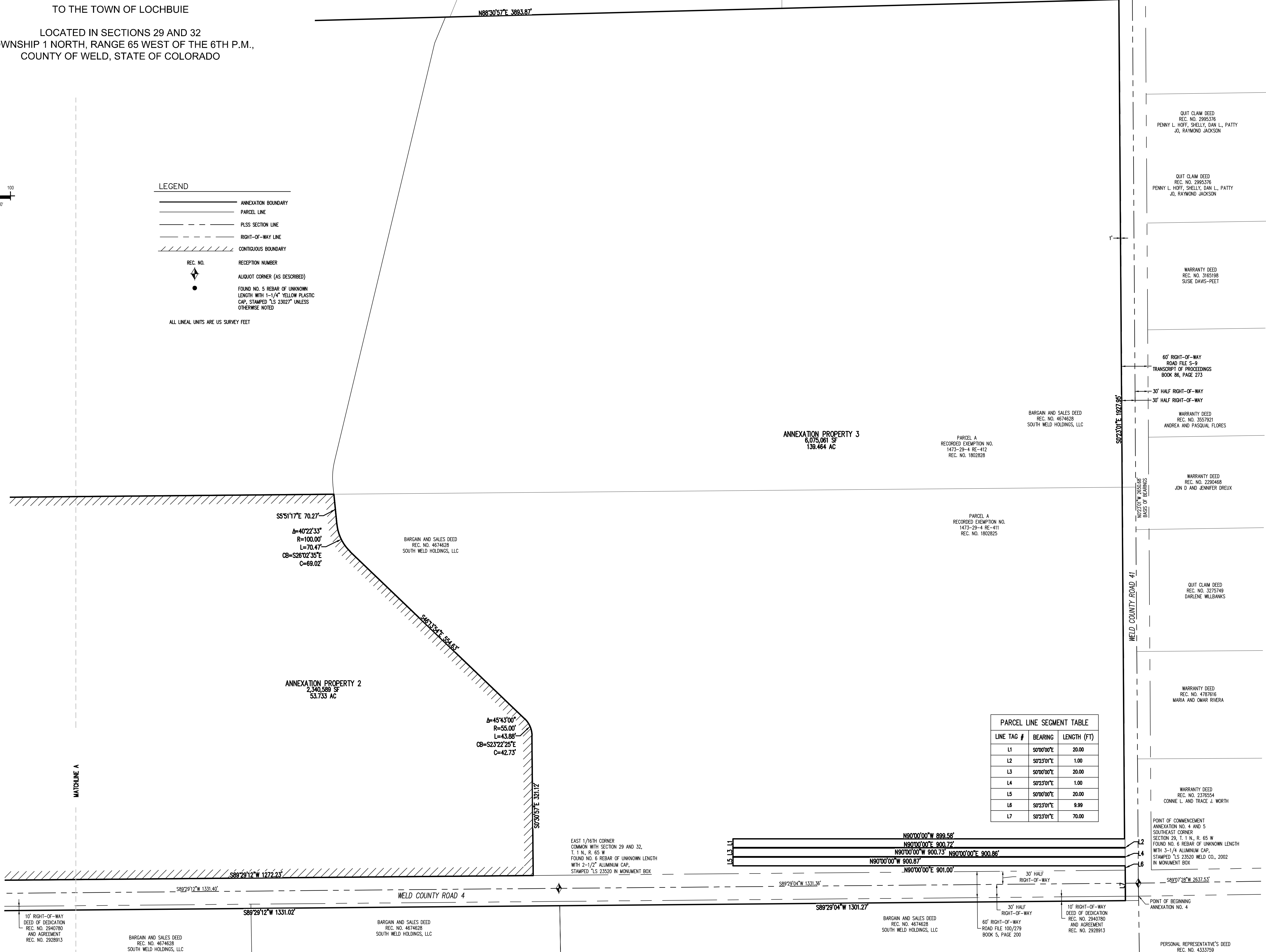


LEGEND

- ANNEXATION BOUNDARY
- PARCEL LINE
- PLSS SECTION LINE
- RIGHT-OF-WAY LINE
- CONTIGUOUS BOUNDARY

- REC. NO. RECEPTION NUMBER
- ALIQUOT CORNER (AS DESCRIBED)
- FOUND NO. 5 REBAR OF UNKNOWN LENGTH WITH 1-1/4" YELLOW PLASTIC CAP, STAMPED "LS 23022" UNLESS OTHERWISE NOTED

ALL LINEAL UNITS ARE US SURVEY FEET



PARCEL LINE SEGMENT TABLE		
LINE TAG #	BEARING	LENGTH (FT)
L1	S0°00'00"E	20.00
L2	S0°23'01"E	1.00
L3	S0°00'00"E	20.00
L4	S0°23'01"E	1.00
L5	S0°00'00"E	20.00
L6	S0°23'01"E	9.99
L7	S0°23'01"E	70.00

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SOUTH WELD ANNEXATION NO. 1
TO THE TOWN OF LOCHBUIE
LOCATED IN SECTIONS 29 AND 32
TOWNSHIP 1 NORTH, RANGE 65 WEST OF THE 6TH P.M.,
COUNTY OF WELD, STATE OF COLORADO

#	Date	Issue / Description	Init.

Project No: WCD00005.10
Drawn By: AN
Checked By: RCR
Date: 1/10/2024

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement (the “**Agreement**”) is made and entered into as of February 12, 2024, by and between SOUTH WELD HOLDINGS, LLC, a Colorado limited liability company (the “**Owner**”) and THE TOWN OF LOCHBUIE, a municipal corporation of State of Colorado (the “**Town**”) (together, the “**Parties**”).

RECITALS

A. The Owner has filed a Petition for Annexation with the Town for the parcels of unincorporated land described on **Exhibit A** attached hereto (“**Annexation Property**”).

B. The Owner is a landowner of the property described in **Exhibit B** (the “**Property**”). Part of the Property is included within the Annexation Property. After the date of this Agreement, the Owner intends on filing an additional Petition for Annexation for the remainder of the Property not included within the Annexation Property.

C. The Town and the Owner have commenced negotiations regarding an annexation and development agreement for the Property (the “**Annexation Agreement**”).

D. Pursuant to Ordinance No. 2024-691 dated as of the date of this Agreement (the “**Ordinance**”), the Town ordained that the Annexation Property is annexed into the Town but expressly directed the staff of the Town not to make the following filings unless and until a mutually acceptable Annexation Agreement is entered into by the Town and the Owner: (1) filing for recording three certified copies of the Ordinance and the maps of the Annexation Property containing a legal description of the Annexation Property (“**Annexation Map**”) with the Weld County Clerk and Recorder, and (2) filing the original of the Ordinance together with a copy of the Annexation Map with the Town Clerk of the Town of Lochbuie, Colorado (together, the “**Ordinance and Map Filings**”).

E. The Town and the Owner desire to enter into this Agreement to further set forth and describe their agreement with respect to the Annexation Agreement and the Ordinance and Map Filing.

NOW THEREFORE, in consideration of the foregoing premises and the covenants, promises and agreements of all of the parties hereto, to be kept and performed by each of them, **IT IS AGREED:**

1. **Effectiveness of Annexation.** The Parties hereby acknowledge and agree that (a) pursuant to Sections 31-12-113 of the Colorado Revised Statutes, the annexation of the Annexation Property into the Town will not be effective until the Ordinance and Map Filings occur, and (b) the Town will not under any circumstances cause or permit the Ordinance and Map Filings to be made unless and until a mutually acceptable Annexation Agreement is executed by the Town and the Owner in accordance with this Agreement, which includes the express agreement to cause the Ordinance and Map Filings to occur.

2. **Annexation Agreement.** Following the execution of this Agreement, the Parties shall use commercially reasonable efforts to enter into a mutually acceptable Annexation

Agreement as soon as reasonably possible but in no event later than the Annexation Agreement Deadline (as defined below). The Annexation Agreement will address, among other things, the zoning and development of the Property, the extension of utilities to and within the Property, the imposition of fees on the Property, streets and roadways, sewer and storm drainage services, and public land conveyances. Without limiting the generality of the foregoing, the Parties hereby agree that the Annexation Agreement shall: (a) provide for the development and zoning standards and design guidelines for the Property; (b) provide for the zoning districts, classifications and regulations for the Property; and (c) establish flexible zone districts for the Property, which will be described in detail in the Annexation Agreement.

3. **Failure to enter into the Annexation Agreement.** The Parties hereby agree that if a mutually acceptable Annexation Agreement is not executed by both Parties on or before June 30, 2024 (the “**Annexation Agreement Deadline**”), the following shall occur:

3.1 The Town shall take all necessary and appropriate actions to repeal the Ordinance, which will include the agreement and acknowledgement that the Town has not at any time annexed the Annexation Property into the Town;

3.2 The Town shall execute and deliver to the Owner the Disclaimer of Interest attached hereto as **Exhibit C**, which the Owner may then record with the Weld County Clerk and Recorder; and

3.3 The Town will execute and deliver to the Owner any other document or instrument reasonably requested by the Owner in order to evidence that the Annexation Property is not, and has never been, annexed into the Town.

4. **General Provisions.**

4.1 Assignment. Neither this Agreement nor any rights or obligations hereunder shall be subcontracted, assigned, or delegated by without the prior written consent of the other Party.

4.2 Modification. This Agreement may be amended or modified only by mutual written consent of the Parties.

4.3 Entire Agreement. This Agreement contains the entire understanding of and between the Parties. There are no promises, agreements, conditions, inducements, warranties or understandings, written or oral, expressed or implied, between the parties, other than as set forth or referenced in this Agreement.

4.4 Default; Remedies; Attorney Fees. In event of a breach of this Agreement, the non-breaching Party may pursue all remedies at law or in equity, including specific performance. The prevailing Party in any legal action shall be awarded its reasonable attorneys’ fees and costs.

4.5 Governing Law; Exclusive Venue. This Agreement shall be construed and enforced in accordance with the laws of the State of Colorado. Venue for any action

to enforce or interpret the terms of this Agreement will be in District Court, Weld County, Colorado.

4.6 Waiver. No waiver of any provision of this Agreement, nor consent to any departure therefrom, shall be effective unless the same be in writing and signed by all of the Parties hereto, and then shall be effective only in the specific instance and the purpose for which given. No waiver of one or more of the terms of this Agreement shall constitute a waiver of other terms. No waiver of any provision of this Agreement in any instance shall constitute a waiver of such provision in other instances.

4.7 Notice. All notices, demands, requests or other communications to be sent by one Party to the other hereunder or required by law shall be in writing and shall be deemed to have been validly given or served by delivery of the same in person to the applicable address or e-mail address, or by courier delivery via nationally recognized overnight air courier service, or by depositing same in the United States mail, registered or certified mail, postage prepaid, addressed as follows:

If to the Town:

Town Administrator
Town of Lochbuie
703 WCR 37
Lochbuie, Colorado 80603

With a required copy to:

Widner Juran LLP
Attn: Maureen Juran
13133 East Arapahoe Road, Suite 100
Centennial, Colorado 80112

If to the Owner:

South Weld Holdings, LLC
Attn: Josh Shipman and Robert A. Lembke
8301 E Prentice Ave., Suite 100
Greenwood Village, CO 80111

With a required copy to:

Lewis Roca
Attn: Joel Fry
1601 19th Street, Suite 1000
Denver, Colorado 80202

All notices, demands, requests or other communications shall be effective upon such personal delivery if such delivery occurs prior to 5:00 p.m. Denver (otherwise such delivery shall be effective on the next business day); one business day after being

deposited with nationally recognized overnight air courier service; or three business days after deposit in the United States mail. By giving the other Party hereto at least ten (10) calendar days written notice thereof in accordance with the provisions hereof, each of the Parties shall have the right from time to time to change its address information for notice purposes.

4.8 Section Headings. Paragraph titles or captions contained in this Agreement inserted only as a matter of convenience and for reference. Such titles and captions in no way define, limit, extend or describe the scope of this Agreement nor the intent of any provision hereof.

4.9 Construction. Throughout this Agreement, the singular shall include the plural and the plural shall include the singular, all genders shall be deemed to include other genders, wherever the context so requires, and the terms “including,” “include” or derivatives thereof, unless otherwise specified, shall be interpreted in as broad a sense as possible to mean “including, but not limited to,” or “including, by way of example and not limitation.”

4.10 Costs and Expenses. Each Party shall be responsible for its own costs and expenses (including fees and expenses of attorneys and consultants) relating to negotiating and documenting this Agreement.

4.11 Counterparts. This Agreement may be executed in multiple counterparts, each of which will be deemed to be an original and all of which taken together will constitute one and the same agreement.

4.12 No Third-Party Beneficiary. It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, will be strictly reserved to the Parties hereto, their successors and assigns, and nothing contained in this Agreement will give or allow any claim or right of action by any other or third person under this Agreement.

[Signature Page to Follow]

IN WITNESS WHEREOF, the parties have executed this Agreement on the ____ day of _____, 2024.

TOWN:
TOWN OF LOCHBUIE, COLORADO, a
municipal corporation

By: _____, Mayor

ATTEST

By: _____, Town Clerk

SOUTH WELD HOLDINGS, LLC,
a Colorado limited liability company

By: _____, Manager

STATE OF COLORADO)
) ss.
COUNTY OF ARAPAHOE)

The foregoing Annexation and Development Agreement was acknowledged before me this ____ day of _____, 2024, by _____ as Manager of South Weld Holdings, LLC, a Colorado limited liability company.

My commission expires: _____

[SEAL]

Notary Public

**EXHIBIT A
ANNEXATION PROPERTY**

EXHIBIT B
THE PROPERTY

EXHIBIT C
DISCLAIMER OF INTEREST IN REAL PROPERTY

THIS DISCLAIMER OF INTEREST IN REAL PROPERTY (“**Disclaimer**”) is made by THE TOWN OF LOCHBUIE, a municipal corporation of State of Colorado (the “**Town**”), effective as of the ___ day of _____, 2024.

RECITALS

A. Pursuant to Ordinance No. 2024-691 dated as of February 12, 2024 (the “**Annexation Ordinance**”), Town ordained that the parcels of unincorporated land described on **Exhibit A** attached hereto (“**Annexation Property**”) were annexed into the Town. However, the Annexation Ordinance provided that under no circumstances would the staff of the Town cause the annexation to be effective by making the statutorily required filings of the Annexation Ordinance and the maps of the Annexation Property with the Weld County Clerk and Recorder, unless and until a mutually acceptable annexation and development agreement (an “**Annexation Agreement**”) was entered into between the Town and Sout Weld Holdings, LLC (the “**Petitioner**”).

B. The Town and the Petitioner entered into a Memorandum of Agreement dated as of the date of the Annexation Ordinance (the “**MOA**”), pursuant to which the Town and the Petitioner agreed that if the Annexation Agreement was not entered into by June 30, 2024, the Town would repeal the Annexation Ordinance and execute and record this Disclaimer, evidencing that the Annexation Property is not, and has never been, annexed into the Town.

C. The Town and the Petitioner did not enter into the Annexation Agreement by June 30, 2024 and the Town is executing this Disclaimer in accordance with the terms of the MOA.

DISCLAIMER

NOW THEREFORE, the Town hereby (a) disclaims any and all claim right, title or interest it may have in the Annexation Property and (b) certifies and agrees that the Annexation Property is not, and has never been, annexed into the Town.

[Signature Page to Follow]

IN WITNESS WHEREOF, this Disclaimer of Interest is made effective as of the day and date first above written.

TOWN:
TOWN OF LOCHBUIE, COLORADO, a
municipal corporation

By: _____, Mayor

ATTEST

By: _____, Town Clerk

PUBLISHER'S AFFIDAVIT

City and County of Denver)
State of Colorado)

The undersigned Nicole Maestas being first duly sworn under oath, states and affirms as follows:

- 1. He/she is the legal Advertising Reviewer of The Denver Post, LLC, publisher of The Denver Post and Your Hub.
2. The Denver Post and Your Hub are newspapers of general circulation that have been published continuously and without interruption for at least fifty-two weeks in Denver County and meet the legal requisites for a legal newspaper under Colo. Rev. Stat. 24-70-103.
3. The notice that is attached hereto is a true copy, published in The Denver Post on the following date(s):

January 13, 20, 27 & February 3, 2024

Nicole Maestas
Signature

Subscribed and sworn to before me this 7 day of February, 2024.

Rosann R Wunsch
Notary Public

ROSANN R WUNSCH
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20024002315
MY COMMISSION EXPIRES FEBRUARY 26, 2026

TOWN OF LOUISVILLE
RESOLUTION NO. 2024-01
A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF LOUISVILLE, COLORADO ACCEPTING AN ANIMATION PETITION, MAKING CERTAIN FINDINGS OF FACT FINDING SUBSTANTIAL COMPLIANCE FOR SUCH PETITION AND SETTING A PUBLIC HEARING FOR ANIMATION OF PROPOSED KNOWLEDGE CENTER BUILDING AND USE...

TOWN OF LOUISVILLE
RESOLUTION NO. 2024-01
A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF LOUISVILLE, COLORADO ACCEPTING AN ANIMATION PETITION, MAKING CERTAIN FINDINGS OF FACT FINDING SUBSTANTIAL COMPLIANCE FOR SUCH PETITION AND SETTING A PUBLIC HEARING FOR ANIMATION OF PROPOSED KNOWLEDGE CENTER BUILDING AND USE...

TOWN OF LOUISVILLE
RESOLUTION NO. 2024-01
A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF LOUISVILLE, COLORADO ACCEPTING AN ANIMATION PETITION, MAKING CERTAIN FINDINGS OF FACT FINDING SUBSTANTIAL COMPLIANCE FOR SUCH PETITION AND SETTING A PUBLIC HEARING FOR ANIMATION OF PROPOSED KNOWLEDGE CENTER BUILDING AND USE...

TOWN OF LOUISVILLE
RESOLUTION NO. 2024-01
A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF LOUISVILLE, COLORADO ACCEPTING AN ANIMATION PETITION, MAKING CERTAIN FINDINGS OF FACT FINDING SUBSTANTIAL COMPLIANCE FOR SUCH PETITION AND SETTING A PUBLIC HEARING FOR ANIMATION OF PROPOSED KNOWLEDGE CENTER BUILDING AND USE...

RESOLUTION NO. 2024-01
A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF LOUISVILLE, COLORADO ACCEPTING AN ANIMATION PETITION, MAKING CERTAIN FINDINGS OF FACT FINDING SUBSTANTIAL COMPLIANCE FOR SUCH PETITION AND SETTING A PUBLIC HEARING FOR ANIMATION OF PROPOSED KNOWLEDGE CENTER BUILDING AND USE...

RESOLUTION NO. 2024-01
A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF LOUISVILLE, COLORADO ACCEPTING AN ANIMATION PETITION, MAKING CERTAIN FINDINGS OF FACT FINDING SUBSTANTIAL COMPLIANCE FOR SUCH PETITION AND SETTING A PUBLIC HEARING FOR ANIMATION OF PROPOSED KNOWLEDGE CENTER BUILDING AND USE...

RESOLUTION NO. 2024-01
A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF LOUISVILLE, COLORADO ACCEPTING AN ANIMATION PETITION, MAKING CERTAIN FINDINGS OF FACT FINDING SUBSTANTIAL COMPLIANCE FOR SUCH PETITION AND SETTING A PUBLIC HEARING FOR ANIMATION OF PROPOSED KNOWLEDGE CENTER BUILDING AND USE...

RESOLUTION NO. 2024-01
A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF LOUISVILLE, COLORADO ACCEPTING AN ANIMATION PETITION, MAKING CERTAIN FINDINGS OF FACT FINDING SUBSTANTIAL COMPLIANCE FOR SUCH PETITION AND SETTING A PUBLIC HEARING FOR ANIMATION OF PROPOSED KNOWLEDGE CENTER BUILDING AND USE...

**TOWN OF LOCHBUIE
COUNTIES OF WELD AND ADAMS
STATE OF COLORADO**

RESOLUTION NO. 2024-05

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF LOCHBUIE,
COLORADO, ACCEPTING AN ANNEXATION PETITION, MAKING CERTAIN
FINDINGS OF FACT, FINDING SUBSTANTIAL COMPLIANCE FOR SUCH
PETITION, AND SETTING A PUBLIC HEARING FOR ANNEXATION OF
PROPERTY KNOWN AS THE SOUTH WELD ANNEXATION NO. 1**

WHEREAS, the Town Board of Trustees of the Town of Lochbuie, Colorado, has received and examined the filings and Petition for Annexation requesting the annexation to the Town of Lochbuie of certain real property more fully described in said petition as presented at the meeting of the Town Board of Trustees on January 12, 2024 (“South Weld Annexation No. 1”) which petition and exhibit thereto is incorporated herein by reference (the “Property”); and

WHEREAS, said Petition for Annexation (“Petition”) has been filed of record with the Town Clerk of the Town of Lochbuie, State of Colorado, who has provided copies of such petition to the Board of Trustees upon receipt; and

WHEREAS, the Town Board of Trustees finds as follows:

1. That the Petition contains:
 - (a) An allegation that it is desirable and necessary that such area be annexed to the Town of Lochbuie and the requirements of C.R.S. §§ 31-12-104 and 31-12-105 exist or are met.
 - (b) An allegation that the signers of the Petition, comprise more than fifty percent (50%) of the landowners of the area proposed to be annexed and own more than fifty percent (50%) of the area proposed to be annexed, exclusive of public streets and alleys and any land owned by the Town of Lochbuie.
 - (c) A request that the Town of Lochbuie approve the annexation of the Property.
 - (d) The signature of the landowners that executed the petition.
 - (e) The mailing address of the landowner signers.
 - (f) The legal description of the Property and a legal description of the specific real property owned by the landowners that executed the petition.
 - (g) The date that the landowners executed the petition.
 - (h) The affidavit of petition circulator(s); stating that the signature of each landowner therein is the signature of the person whose name it purports to be.

2. That four (4) copies of the annexation maps corresponding to the Property have been submitted to the Town with the Petition, and that the annexation map contain the following information:

- (a) A written legal description of the boundaries of the Property proposed to be annexed.
- (b) A map showing the boundary of the Property proposed to be annexed.
- (c) Within the map, the boundaries and the plat numbers of plots or of lots and blocks.
- (d) Next to the boundary of the Property proposed to be annexed is drawn the contiguous boundary of the Town of Lochbuie.

3. That no signature on the Petitions is dated more than one hundred eighty (180) days prior to the date of filing of the Petitions for Annexation with the Town Clerk of the Town of Lochbuie, State of Colorado.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Lochbuie, Colorado that:

Section 1. That the foregoing recitals and findings are incorporated herein as findings and conclusions of the Town Board of Trustees.

Section 2. That the Petition for Annexation to the Town of Lochbuie of the Property, which Petition was officially filed of record with the Town Clerk of the Town of Lochbuie on or prior to January 10, 2024, substantially complies with the requirements of C.R.S. § 31-12-107(1).

Section 3. No election is required under C.R.S. § 31-12-107(2).

Section 4. No additional terms and conditions are to be imposed except as provided in the Petition for Annexation and in any annexation agreement which may be entered into by and between the Town of Lochbuie and the petitioner(s), which are not to be considered additional terms and conditions within the meaning of §31-12-112, C.R.S.

Section 5. That a public hearing shall be held at a special meeting of the Board of Trustees to be held on Monday, **the 12th day of February, 2024**, at 5:30 p.m. at the Lochbuie Town Hall, 703 WCR 37, Lochbuie Colorado 80603 and via teleconference with details on accessing such teleconference platform to be made publicly available on the Town web site at least 24 hours before the hearing, for the purpose of determining and finding whether the proposed annexation as described in the Petition complies with Section 30 of Article II of the Colorado Constitution and the applicable provisions of C.R.S. §§ 31-12-104 and 31-12-105. The Town Clerk shall publish notice of such hearing in accordance with state law.

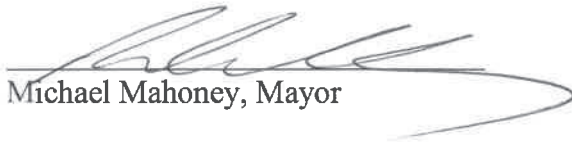
Section 6. Any person may appear at such hearing and present evidence pertaining to the eligibility of the proposed annexation of the Property to the Town of Lochbuie.

Section 7. The Town staff and Town Attorney are hereby directed to take all such actions, including making any legal filings, as are necessary to comply with state law governing the process for annexing the Property.

Section 8. This Resolution shall be effective immediately upon adoption.

ADOPTED THIS 12TH DAY OF JANUARY, 2024.

TOWN OF LOCHBUIE, COLORADO


Michael Mahoney, Mayor

ATTEST:

By: 
Heather Bowen, Town Clerk

