

**TOWN OF NEDERLAND  
Boulder County, Colorado**

**RESOLUTION 2014 - 24**

**A RESOLUTION MAKING CERTAIN FINDINGS OF FACT REGARDING THE PROPOSED ANNEXATION OF PROPERTY TO THE TOWN OF NEDERLAND AND REFERRING THE SAME TO THE BOULDER COUNTY PLANNING COMMISSION AND BOARD OF COUNTY COMMISSIONERS FOR REVIEW AND ACTION**

WHEREAS, the Town of Nederland, Colorado ("Town") received an annexation petition dated January 10, 2014, from Kayla Evans, Joseph Evans and Tamara Ann Holmboe, owners of 100% of the property identified as Aspen Trails and further described in **Exhibit A** hereto ("Annexation Petition"); and

WHEREAS, on February 4, 2014, in accordance with C.R.S. § 31-12-108 and by Town Resolution No. 2014-02, the Town Board of Trustees ("Board") found the Annexation Petition to substantially comply with C.R.S. § 31-12-107(1) and Section 15-3 of the Nederland Municipal Code ("Code") and scheduled a public hearing thereon for March 18, 2014; and

WHEREAS, the Town is a party to an intergovernmental agreement with Boulder County (the "County"), dated March 7, 2002, entitled "Intergovernmental Agreement Nederland Area Boulder County Comprehensive Development Plan (the "Intergovernmental Agreement"), the terms of which require the Board to refer any proposed annexation to the Town electors and to refer any annexation petition it receives to the County for review and recommendation by the County Planning Commission and review and approval or disapproval by the County Board of County Commissioners ("County Commissioners"); and

WHEREAS, the Board finds that it is necessary and desirable to conclude its own consideration of the Annexation Petition and to receive the recommendation of the County Planning Commission and decision of the County Commissioners on the Annexation Petition prior to calling a special election on the Annexation Petition in the interests of receiving and referring any recommended conditions on the proposed annexation to the voters and to prevent the unnecessary expenditure of Town time and resources in preparation for such an election if the annexation is disapproved by the County Commissioners; and

WHEREAS, after accepting well over an hour of testimony and evidence during the March 18, 2014 public hearing on the Annexation Petition, the Board continued the hearing to May 6, 2014 to permit the collection of additional evidence the Board deemed relevant to the proposed annexation, including a Housing Needs Assessment; and

WHEREAS, still awaiting the completion of the Housing Needs Assessment on May 6, 2014, the Board continued the public hearing on the Annexation Petition to July 15, 2014, and again, on that date, to October 7, 2014; and

WHEREAS, on October 7, 2014, the Board opened the public hearing on the Annexation Petition and accepted additional testimony and evidence thereon, including the Housing Needs Assessment, and

imposed by the Board at this time, recognizing and allowing that additional terms and conditions may be recommended or imposed as the Annexation Petition proceeds through the referral process pursuant to the Intergovernmental Agreement.

Section 4. The Board hereby formally refers the Annexation Petition to the County Planning Commission and County Commissioners and respectfully requests the prompt review and action required of each respective body by the Intergovernmental Agreement.

Section 5. The Board directs Town Staff to provide to the County any materials and assistance necessary or requested to facilitate County review and action on the Annexation Petition, including but not limited to the review and/or preparation, as appropriate, of an amendment to the Intergovernmental Agreement to reflect the amended boundaries of the Town, if the proposed annexation is ultimately approved, if such amendment is determined by the County to be a prerequisite to its action on the Annexation Petition.

Section 5. This Resolution is neither intended nor shall it be construed to constitute approval of the Annexation Petition by the Town, it being the intent of the Board to further act by one or more ordinances, as necessary and as determined desirable by the Board, to call an election, refer the matter to Town electors, approve the annexation upon voter approval or perform any other formal act necessary or desirable to affect the annexation, depending on the recommendation and decision rendered by the County under the terms of the Intergovernmental Agreement and all other relevant facts and circumstances.

**RESOLVED, APPROVED and ADOPTED this 7<sup>th</sup> day of October, 2014.**

TOWN OF NEDERLAND

By:   
Joe Gierlach, Mayor

ATTEST:

  
Cynthia Bakke, Deputy Town Clerk

{SEAL}