

**TOWN OF EAGLE  
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on the 13th day of April, 2021 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 “Base Camp Eagle” meets the applicable requirements of the Colorado Constitution and the Municipal Annexation Act of 1965, and is considered eligible for annexation.

**PETITION FOR ANNEXATION  
COLBY PARCEL**

**TO THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO:**

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

1. That it is desirable and necessary that the Property be annexed to the Town.
2. The requirements of C.R.S. §§31-12-104 and 31-12-105, as amended, exist or have been met in that:
  - (a) Not less than one-sixth (1/6) of the perimeter of the Property is contiguous with the Town.
  - (b) A community of interest exists between the Property and the Town.
  - (c) The Property is urban or will be urbanized in the near future.
  - (d) The Property is integrated with or is capable of being integrated with the Town.
  - (e) In establishing the boundaries of the Property, no land which is held in identical ownership, whether consisting of a single tract or parcel of real estate or two (2) or more contiguous tracts or parcels of real estate:
    - i. Is being divided into separate parts or parcels without the written consent of the landowner or landowners thereof unless such tracts or parcels are separated by a dedicated street, road or other public way; or

- ii. Comprising twenty (20) acres or more and together with buildings and improvements situate thereon having a valuation for assessment in excess of Two Hundred Thousand and 0/100 Dollars (\$200,000.00) for ad valorem tax purposes for the year next preceding the proposed annexation, is included in the Property without the written consent of the landowner or landowners.
  - (f)** The Property is not presently part of any incorporated city, city and county, or town; nor have any proceedings been commenced for incorporation or annexation of an area that is part of all of the Property; nor has any election for annexation of the Property or substantially the same territory to the Town been held within the twelve (12) months immediately preceding the filing of this Petition.
  - (g)** The proposed annexation of the Property will not result in detachment of area from any school district or attachment of same to another school district.
  - (h)** The annexation of the Property will not have the effect of extending the municipal boundary of the Town more than three (3) miles in any direction from any point of the current municipal boundary.
  - (i)** Prior to completion of the annexation of the Property, the Town will have in place a plan for that area, which generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water light, sanitation, transportation, and power to be provided by the Town; and the proposed land uses for the area; such plan to be updated at least once annually.
  - (j)** If a portion of a platted street or alley is to be annexed, the entire width of said street or alley has been included within the territory to be annexed.
  - (k)** The proposed annexation will not result in the denial of reasonable access to any landowner, owner of an easement, or owner of a franchise adjoining a platted street or alley which has been annexed by the Town but is not bounded on both sides by the Town.
- 3.** Petitioner is the landowner of the entirety of the Property and, thus, Petitioner comprises more than fifty percent (50%) of the landowners in the Property owning more than fifty percent (50%) of the Property, excluding public streets, and alleys and any land owned by the annexing municipality, and the Petitioner hereby consents to the establishment of the boundaries of the Property as shown in the annexation maps submitted herewith.
- 4.** This Petition is accompanied by four (4) copies of the annexation map (Colby Annexation Map) containing, among other things, the following information:
- (a)** A written legal description of the boundaries of the Property;

- (b) A map showing the boundary of the Property, which has been prepared by a professional surveyor as evidenced by the surveyor seal;
  - (c) Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks; and
  - (d) Next to the boundary of the Property, a drawing of the contiguous boundary of the Town and the contiguous boundary of any other municipality abutting the Property, and a showing of the dimensions of such contiguous boundaries.
- 5. The affidavit of the circulator of this Petition certifying that the signature on this Petition is the signature of the person whose name it purports to be and certifying the accuracy of the date of such signature is attached hereto as **Exhibit B** and is incorporated herein by this reference.
- 6. In connection with the processing of this Petition, Petitioner requests 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 agreement upon term pursuant to Article 68, Title 24, Colorado Revised Statutes.
- 7. The Petitioners have filed this Petition subject to the following conditions:
  - (a) that the Town approve an Annexation and Development Agreement concurrently with the approval of zoning and special use at the same hearing as and as 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 close of business three days (3) days following the hearing;
  - (c) that the Town Council approvals become final and uncontested or appealable;
  - (d) the annexation shall not become effective, and neither the 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 object to and reject the Annexation and Development Agreement and/or approval of zoning or special use for the Property; which notice of objection and rejection and withdrawal of this Petition shall be provided in writing to the Town by the close of business three days (3) days following the final action by the Town Council to approve the

Annexation and Development Agreement and zoning and special use for the property, and which right of Petitioners to withdraw this Petitioners shall thereafter be waived and released if not exercised timely.

8. Upon the annexation of the Property becoming effective, and subject to the conditions set forth in this Petition and to be set forth in the Annexation and Development Agreement, the Property will become subject to all ordinances, rules and regulations of the Town, except for general property taxes of the Town which shall become effective as the January 1 next ensuing following adoption of the annexation ordinance.
9. Except for the terms and conditions contained or referenced in this Petition, which terms and conditions Petitioner expressly approves and therefore do not constitute an imposition of additional terms and conditions within the meaning of C.R.S. §§31-12-107(4) and 31-12-11-(2) of the Annexation Act, Petitioner requests that no additional terms and conditions be imposed upon annexation of the Property to the Town.

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

**EXHIBIT A**  
**TO PETITION FOR ANNEXATION**

**Legal Description of Property to be Annexed**

A PARCEL OF LAND LOCATED IN TRACT 61, SECTION 10, TOWNSHIP 5 SOUTH, RANGE 84 WEST OF THE 6TH PRINCIPAL MERIDIAN, ACCORDING TO THE INDEPENDENT RESURVEY OF SAID TOWNSHIP AND RANGE APPROVED BY THE SURVEYOR GENERAL IN DENVER, COLORADO ON JUNE 20, 1922, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT CORNER NO. 1 FROM WHICH CORNER NO. 2 OF SAID TRACT 61 BEARS NORTH 0 DEGREES 15 MINUTES 00 SECONDS WEST 3459.19 FEET DISTANT;  
THENCE SOUTH 71 DEGREES 57 MINUTES 00 SECONDS EAST 353.20 FEET ALONG THE NORTHERLY BOUNDARY LINE OF EAGLE COUNTY ROAD NO. P-307 TO CORNER NO. 2;  
THENCE NORTH 0 DEGREES 15 MINUTES 00 SECONDS WEST 1299.00 FEET TO CORNER NO. 3;  
THENCE NORTH 71 DEGREES 57 MINUTES 00 SECONDS WEST 353.20 FEET TO CORNER NO. 4;  
THENCE SOUTH 0 DEGREES 15 MINUTES 00 SECONDS EAST 1299.00 FEET TO CORNER NO. 1, THE POINT OF BEGINNING, IDENTIFIED AS THE "KENNETH TRACT",

WITH THE FOLLOWING DESCRIBED LAND JOINED TO THE ABOVE DESCRIBED LAND:

BEGINNING AT CORNER NO. 2 OF TRACT 62 LOCATED IN SECTION 10, TOWNSHIP 5 SOUTH, RANGE 84 WEST OF THE 6TH PRINCIPAL MERIDIAN;  
THENCE SOUTH 0 DEGREES 15 MINUTES 00 SECONDS EAST A DISTANCE OF 2168.69 FEET TO THE NORTHWEST CORNER OF THE KENNETH TRACT DESCRIBED IN BOOK 232 AT PAGE 462 OF THE EAGLE COUNTY RECORDS,  
THENCE SOUTH 71 DEGREES 57 MINUTES 00 SECONDS EAST A DISTANCE OF 353. 20 FEET TO THE NORTHEAST CORNER OF THE KENNETH TRACT WHICH IS THE TRUE POINT OF BEGINNING;  
THENCE SOUTH 71 DEGREES 57 MINUTES 00 SECONDS EAST A DISTANCE OF 210.59 FEET TO A POINT;  
THENCE SOUTH 00 DEGREES 15 MINUTES 00 SECONDS EAST A DISTANCE OF 226.55 FEET TO A POINT;  
THENCE NORTH 71 DEGREES 57 MINUTES 00 SECONDS WEST A DISTANCE OF 105.30 FEET TO A POINT;  
THENCE SOUTH 00 DEGREES 15 MINUTES 00 SECONDS EAST A DISTANCE OF 1073.27 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF EAGLE COUNTY ROAD NO. P-307;  
THENCE NORTH 71 DEGREES 31 MINUTES 47 SECONDS WEST A DISTANCE OF 105.55 FEET TO THE

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SOUTHEAST CORNER OF THE KENNETH TRACT;  
THENCE NORTH 00 DEGREES 15 MINUTES 00 SECONDS WEST ALONG THE EAST LINE OF THE KENNETH TRACT A DISTANCE OF 1299.00 FEET TO THE TRUE POINT OF BEGINNING.

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**EXHIBIT B**  
**TO PETITION FOR ANNEXATION**

**Affidavit of Circulator**

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

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

  
\_\_\_\_\_  
Circulator

STATE OF Colorado )  
COUNTY OF Eagle )

Any person may appear at such hearing, in-person or virtually, and present evidence upon

any matter to be considered by the Town Council.

TOWN OF EAGLE, COLORADO

By: \_\_\_\_\_/s/\_\_\_\_\_  
Jenny Rakow, Town Clerk

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