



**TOWN OF MILLIKEN
TOWN BOARD OF TRUSTEES
AGENDA MEMORANDUM**

To: Mayor Tokunaga and Town Board of Trustees	Meeting Date: Wednesday, March 11, 2015
From: Martha Perkins, Community Development Director	
Via: Kent Brown, Town Administrator	

Agenda Item #	Action: X	Discussion:	Information:
Agenda Title: Petition for Fields' Disconnection			
Attachments: Resolution 15-08 "A Resolution of the Board of Trustees for the Town of Milliken Initiating the Disconnection Proceedings and Setting a Hearing Date for a Parcel in the East One Half Northwest One Quarter of Section 34, Township 5 North, Range 63 West of the 6 th Principal Meridian a for the Fields' Disconnection" Exhibit A			

PURPOSE

To review and consider Resolution 15-08 and Exhibit 'A', the petition for disconnection from Robert David Fields and Doris Ann Fields pursuant to the statutory requirements as contained in the Colorado Revised Statutes (C.R.S.) Section 31-12-501. The location of the property described in the petition is set forth on Exhibit 'A' and consists of roughly 6 to 7 acres immediately west of the Mill Iron subdivision. It has a long, thin trapezoidal shape, about a half mile long along its east and west boundaries, approximately 160 feet along its south boundary and approximately 68 feet along its north boundary. The disconnection petition is signed by David Nelson Fields, who is Robert and Doris Ann Field's son. David Fields has Power of Attorney to act on their behalf in this matter.

Town staff decided that a disconnection should follow generally the process for annexation. An ordinance needs to be passed to make a disconnection effective. Ordinances require a minimum of 30 days public notice along with a public hearing before the Planning and Zoning Commission and the Board of Trustees. Thus, with the Board's acceptance of this disconnection petition, a public hearing shall occur before the Planning and Zoning Commission on April 15, 2015 and the Board of Trustees on April 22, 2015 at 7:00 p.m. in the Meeting House located at 1201 Broad Street.

BACKGROUND

Town staff believes that the petition substantially complies with the statutory requirements set forth in Colorado Revised Statutes. The applicant's family has utilized the subject property for agricultural uses continuously since 1972 along with contiguous parcels consisting of approximately 70 acres. The Fields have submitted with this disconnection petition that they do not use nor plan to use any of the Town's services, including any services or access that could be provided through Mill Iron V subdivision. The Fields will continue to farm the subject land for a period of 6 years after the effective date of a Board approved disconnection.

The Fields maintain that they owned the subject land before the annexation. There is a fence line along the east boundary of the subject land, which marked historically an agreed-upon boundary line between the Fields' land and the McDowells' land. The Fields assumed the boundary line was property line. The Fields not realize that the long, thin, trapezoidal subject parcel had been annexed into the Town and platted with the Mill Iron V subdivision until later. After the death of James McDowell Jr., the applicants resolved the matter of ownership by paying the McDowell's Estate \$878.00 for the sliver of land, which they claim was well below market value at that time. Now, the Fields are requesting the Town to be de-annex or disconnect this parcel too.

BUDGET IMPLICATIONS

The Fields pay small amount of property tax on the land, so the Town receives less than \$50 a year. Board approval of the disconnection would mean that the Town would not have to provide Town services to this property for at least 6 years.

RECOMMENDATION

To accept the disconnection petition and initiate the disconnection proceedings by passing Resolution 15-08 and setting the date for a public hearing before the Planning and Zoning Commission on April 15, 2015 and the Board of Trustees on April 22, 2015 at 7:00 p.m. in the Meeting House located at 1201 Broad Street.

SUGGESTED MOTION

"I move to accept the disconnection petition and initiate the disconnection proceedings by passing Resolution 15-08 and setting the date for a public hearing before the Planning and Zoning Commission on April 15, 2015 and the Board of Trustees on April 22, 2015 at 7:00 p.m. in the Meeting House located at 1201 Broad Street."

**TOWN OF MILLIKEN
RESOLUTION NO. 15-08**

A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF MILLIKEN INITIATING DISCONNECTION PROCEEDINGS AND SETTING A HEARING DATE FOR A PARCEL IN THE EAST ONE HALF NORTHWEST ONE QUARTER OF SECTION 34, TOWNSHIP 5 NORTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN.

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF MILLIKEN, WELD COUNTY, COLORADO THAT:

1. At the regular meeting of the Board of Trustees on the 11th of March, 2015, the Petition for Disconnection from Robert David Fields and Doris Ann Fields was submitted to the Board of Trustees by the Clerk as a communication pursuant to Section 31-12-501, *C.R.S.* The location of the property described in the petition is set forth on Exhibit 'A' attached hereto and incorporated herein by reference.
2. The Board of Trustees has reviewed the petition and found that the requirements set forth in Section 31-12-501, *C.R.S.* have been substantially complied with.
3. The Board of Trustees hereby sets the date for the hearing on the disconnection petition before the Planning Commission for April 15, 2015 and the hearing before the Town Board of Trustees for April 22, 2015. All hearings are to be held at 7:00 P.M. in the Meeting House located at 1201 Broad Street.
4. The purpose of these hearings shall be to determine whether the area proposed to be annexed meets the applicable requirements of Section 31-12-501, *C.R.S.* and the applicable provisions of the *Milliken Municipal Code* and is eligible for disconnection.
5. At the hearing on April 22, 2015, if the Board of Trustees finds that the statutory prerequisites for disconnection have been met, the Board will hold a public hearing on the ordinance disconnecting the property.

This resolution was passed by a vote of ___ in favor and ___ opposed at the meeting of the Board of Trustees on the 11th day of March, 2015.

TOWN OF MILLIKEN

Milt Tokunaga, Mayor

Cheryl Powell, Town Clerk