

ORDINANCE NO. 778

AN ORDINANCE ANNEXING A TRACT OF GROUND LOCATED
IN SECTION 10, TOWNSHIP 4 SOUTH, RANGE 70 WEST
OF THE 6TH P.M. TO THE CITY OF GOLDEN, COLORADO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO:

Section 1. That the petition for the annexation of the hereinafter described property meets the applicable requirements of the 1973 Colorado Revised Statutes, as amended, 1975 Cumulative Supplement, 31-12-104 and 31-12-105, that no election is required under 32-12-107 (1) (g), that the owners of 100% of the hereinafter described property have petitioned for annexation, that the hereinafter described terms and conditions of annexation are imposed, and that the petition has met all of the requirements except the passage and adoption of this ordinance to annex the hereinafter described real property to the City of Golden, Colorado.

Section 2. That the real property described in Exhibit "A" hereto, incorporated herein by this reference, situate in the County of Jefferson, State of Colorado be and the same hereby is annexed to the City of Golden.

Section 3. That the annexation be and the same hereby is made subject to the following terms and conditions which shall run with the above described property and be binding upon all present and future owners of all or any parcel thereof:

- A. The owners of the property described in Exhibit "A", and the petitioners herein, at their sole expense and contemporaneously herewith, shall obtain merchantable title and a good and sufficient deed transferring legal title to the City of Golden of three (3) inches of water in Lees and Baugh Ditch with an appropriation date of May 15, 1860, and all the water and ditch rights appurtenant thereto, and deliver the same to the City in form approved by the City Attorney.
- B. Because the property being annexed by this ordinance cannot currently be properly served by a quality of municipal service equal to those areas presently within the city limits, and because the providing of such equal service will require the expenditure of capital funds, the owners of the annexed property, and their heirs or assigns, shall comply with the following specific requirements, contemporaneously herewith:
 - a. The annexers shall pay to the City their pro rata share of the capital construction costs for such transmission main facilities as are necessary to bring adequate water service for domestic use, irrigation use, processing use and fire-fighting purposes to the annexed area, and the determination of same shall be made by the City Engineer. Such capital construction shall occur at such time as the City Council may determine is proper. To insure compliance with this section the annexers shall enter into a water service contract as required by existing ordinance, which may be part of a municipal services agreement.
 - b. The annexers shall enter into a municipal services agreement with the City, which agreement shall limit the degree of fire protection service to the annexed area until such time as proper water service facilities have been installed.

- d. Other municipal services are not appreciably affected by this annexation and no special requirements relative to annexation are deemed necessary.

Introduced, read and ordered published this 23rd day of June, 1977.

Adopted, approved and ordered published this 14th day of July, 1977.

David C. Crawford, Mayor

Attest:

Sharon L. Bennetts, City Clerk

Approved as to form:

Russell J. Sindt, City Attorney

I, Sharon L. Bennetts, City Clerk of the City of Golden, Colorado, do hereby certify that the foregoing ordinance was introduced and read at a regular meeting of the City Council of said City, held on the 23rd day of June, 1977, and by order of said City Council was published as a proposed ordinance as the law directs, and for more than seven days prior to its passage in the Golden Daily Transcript, legal newspaper; and that on the 14th day of July, 1977, the said proposed ordinance was read and passed by the City Council aforesaid, the said meeting being a regular meeting of said City Council, and ordered published in aforesaid newspaper as the law directs.

Witness my hand and official seal of the City of Golden, Colorado, this 19th day of July A.D., 1977.

(S E A L)

Attest:

Sharon L. Bennetts, City Clerk of the
City of Golden, Colorado

EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL 1

A part of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 10, Township 4 South, Range 70 West of the 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows: Commencing at the East Quarter corner of said Section 10, Thence Westerly along the South line of the NE $\frac{1}{4}$ of said Section 10 a distance of 500.00 feet to the True Point of Beginning: Thence on a deflection angle to the right of 90° 00' 00" a distance of 175.00 feet; Thence on a deflection angle to the right of 90° 00' 00" a distance of 27.00 feet; Thence on a deflection angle to the left of 110° 43' 10" a distance of 130.23 feet to a point on the Southerly right-of-way line of U.S. Highway No. 40; Thence Westerly along the Southerly right-of-way line of U.S. Highway No. 40 the following 2 courses and distances: (1) Thence on a deflection angle to the left of 90° 00' 00" a distance of 38.90 feet: (2) Thence on a curve to the left having a radius of 1196.00 feet, a central angle of 05° 30' 33", an arc length of 115.00 feet to a point on the West line of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 10: Thence Southerly along said West line a distance of 237.29 feet to a point on the South line of the NE $\frac{1}{4}$ of said Section 10: Thence on a deflection angle to the left of 88° 56' 33" and along said South line, a distance of 156.52 feet, to the True Point of Beginning, containing 1.01 acres more or less.

PARCEL 2

A part of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 10, Township 4 South, Range 70 West of the 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows:

Commencing at the East Quarter corner of said Section 10, Thence Northerly along the East line of said Section 10 a distance of 175.03 feet to the True Point of Beginning: Thence continuing Northerly along said East line a distance of 314.80 feet to a point on the Southerly right-of-way line of U.S. Highway No. 40: Thence on a deflection angle to the left of 109° 40' 06" and along said Southerly right-of-way line a distance of 545.36 feet; Thence on a deflection angle to the left of 90° 00' 00" a distance of 130.23 feet: Thence on a deflection angle to the left of 69° 16' 50" a distance of 469.79 feet to the True Point of Beginning, containing 2.51 acres more or less.

PARCEL 3

A part of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 10, Township 4 South, Range 70 West of the 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows: Commencing at the East Quarter corner of said Section 10, said point also being the True Point of Beginning: Thence Northerly along the East line of said Section 10 a distance of 175.03 feet; Thence on a deflection angle to the left of 88° 56' 56" a distance of 496.79 feet; Thence on a deflection angle to the left of 90° 00' 00" a distance of 175.00 feet to a point on the South line of the NE $\frac{1}{4}$ of said Section 10; Thence on a deflection angle to the left of 90° 00' 00" a distance of 500.00 feet to the True Point of Beginning.