TOWN OF MILLIKEN
BOARD OF TRUSTEES
AGENDA MEMORANDUM

To: Mayor Tokunaga and Town Board of Trustees From: Martha Perkins, Community Development Director Via: Kent Brown, Town Administrator			Public Hearing Date: May 27, 2015
Agenda Item #	Action: x	Discussion:	Information:
Agenda Title: Public Hearing for the Review and Recommendation for Approval of Ordinance No. 711 to approve an annexation of certain territory to the Town of Milliken, Colorado to be known and designated as "Martinez-Hahn Continuous Annexations No. 1-3 and amend the Town of Milliken's Official Zoning District Map for the Martinez-Hahn Continuous Annexations No. 1-3 to be zoned the R-1 "Residential Single Family" Zoning District.			
Staff Recommendation: Staff recommends approval by the Town Board Attachments: Ordinance 711; Ordinance 713; Martinez Annexation Petition			

PURPOSE

To consider Ordinance No. 711 for the purpose of the annexing approximately 152 acres of the land 100% owned by the Martinez Family into the Town of Milliken located at 9333 County Road 52. The annexation will take place in three separate applications known as the Martinez Hahn Annexation 1, 2 and 3. In addition, with the annexation, the Martinez family is requesting to zone the land R-1 "Single Family Residential". The Board can choose to approve the annexation of approximately 152 acres owned by the Martinez Family into the Town of Milliken through Ordinance 713 without zoning it. The land can be zoned through a separate ordinance, provided the land is zoned within 90 days after the effective date of the annexation ordinance.

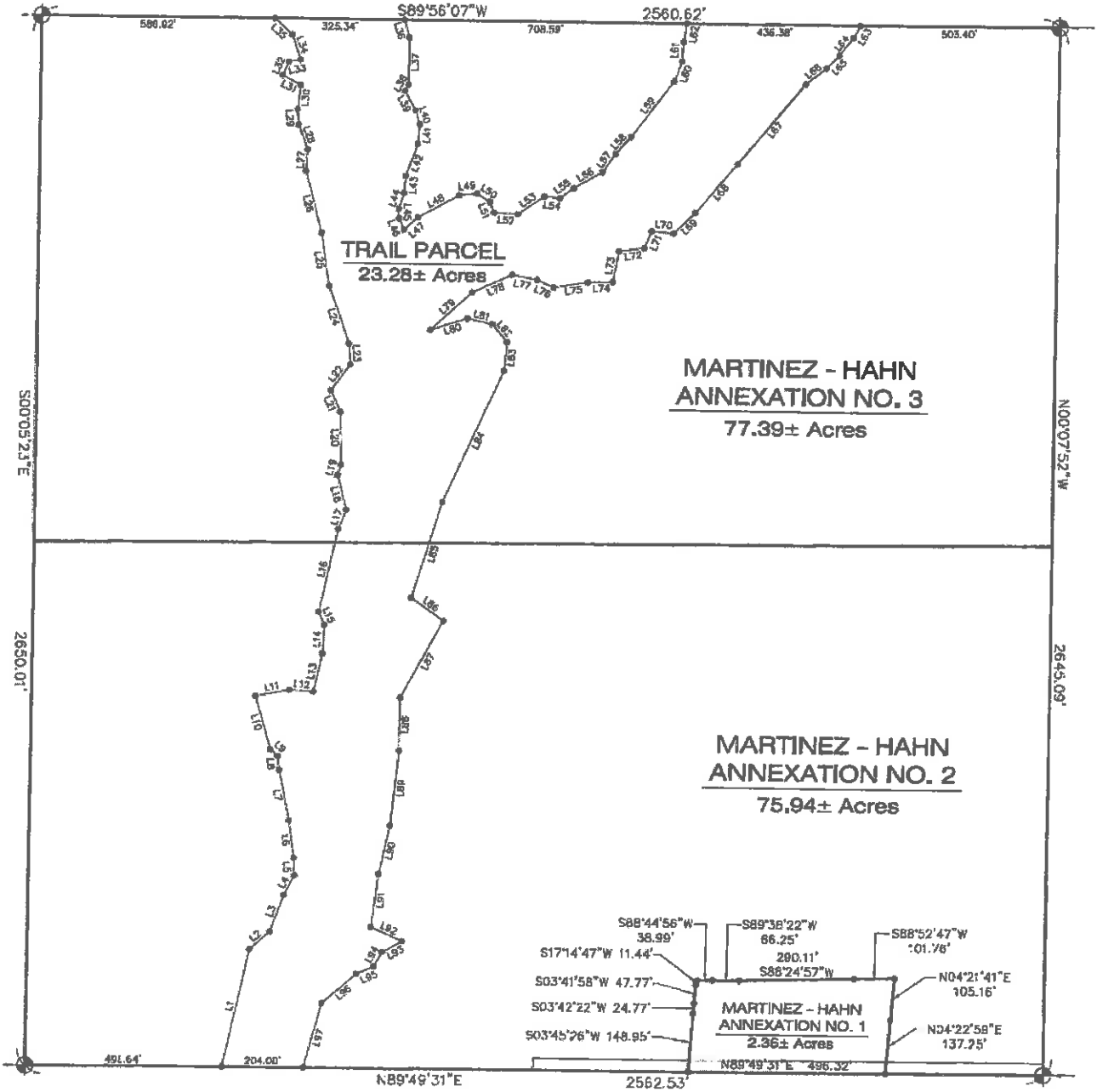
BACKGROUND INFORMATION

Type of Application:	Annexation and Rezoning
Location:	Martinez-Hahn Annexations No. 1, No. 2, and No. 3 consists of a total of approximately 155.69 acres more or less and is located north of the Mill Iron V subdivision and the Field's property on Weld County Road 52. The Martinez Hahn residence address is 9333 County Road 52.
Applicant:	Joe Adam Martinez representing the Martinez Family
Existing Land Use:	Vacant with one residential house on approximately 2.36 acres, Annexation No. 1

Surrounding Land Use:	North: Agricultural West: Agricultural South: A-E "Agricultural Estate" residential East: R-1 "Single Family Residential" and Agricultural
Zoning:	R-1 "Single-Family Residential"
Comprehensive Plan	The Comprehensive Plan designates the annexation in the urban growth area with the use as residential.
Notice	Notice was mailed to Surrounding Property Owners within 300' of the proposed development via Certified/Return Receipt mail on April 1, 2015. The hearing was published in the *Johnstown Breeze* on March 15, 2015 Referral notices were mailed/emailed on February 28, 2015. The Planning & Zoning Commission denied the annexation request on May 20, 2015.

The first Annexation No. 1 consists of approximately 2.36 acres, which is currently being used by the Martinezes' as a residence. The other two annexations, Martinez-Hahn Annexation No. 2 and No. 3 consist of a total of approximately 153.33 acres.

The proposed annexation contains approximately 155.69 acres, more or less, and is subject to all existing easements and /or rights-of-way of record. Martinez-Hahn Annexation No. 1 or Exhibit 1 consists of approximately 2.36 acres and is currently being used for residential purposes. The residential portion of the property will be transferred to the Town of Milliken within two weeks after the annexation ordinance is passed. The Martinez-Hahn Annexation No. 2 or Exhibit 2 A consists of approximately 75.94 acres, Martinez-Hahn Annexation No. 3 or Exhibit 2 B consists of approximately 77.39 acres, and the Martinez-Hahn Annexation Open Space or Exhibit 3 consists of approximately 23.28 acres. Exhibits 2 A, 2 B, and 3 are currently being used for agricultural uses. The Open Space is shown below at the "Trail Parcel". The legal descriptions are attached to Ordinances 711 and 713.



COMPLIANCE WITH TOWN LAND USE CODE

This staff memorandum is prepared in accordance with the Land Use Code as outlined below. Staff complied the most relevant sections of the Code for the Planning and Zoning Commission's and Town Board's review of the application.

Sec. 16-1-50. Purpose.
The purpose of this Code is to create a vital, cohesive, well-designed community in order to enhance the Town of Milliken's character and further the citizens' goals as identified in the Comprehensive Plan. This Code is designed to:

(1) Encourage the most appropriate use of land through the Town;
(2) Encourage innovative, quality site design, architecture and landscaping;
(3) Encourage new developments to relate to Milliken's historic development pattern;
(4) Promote compact, well-defined, sustainable neighborhoods that enhance Milliken's character;
(5) Create livable neighborhoods that foster a sense of community and reduce dependency on private vehicles;
(6) Encourage the proper arrangement of streets in relation to existing and planned streets and ensure that streets facilitate safe, efficient and pleasant walking, biking and driving;
(7) Provide a variety of lot sizes and housing types in every neighborhood;
(8) Protect sensitive natural and historic areas and Milliken's environmental quality;
(9) Integrate a high-quality natural environment into the developed portions of the community;
(10) Facilitate the adequate and efficient provision of transportation, water, sewage, schools, parks and other public requirements;
(11) Provide protection from geologic, flood and fire hazards and other dangers; and
(12) Promote the health, safety, morals and general welfare of Milliken residents. (Ord. 480 §1.5, 2003)

Sec. 16-1-60. Interpretation.
In their interpretation and application, the provisions of this Code shall be held to be minimum requirements for the promotion of the public health, safety and welfare. Whenever the requirements of this Code are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or that imposing the higher standards shall govern. (Ord. 480 §1.6, 2003)

Sec. 16-1-90. Relationship to Comprehensive Plan.
It is the intention of the Town that this Code implement the planning policies adopted in the Comprehensive Plan ("Comprehensive Plan") for the Town and its extraterritorial planning area. While this relationship is reaffirmed, it is the intent of the Town that neither this Code nor any amendment to it may be challenged on the basis of any alleged nonconformity with the Comprehensive Plan.

(1) Requirement for Comprehensive Plan Amendment. Where a development proposal would be in substantial conflict with the Comprehensive Plan, an amendment to the Comprehensive Plan will be required prior to any zoning or subdivision approvals. A substantial conflict will exist when a development proposal would result in changes from the designations of the Land Use Plan Map, Transportation Plan Map or Parks and Open Space Map in the Comprehensive Plan.

(2) Criteria for Evaluating Amendment Proposals. Amendments to the Comprehensive Plan resulting from development proposals under this Code shall be evaluated according to the criteria and procedure outlined in the Comprehensive Plan. (Ord. 480 §1.9, 2003)

Sec. 16-1-150. Definitions.
Terms used in this Code are defined as follows:

Agricultural land means land that is being used for agricultural activities.

Applicant is the owner of land, the owner's authorized representative or the optionee of the land, as well as mineral owners and lessees.

Block means a unit of land, or a group of lots, bounded by streets or by a combination of streets and public lands or other rights-of-way other than an alley, waterways or any barrier to the continuity of development, or land which is designated as a block on any recorded subdivision tract.

Block Diversity Plan is a plan provided by an applicant that demonstrates that an adequate mix of housing models and styles are offered within a neighborhood and within each block face. The intent is to ensure that diverse and quality design elements are integrated into the character of residential homes and streets. A Block Diversity Plan shall be required for the following:

a. Single-family detached and duplex housing; and
b. Multi-family stacked units, including condominiums and apartments. The submittal requirements for the Block Diversity Plan are specified in Section 16-2-520, Residential Architecture (Single-Family Detached and Duplex Dwellings) of this Code; and Section 16-2-605, (Multi-Family Stacked Units, including Condominiums and Apartments) of this Code.

Block face means one (1) side of a street between two (2) consecutive intersections. For example, a *block face* can be one (1) side of a city block.

Board of Trustees (Board) means the governing board of the Town of Milliken.

Building means any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, including fences, which is governed by the following characteristics:

a. Is permanently affixed to the land; and
b. Has one (1) or more floors and a roof.

Building code means and includes any law, ordinance or code which is in force in the Town and which pertains to the design and construction of buildings and other structures, including swimming pools or to any components thereof, such as cooling and heating, plumbing, electricity and the like.

Building frontage means the horizontal, linear dimension of that side of a building which abuts a street, a parking area, a mall or other circulation area open to the public and has either a main window display or a public entrance to the building.

Building height means the vertical distance above median grade, as defined below, and the highest point of the coping of a flat roof, or to the deck line of a mansard roof, to the average height of the highest gables of a pitched or hipped roof, or to the top of the smokestack of an industrial building. The measurements may be taken from the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of any exterior wall of the building, when such sidewalk or ground surface is not more than ten (10) feet above median grade.

Character means those attributes, qualities and features that make up and distinguish a development project and give such project a sense of purpose, function, definition and uniqueness.

Commercial storage facility means cold storage plants and other such establishments renting storage.

Common open space means a parcel of land, an area of water, or a combination of land and water within the site designated for a planned unit development (PUD) designed and intended primarily for the use or enjoyment of residents, occupants and owners of the planned unit development.

Community Design Principles and Development Standards means the standards in the Town of Milliken *Land Use Code* set forth in Article II of this Chapter.

Community facility means a facility or office building which is primarily intended to serve the recreational, educational, cultural, administrative or entertainment needs of the community as a whole, such as churches, museums, libraries, concert halls and similar establishments serving a public or quasi-public purpose, but excluding schools as defined herein.

Compatibility means the characteristics of different uses, activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor and architecture. Compatibility does not mean "the same as." Rather, *compatibility* refers to the sensitivity of development proposals in maintaining the character of existing development.

Comprehensive Plan means the Town of Milliken Comprehensive Plan.

Conservation easement means a right of the owner of the easement to prohibit certain acts with respect to the property in order to maintain the property in a manner that will preserve its value for recreation, education, habitat, open space or historical importance. See also Section 38-30.5-102, C.R.S. (NOTE: For a conservation easement to create tax benefits for the donor at the federal or state level, it must meet either or both of the Internal Revenue Service or State of Colorado definitions).

Density means the overall average number of dwelling units located on the gross or net residential acreage (as applicable) contained within the development and calculated on a per-acre basis. Gross density is calculated by dividing the total number of units by the total acreage. Net

density is calculated by dividing the [total number of units] by the [total acreage minus all publicly dedicated land].

Design standards means the standards that set forth specific improvements requirements.

Detention basin means a manmade or natural water collector facility designed to collect surface and subsurface water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of property, into natural or manmade outlets.

Developer means any person, partnership, joint venture, limited liability company, association or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.

Development means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into two (2) or more parcels. When appropriate in context, *development* shall also mean the act of developing or the result of development. *Development* shall also include:

a. Any construction, placement, reconstruction, alteration of the size or material change in the external appearance of a structure on land;
b. Any change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development;
c. Any change in use of land or a structure;
d. Any alteration of a shore or bank of a river, stream, lake, pond, reservoir or wetland;
e. The commencement of drilling oil or gas wells, mining, stockpiling of fill materials, filling or excavation on a parcel of land;
f. The demolition of a structure;
g. The clearing of land as an adjunct of construction;
h. The deposit of refuse, solid or liquid waste, or fill on a parcel of land;
i. The installation of landscaping within the public right-of-way, when installed in connection with the development of adjacent property; and
j. The construction of a roadway through or adjoining an area that qualifies for protection as a wildlife or natural area.

Development shall not include:

a. Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way;
b. Work by any public utility for the purpose of inspecting, repairing, renewing or constructing, on established rights-of-way, any mains, pipes, cables, utility tunnels, power lines, towers, poles or the like; provided, however, that this exemption shall not include work by a public entity in constructing or enlarging mass transit or fixed guide way mass transit depots or terminals or any similar traffic-generating activity;
c. The maintenance, renewal, improvement or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure;
d. The use of any land for an *agricultural activity* as defined in this Section.
e. A change in the ownership or form of ownership of any parcel or structure; or
f. The creation or termination of rights in land.

Development plan means the written and graphical documents that detail the provisions for development of a PUD development. These provisions may include, and need not be limited to, easements, covenants and restrictions relating to use; location and bulk of buildings and other structures; intensity of use or density of development; utilities, private and public streets, ways, roads, pedestrian areas and parking facilities; and common open space and other public facilities.

Driveway means a constructed vehicular access serving one (1) or more properties and abutting a public or private road.

Dwelling means a building used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, town home dwellings and multi-family dwellings.

Dwelling, multi-family means a dwelling containing three (3) or more dwelling units, not including hotels, motels, lodges, fraternity houses and sorority houses and similar group accommodations, with or without accessory use facilities limited to an office for the building manager, laundry area and recreation facilities.

Dwelling, single-family means a building designed exclusively for occupancy by one (1) family, but not including mobile home, otherwise provided herein.

Dwelling, single-family attached means a residential building containing dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings. The term is intended primarily for such dwelling types as townhouses and duplexes.

Ease Dwelling, single-family detached means a detached principal building, other than a mobile home, designed for and used as a single dwelling unit by one (1) family.

Dwelling, town home means an attached single-family dwelling in a building that contains two (2) or more dwellings, each of which is individually owned along with the land area that constitutes the lot on which the town home dwelling is located.

Dwelling, two-family means a building occupied by two (2) families living independently of each other.

Dwelling unit means one (1) or more rooms and a single kitchen and at least one (1) bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, two-family or multi-family dwelling or mixed-use building and served by no more than one (1) gas meter and one (1) electric meter.
Easement means a right to land generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation or particular persons for specified uses.

Eave means the overhanging lower edge of a roof.

Elevation means the external vertical plane of a building. Elevations are considered different if they have different roof lines, building materials, details, color and overall stylistic expression.

Employees means the total number of persons to be employed in a building during normal periods of use.

Environmentally sensitive areas mean aquifer recharge areas, significant wildlife habitat and migration corridors, unique vegetation and critical plant communities and ridgelines.

Floodplain or flood hazard area means areas that have been designated by the Board of Trustees, the Colorado Water Conservation Board or FEMA as susceptible to flooding.

Flood-prone means areas subject to flooding that have not been designated by the Board of Trustees, the Colorado Water Conservancy Board or FEMA.

Floor area, also called *gross floor area*, means the total square footage of the building measured along the outside walls of the building and including each floor level, but not including open balconies, garages or other enclosed automobile parking areas and basement storage areas, and not including one-half (1/2) of all storage and display areas for durable goods.

Flow lines is used with reference to streets and means the curb lines, or if no curbs have been installed, the natural water-flow lines at the outside edge of the traveled portion of the street.

Footprint, also called *ground level footprint*, means the outline of the total area that is covered by a building's perimeter at ground level.
Freestanding sign means a sign which is not attached to any building and which is supported by a structure extending from the ground, or from an object on or in the ground.

Functional open space means open space which is large enough to serve a practical purpose such as recreation, wildlife habitat or preservation of areas of agricultural, archeological or historical significance and shall exclude areas used for off-street parking, off-street loading, service driveways and setbacks from oil and gas wells or their appurtenances, or other hazards to the public.

Grade means:

a. The lowest point of elevation of the finished surface of the ground, pavement or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.
b. The degree of rise or descent of a sloping surface.

Grade, finished means the final elevation of the ground surface after development.

Grade, natural means the elevation of the ground surface in its natural state, before manmade alterations.

Ground or monument sign means a type of freestanding sign in which the entire bottom of the sign or the bottom of the sign support structure is in contact with of is close to the ground and is independent of any other structure.

Home occupation means a business use of the house that is conducted inside the premises of the house or garage, does not change the basic residential character of the neighborhood and is subordinate to the residential use of the dwelling unit.

Homeowners association means the association set up to enforce the covenants and maintain all common areas and buildings for a development. Also known as *Owners Association*.

Human scale (pedestrian scale) means the proportional relationship between the dimensions of a building or building element, street, outdoor space or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.

Industrial, heavy means uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involved hazardous conditions. *Heavy industrial* also means those uses engaged in the operation, parking and maintenance of vehicles, cleaning of equipment or work processes involving solvents, solid waste or sanitary waste transfer stations, recycling establishments and transport terminals (truck terminals, public works yard, container storage).

Industrial, light means uses engaged in the manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales or distribution of such products. Further, *light industrial* means uses such as the manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, research and scientific laboratories or the like.

Industrial, medium means a variety of uses, including warehousing and distributing, indoor and outdoor storage and a wide range of commercial and industrial operations, establishments for food and beverage processing, for the sale and repair of farm machinery and diesel trucks and buses, lumberyards and builders supply facilities (with outdoor storage), machine shops, mini-storage facilities, outside storage facilities, railroad yards and stations, recycling facilities, transportation headquarters with incidental repair and servicing facilities, and utility service facilities with buildings and/or storage structures.

Infrastructure means those manmade structures which serve the common needs of the population, such as: potable water systems; wastewater disposal systems; solid waste disposal sites or retention areas; storm drainage systems; electric, gas or other utilities; bridges; roadways; bicycle paths or trails; pedestrian sidewalks, paths or trails; and transit stops.

Integrate means to combine or coordinate separate elements (such as housing, recreation, jobs and shopping), so as to provide a harmonious, interrelated whole; organized or structured so that constituent parts function cooperatively.

Inter-neighborhood connections mean connections (such as trails and roads) between neighborhoods.

Irrigation ditch or canal means a channel designed to transport irrigation water.

Landowner means any owner of a legal or equitable interest in real property, and includes the heirs, successors, and assigns of such ownership interests, and also each and every person who has the right to occupy all or a portion of a lot or all or a portion of a structure on a lot, under a lease or a tenancy. The word *landowner* is used in this Chapter synonymously with *owner* and *property owner*.

Landscaping means any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, works of art, reflective pools, fountains or the like. *Landscaping* shall also include irrigation systems, mulches, topsoil use, soil preparation, revegetation or the preservation, protection and replacement of existing trees.

Lane means a private street; or a portion of a roadway delineated for a single line of vehicles; or a secondary means of access to the abutting lots and not intended for general traffic circulation.

Lot means a designated parcel, tract or area of land established by plat or subdivision of at least a sufficient size to meet minimum requirements for use, street frontage coverage and area, and to provide required yards and other open spaces in the zoning district in which the lot is located, and which has direct access onto a public or private street.

Lot size means the total horizontal area within the lot lines of a lot; synonymous with *area of lot*.

Lot depth means the average distance between the front lot line and the rear lot line.
Lot, double frontage means a lot which fronts on one (1) public street and backs on another.

Lot, flag means a lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street.

Lot line, front means the property line dividing a lot from a street. On a corner lot, only one (1) street line shall be considered as a front line, and the shorter street frontage shall be considered the front line.

Lot line, rear means the line opposite the front lot line.

Lot line, side means any lot lines other than the front lot line or rear lot line.

Lot, reverse corner means a corner lot having its side street line substantially a continuation of the front lot line of the first lot to its rear.

Lot size means the total horizontal area within the lot lines of a lot; synonymous with *area of lot*.

Lot width means the distance parallel to the front lot line, measured at the front building setback line.

Lot width on a curving front lot line means the distance parallel to the tangent of the front lot line at the building setback line. The lot width and the lot frontage may have different lengths on an irregularly shaped lot as they are measured at different points on the lot.

Mixed use means the development of a lot, tract or parcel of land, building or structure with two (2) or more different uses, including but not limited to residential, office, retail, public uses, personal service or entertainment uses, designed, planned and constructed as a unit.

Mixed use building means a building designed, planned and constructed as a unit, used partially for residential use and partly for commercial uses, including but not limited to office, retail, public uses, personal service or entertainment uses.

Mixed use dwelling unit means the dwelling unit in a mixed use building. For purposes of calculating residential density, each dwelling unit shall count as one-half (½) dwelling unit.

Model home means a dwelling temporarily used as a sales office or demonstration home for a residential development under construction, said dwelling being used as an example of a product offered for sale to purchasers (by a realtor, building developer or contractor). The dwelling may be furnished but not occupied as a residence while being used as a *model home*.

Model plans means a set of standard plans for a home. Models are considered different if they have different floor plans, garage placement and building massing (form and structure).

Modified grid pattern means a grid pattern of streets and blocks adapted to the topography, unique natural features, environmental constraints and peripheral open space areas.

Municipality means an incorporated city or town.

Natural areas means floodplains and flood ways, natural drainage and water ways, significant native trees and vegetation, wildlife travel corridors, special habitat features such as raptor nest sites, key nesting, breeding or feeding areas for birds; fox and coyote dens, prairie dog colonies over twenty-five (25) acres in size, remnant native prairie habitat, plains cottonwood galleries, and any wetland greater than one-quarter (¼) acre in size.

Neighborhood means a geographical area, the focus of which are residential uses, but also may include a mixture of activities that people need to live. A *neighborhood* may include a diversity of housing types, schools, parks, shopping and jobs (frequently service-type), and a civic component.

Neighborhood commercial center means a shopping center that contains businesses that are intended to provide goods and services to the immediate neighborhood (within a one-quarter-mile radius).

Off-street parking area means all off-street areas and spaces designed, used, required or intended to be used for the parking, storage, maintenance, service, repair, display or operation of motor vehicles, including driveways or access ways in and to such areas, but not including any outdoor storage area used principally as a *recreational vehicle, boat or truck storage* use, storage areas for landscaping and other bulk items or public streets and rights-of-way.

Oil and gas operation means any structure, facility or activity which is constructed on or disturbs land in association with oil or gas drilling, production or waste treatment and disposal, including

but not necessarily limited to wells, tanks or tank batteries, pits, access roads for ingress and egress and pipelines.

Oil or gas well means a well, the principal production of which at the mouth of the well is oil or gas.

Open space means any land or water area with its surface open to the sky, which serves specific uses of: providing park and recreation opportunities, conserving natural areas, wildlife habitat, agricultural areas and environmental resources, structuring urban development form, and protecting areas of agricultural, archeological or historical significance. *Open space* shall not be considered synonymous with vacant or unused land but serves important urban functions. Usable open space shall exclude areas used for off-street parking, off-street loading, service driveways and setbacks from oil and gas wells and their appurtenances, or other hazards to the public.

Open space, common means an area permanently set aside for the common use and enjoyment of residents of a multifamily development.

Outdoor storage means the keeping, in an unroofed area, of any equipment, goods, junk, material, merchandise or vehicles in the same place for more than twenty-four (24) hours. Containers and semi-trailers may not be used for residential or storage uses except on construction sites.

Outlot means a measured piece of land contained within subdivided land that is not a building lot. An outlot may be conveyed to the public for open space or other public purposes, be retained by the developer for later subdivision, or be conveyed to an owners association.

Owner means the person or entity that owns the property under consideration.

Parcel means a tract or plot of land.

Park means an area open to the general public and reserved for recreational, educational or scenic purposes.

Parking lot means an off-street parking area or vehicular use area.

Pedestrian scale (human scale) means the proportional relationship between the dimensions of a building or building element, street, outdoor space or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.

Phase means a portion of property that is being platted and engineered for development at the same time.

Plan means the map and supporting documentation for a development that includes but is not limited to lots, blocks, easements, rights-of-way, pedestrian ways, park and school sites, open space areas and conservation areas in accordance with the requirements of this Code.

Planned unit development (PUD) means a project of a single owner or a group of owners acting jointly, involving a related group of residences, businesses or industries and associated uses. Planned as a single entity, the project is subject to development and regulations as one (1) land-use unit rather than as an aggregation of individual buildings located on separate lots. The planned unit development includes usable, functional open space for the mutual benefit of the entire tract; and is designed to provide variety and diversity through the variation of normal zoning and subdivision standards so that maximum long-range benefits can be gained, and the unique features of the development or site preserved and enhanced while still being in harmony with the surrounding neighborhood. Approval of a planned unit development does not eliminate the requirements of subdividing and recording a plat.

Planning Area Boundary means the area surrounding the Town of Milliken that the Town of Milliken will consider annexing and developing. The Planning Area Boundary is delineated on the *Land Use Map* in the Town of Milliken Comprehensive Plan. *Plan* means the map and supporting documentation for a development that includes but is not limited to lots, blocks, easements, rights-of-way, pedestrian ways, park and school sites, open space areas and conservation areas in accordance with the requirements of this Code.

Plat means a map of certain described land prepared in accordance with the requirements of this Code and Section 38-51-106, C.R.S., as an instrument for recording of real estate interests with the County Clerk and Recorder.

Principal use means the main use of land or of a structure as distinguished from a subordinate or accessory use.

Professional office means an office for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants and others who through training are qualified to perform services of a professional nature and where no storage or sale of merchandise exists, except as accessory to the professional services.

Proof of ownership means ownership as specified in a current title insurance commitment or policy, or certification of title, issued by a title insurance company licensed by the State of Colorado.

Property means all real property subject to land use regulation by the Town of Milliken.

Property line means the boundary of any lot, parcel or tract as the same is described in the conveyance of such property to the owner; and does not include the streets or alleys upon which said lot, parcel or tract abuts.

Public means (when used as modifying a structure, activity or purpose) a structure, activity or purpose owned or operated by a government agency or by a nonprofit corporation with tax-exempt status under the Federal Internal Revenue Code, if the nonprofit corporation makes the structure or facility available for the use of all the members of the public without regard to membership status.

Public areas mean streets, parks, open spaces and other property designated or described as for public use on a map or plat of the Town of Milliken and fee title is vested in the Town of Milliken, other public body or a special district as defined in Section 32-1-103, C.R.S.

Public facilities mean those constructed facilities, including but not limited to transportation systems or facilities, water systems or facilities, wastewater systems or facilities, storm drainage systems or facilities, fire, police and emergency systems or facilities, electric, gas, telecommunication utilities or facilities, and publicly owned buildings or facilities.

Public hearing means a meeting called by a public body for which public notice has been given and which is held in a place at which the general public may attend to hear issues and to express their opinions.

Public improvement means any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree lawn, landscaped open space, off-street parking area, lot improvement or other facility that benefits the public.

Public utility means a common carrier supplying electricity, wire telephone service, natural gas, water, wastewater or storm water service or similar public services, but shall not include railroads or other forms of rail mass transit or depots or terminals supporting the same, or wireless telecommunication facilities.

Raw water means water rights acceptable to the Town of Milliken for domestic purposes, or water rights acceptable to the Town that may be used for irrigation of public facilities.
Recreational facilities: The following classes of recreational facilities have these meanings:

a. *Commercial recreational facilities* includes bowling alleys, health spas, swimming pools, tennis courts, miniature golf facilities and the like, operated on a commercial basis for use by the paying public.
b. *Private recreational facilities* includes golf courses, tennis courts, swimming pools, country clubs or recreational facilities for fraternal organizations, all of which are owned and operated by either nonprofit organizations with a limited membership or by private persons who own the facilities and are the only users of them;
c. *Public recreational facilities* means public parks, zoos, swimming pools, golf courses and other such facilities owned or operated by or under the direction of a government agency or a nonprofit corporation which falls within the definition of the word *public* as defined above.

Replat (resubdivision) means the changing of any existing lot or lots, street rights-of-way or easements of a subdivision plat previously recorded with the County Clerk and Recorder.

Retention basin means a pond, pool or basin used for permanent storage of water runoff.

Right-of-way means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for another special use. The usage of the term *right-of-way* for land platting purposes shall mean that every right-of-way established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains,

sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use on the plat on which such right-of-way is established.

Setback means the required unoccupied open space between the nearest wall of a structure and the property line of the lot on which the structure is located.

Setback, front means the distance between the front lot line and the front wall of the main structure.

Setback, rear means the distance between the rear lot line and the back wall of the main structure.

Setback, side means the distance between any wall and the lot line other than the front and rear setbacks.

Sidewalk means the hard surface path within the street right-of-way for use by pedestrians and/or bicyclists.

Sign permit means a permit issued by the Town Building Official and which is required for any sign specified in this Code.

Significant wildlife habitat and migration corridors are areas designated by the Colorado Division of Wildlife and/or the Colorado Natural Diversity Information Source (www.ndis.nrel.colostate.edu) as areas of landscape that provide food, cover and water sufficient to meet the needs of a given species to survive and reproduce.

Site-built dwelling means a dwelling that is predominately constructed on-site and is not a factory built home or dwelling.

Site plan means a scale drawing of a lot, showing the actual measurements, the size and location of any existing or proposed buildings, the location of the lot in relation to abutting streets, and other details such as parking areas, access points, landscaped area, building areas, setbacks from lot lines, building heights, floor areas, densities, utility locations and easements.

Site specific development plan means the final plat of a subdivision or final development plan of a PUD (planned unit development) when approved by the Board of Trustees pursuant to Article V of this Chapter.

Street means a public way other than an alley that is capable or use by motor vehicles and which affords the principal means of access to abutting property.

Street furniture means constructed objects, such as outdoor seating, kiosks, bus shelters, sculpture, tree grids, trash receptacles, fountains and telephone booths, that have the potential for enlivening and giving variety to streets, sidewalks, plazas and other outdoor spaces open to and used by the public.

Streetscape means the distinguishing character of a particular street within the public right-of-way, including paved materials, and the adjacent space extending along both sides of a street, including landscaping, sidewalks, medians, lighting, street furniture and signage.

Structure means anything constructed or erected on the ground, the use of which requires a more or less permanent location on the ground, but not including earthwork, ditches, canals, dams, reservoirs, pipelines, telephone, telegraph or electrical power poles, and public walks or curbs.

Subdivider or *developer* means any person, partnership, joint venture, limited liability company, association or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.

Subdivision means the platting of a lot or the division of a lot, tract or parcel of land into two (2) or more lots, plots or sites.

Temporary use means a prospective use intended for limited duration, is to be located in a zoning district not permitting such use, and shall not include continuing a nonconforming use or building.

Title commitment means formal documentation from a title company listing the name of the owner of the property under consideration, the legal description of the property and any legal holdings on the property such as easements, rights-of-way or liens.

Town means the Town of Milliken located in Weld County, Colorado.
Town of Milliken Comprehensive Plan means the plan which was adopted by the Planning Commission and Board of Trustees in accordance with Section 31-23-206, C.R.S., to guide the future growth, protection and development of the Town of Milliken, affording adequate facilities for housing, transportation, comfort, convenience, public health, safety and general welfare of its population.

Transportation headquarters means headquarters and parking areas for ambulance services, taxi services, bus services and other services involving the transportation of persons but not property.

Use means the type of activity for which land or a building is designated, arranged or intended and also means the activity which in fact regularly takes place upon the land.

Utility service facilities mean utilities substations and public lift-up pumping stations for domestic water and sanitary sewer service, microwave towers and other such installations; does not include any such installations which contain buildings or storage structures; and does not include transportation headquarters.

Vacant land means land that does not have development on it.

Vegetation means plants growing in a place, including but not limited to trees, shrubs, vines, grasses and groundcover.

Walkable means a distance of one-quarter (¼) mile or within a five-to-ten-minute walk.

Walkway means:

a. A right-of-way dedicated to public use that is not within a street right-of-way, to facilitate pedestrian access through a subdivision block by means of a hard surface path.
b. Any portion of a parking area restricted to the exclusive use of pedestrian travel.

Warehouse and distribution means a use engaged in storage, wholesale and distribution of manufactured products, supplies or equipment, including accessory offices or showrooms, including incidental retail sales, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

Warehousing means a business that stores or stocks merchandise or commodities.

Wholesale merchandise establishment means establishments for the sale of merchandise at the wholesale level, including those that warehouse merchandise in covered buildings.

Yard means that portion of the open area on a lot extending open and unobstructed from the ground upward from a lot line for a depth or width specified by the regulations for the zone district in which the lot is located.

Yard, front means a yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.

Yard, front setback means the distance a building or structure must be placed from the back of the front property line.

Yard, rear means a yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building.

Yard, rear setback means the distance a building or structure must be placed from the back of the rear property line.

Yard, side means a yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.

Yard, side setback means the distance a building or structure must be placed from the back of the side property line.

Zone district means a zone district of the Town of Milliken as established in Article III of this Chapter, unless the term is used in a context that clearly indicates that the term is meant to include both the zone districts of the Town of Milliken and the zone districts of an adjoining governmental jurisdiction. Also referred to as *zoning district*.

Zoning map means the official zoning map adopted by the Town of Milliken by ordinance, as amended. (Ord. 480 §1.15, 2003; Ord. 507 §1, 2005; Ord. 623 §1, 2010; Ord. 666 §§1, 2, 2012; Ord. 686 §1, 2013)

ARTICLE **II**

Community Design Principles and Development Standards

Division I General

Sec. 16-2-10. General provisions.

(a) Applicability. All development applications and building permit applications shall comply with the applicable standards contained in this Article.

(b) Relation to Zone District Standards (Section 16-3-490 of this Code). In the event of a conflict between a standard or requirement contained in Section 16-3-490 and this Article, the standard in Section 16-3-490 shall prevail. (Ord. 480 §2.1, 2003)

Sec. 16-2-15. Vision and intent.

(a) The intention of the Town of Milliken in enacting this Article is to clearly describe the Town's vision and to create a vital, cohesive, well-designed community in order to enhance its small-town character and further the citizens' goals as identified in the *Milliken Comprehensive Plan* ("Comprehensive Plan").

. . . Visions for Community is an attempt to bring into the city a new form of urban design, one which predicts a shift in the ways a community attempts to consider its physical city, its environment, its traditions, ritual life and mores and how they all cohere into patterns we call city. This "new" form of urban design is in truth quite old. It reflects one of humankind's most primordial activities – the making of "space" into "place." It is considered new in this particular time because it is counter to the way cities have evolved during the twentieth century, by responding to the marketplace. It is considered new because it emphasizes "community" as its guiding imperative instead of economic gain, and "vision" as its principal operative rather than opportunism.

– Dallas Visions for Community, Dr. Gail Thomas

(b) The Town has many attributes, but its greatest source of pride is its small-town character. This character is readily apparent and forms the foundation of the community. As the Town grows, the elements that contribute to this character must be strengthened and nurtured. As part of the comprehensive planning process, the citizens of the Town described these elements and their collective intentions for development of the community. Their vision and intentions are outlined below:

(1) Community.

a. The Town will continue to be peaceful, quiet and safe with citizens who know, respect and care for each other and have a general concern for the community as a whole.

b. Milliken will continue to be a wonderful place to raise a family. Residents will represent a broad diversity of people in terms of age, income, interests and activities. Special attention will be given to the youth and seniors of the community.

c. The Town's western and cultural heritage needs to be preserved through historic preservation efforts of its significant buildings and cultural events.

d. The architectural styles used for new businesses will provide interesting, high-quality buildings while maintaining the small-town charm of Milliken.

e. The development of new schools in the Town, as demand warrants, will be an important component of providing exceptional educational opportunities to the youth in the community.
f. A spirit of cooperation will be fostered with the surrounding communities and the County.

(2) Housing.
a. Neighborhoods will each have unique character and will be designed with pedestrian access and linkages to parks, schools, public facilities, downtown, commercial areas and the Milliken trail system.
b. Additional variety of housing types will be available to reflect the diversity within the community. New development will include varying housing types, such as: single-family homes, row houses, small clusters of multi-family units and apartments, terraced town homes, senior housing and some manufactured homes. The diversity of product types available will accommodate a variety of lifestyles and income levels.
c. New residential developments will reflect the diversity of existing neighborhoods and incorporate a variety of housing styles and types. Large-scale, "cookie-cutter" developments will not be allowed.
d. Affordable housing will be dispersed among the mixture.
e. Incentives will be investigated in order to upgrade existing housing that is in need of repair.

(3) Public facilities.
a. Educational opportunities for all ages will be provided in many of the parks and public facilities throughout the community.
b. The development of a new Community Center will be pursued to provide a pool, recreation and cultural center, fine arts theater and outdoor concert facility.
c. The Thompson River corridor will be developed as a primary greenway over time, in order to highlight the scenic corridor and provide recreational opportunities.
d. Newdevelopmentwillpayforitsinfrastructurecostsandrequiredservices.
e. There must be adequate capacity in water and wastewater facilities prior to approval of new development. Water storage will be achieved without causing unnecessary negative visual impact.
f. Convenient public transit will ultimately be made available to nearby urban areas. This includes the possibility of a connection to the commuter rail system that may one day be built between Fort Collins and Denver.

(4) Environment.
a. The natural environment, the Town's most distinguishing feature, will be preserved and integrated into all aspects of community design. Special attention will be given to the design of the Town's entryways, as well as open space preservation at the outskirts of the Town limits.
b. Development will not be allowed on the bluffs, which are located north of the Big Thompson River and along ridgelines.
c. New developments will be built in harmony with the natural environment and take into consideration the physical constraints of the site, as well as aesthetic and ecological values of the land. Steep hillsides, drainageways and riparian areas will be protected.

(5) Economic vitality.

a. Downtown redevelopment will be an ongoing process to continue to strengthen the core community as an activity center and economic base.
b. Incentives will be investigated to encourage the development and expansion of local businesses in order to continue to create jobs within the community so that people can work and live in Town.
c. The Town's economic vitality will be achieved by allowing appropriate new development that enhances the community as a visitor destination and encourages small local businesses to thrive. A strong economy, combined with creative funding strategies, will enable the Town to invest in a number of desired amenities.

(c) Overall, Milliken will continue to be a wonderful place to call "home," with an unsurpassed quality of life. (Ord. 480 §2.2, 2003)

Sec. 16-2-20. Application of community design principles.

(a) The community design principles as set forth in this Article are to be considered in every development proposal. The Town's goal is to expedite the planning review process by clearly outlining the Town's expectations for new development. To this end, the Planning Commission invites applicants to participate in a visioning meeting prior to preparing the sketch plan application (refer to Section 16-4- 160 of this Code. The visioning meeting is an initial meeting between the developer and the Planning Commission. It is intended to begin a collaborative process to ensure that new development is consistent with the community's goals and that issues are identified early in the process.

(b) The Planning Commission and Board of Trustees will evaluate each proposal based on these principles and the context within which a project is located. The principles are intended to be specific enough to guide development, but not to preclude creative design solutions. **Applicants must substantially conform to the design principles unless it can be demonstrated that an acceptable alternative meets one (1) or more of the following conditions:**

(1) The alternative better achieves the stated intent;
(2) The intent will not be achieved by application of the principle in this circumstance;
(3) The effect of other principles will be improved by not applying the principle; and/or
(4) Strict application or unique site features make the principle impractical. (Ord. 480 §2.3, 2003)

Sec. 16-2-25. Design elements.

One (1) of the greatest challenges facing small towns is the successful integration of new development with the original Town pattern. Suburban development patterns which have included numerous cul-de- sacs and limited street connections have often separated communities and created enclaves of the original towns. In order to maintain the Town's unique, small-town character and clearly describe the Town's vision, the following design elements have been set forth within this Article.

(1) Compact Urban Growth. As the community grows from the original Town limits, it is important to maintain a continuity of density, diversity and interconnectedness. Urban development should occur adjacent to the Town's core so that the community's prime agricultural land and natural areas are preserved and public infrastructure and utilities are used as efficiently as possible.

(2) Neighborhood Design. New developments should help create neighborhoods, rather than residential subdivisions adjacent to one another. Neighborhoods should be organized

around a strong center, which may include elements such as common open space, civic and commercial or mixed uses. Strong consideration should be given to pedestrian movement, the character of streets and sidewalks as inviting public space, and the interconnectedness of the streets within the neighborhood and as they connect to the rest of the community. In addition, new neighborhoods should have a variety of housing sizes and types that help to create a distinct identity rather than a monotonous replication of styles.

(3) Lots and Blocks, Streets and Sidewalks. The layout of lots and blocks should be designed to continue the Town's existing block pattern to form a grid or modified grid pattern that is adapted to the topography, natural features and environmental considerations. The streets should be tree-lined and interconnected in order to create a comprehensive transportation network that facilitates the movement of pedestrians, cars and bicycles.

(4) Parks and Open Space. New developments shall use natural open spaces and developed public space (such as parks and plazas) to organize and focus lots, blocks and circulation patterns, protect natural areas and quality agricultural land and create an identity for each neighborhood.

(5) Site Design, Architecture and Landscaping. One (1) of the fundamental intentions of this Code is to encourage innovative, quality site design, architecture, and landscaping in order to create new places that can be integrated with the existing community and reflect the traditional patterns of the region. The photographic Design Vocabulary (Section 16-2-835 of this Article) as well as illustrations throughout the Code are intended to provide a visual description of the Town's design intentions.

(6) Environment. New developments should be designed to fit within the environment. To the greatest extent feasible, sites should be designed to preserve natural areas and the plants and wildlife inhabiting those areas. In addition, new developments are encouraged to follow Green Builder Guidelines (see Subsection 16-2-815[c] of this Article) and to conserve natural resources, especially water.

(7) Water Conservation. As the State grows, increasing pressure will be placed on the limited supply of water resources. Milliken residents have emphasized the importance of preserving the quality and quantity of water. All new development is encouraged to use raw water for irrigation and to incorporate water-saving measures in building design and landscaping. Developments are required to use stormwater management techniques that address water quality as well as quantity. (Ord. 480 §2.4, 2003)

Sec. 16-2-35. Neighborhood design principles.

We have become so used to living among surroundings in which beauty has little or no place that we do not realize what a remarkable and unique feature the ugliness of modern life is. Both in this country and in many others, wherever one finds a street or part of a street dating from before what we may call the modern period, one is almost sure to see something pleasing and beautiful in its effect. ...It is the lack of beauty, of the amenities of life, more than anything else which obliges us to admit that our work of town building in the past century has not been well done.

– Town Planning in Practice, Raymond Unwin, 1909

(a) Intent. The intent of this Section is to encourage the creation of viable neighborhoods that interconnect with each other and integrate new projects into the existing community, thereby strengthening the original Town. The neighborhood layout should

consider the street, lot and block pattern of the original Town, as well as solar orientation, topography, sensitive wildlife and vegetation, drainage patterns and environmental and regional climate issues. Further, the edges of neighborhoods should be formed by features shared with adjacent neighborhoods, such as major streets, changes in street pattern greenways or natural features such as streams and major drainage or riparian corridors. New streets, bikeways, sidewalks, paths, and trails should connect to existing adjacent neighborhoods.

(b) Neighborhood Structure. Following is a summary of essential elements to consider integrating into new neighborhoods:

(1) Street, sidewalk and trail connections within new neighborhoods that connect to adjacent existing neighborhoods and strengthen the connection to the existing Town.

(2) Streets that encourage pedestrian activity by creating an inviting atmosphere through attention to the details of landscaping and tree locations, sidewalks, lighting and the building architecture, etc.

(3) A mixed-use neighborhood center located for easy access.

(4) A variety of housing types, sizes, densities and price range that are well integrated.

(5) A variety of land uses that are well-integrated and a transition of intensity. Nonresidential uses, larger buildings and attached multi-family housing should be encouraged to be located near commercial centers with a transition to smaller buildings closer to low-density neighborhoods.

(6) Pedestrian and bike connections throughout residential neighborhoods and linked to neighborhood commercial or civic centers and open space systems.

(7) Parks, open space, public plaza and greens that are the focus of and well-integrated into the neighborhood.

(8) Street trees placed in new developments at regular intervals of forty (40) feet and placed directly adjacent to sidewalks. See Figure 2-19 at Section 16-2-460 of this Article.

(9) Architectural, landscaping and site design elements of new developments as outlined in this Article.

(c) General Provisions. The following principles are contained in the original "downtown" of Milliken.[1] The Comprehensive Plan identifies them as contributing to the community's small-town character. **Although the size of individual development proposals will vary, projects will be evaluated with consideration to these neighborhood design principles and the context within which a project is located. Failure to incorporate these design principles into a project may be cause for denial of the project by the Board of Trustees.**

(1) Each Neighborhood Has a Center and an Edge. It is important that every neighborhood have activity centers that draw people together. Use natural and manmade features such as a drainage way, major roadways and ditches, to define neighborhood edges. Buildings or other features located at gateways entering a neighborhood shall mark the transition into and out of the neighborhood in a distinct fashion using massing, additional height, contrasting materials and/or architectural embellishments to obtain this effect.

(2) Mix of Types of Dwelling Units. A mix of dwelling unit types shall be distributed throughout the development. (Refer to Division 6 of this Article for additional housing requirements and Section 16-2-835 of this Code for illustrations of housing styles that the Town is encouraging.)

(3) Focal Points. Focal points, or points of visual termination, shall generally be

occupied by more prominent, monumental buildings and structures that employ enhanced height, massing, distinctive architectural treatments or other distinguishing features, as well as landscape features. See Figure 2-1.

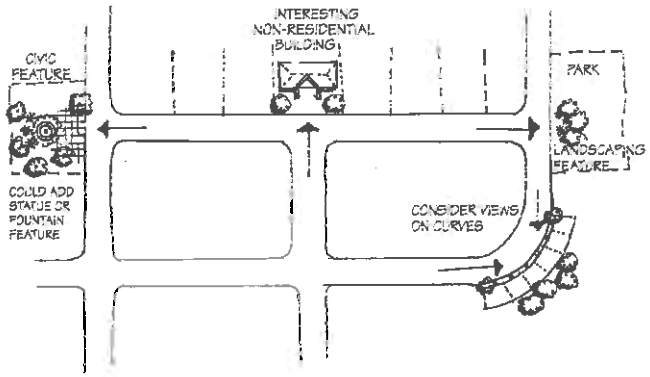


Figure 2-1

(4) Public Space as Development Framework. Public space is used to organize blocks and circulation patterns and to enhance surrounding development. Public open space must be functional and easily accessible and shall be designed to organize the placement of buildings to create an identity for each neighborhood. Buildings should face public open space to allow for casual surveillance.

(5) Design Streets as Public Spaces.

a. Buildings shall define streets through the use of relatively uniform setbacks along each block. The streetscape shall also be reinforced by lines of shade trees planted in the right-of-way landscape strip and may be further reinforced by walls, hedges, landscaping or fences which define front yards. (Refer to 16-2-835 of this Article for illustrations of streetscapes.)

b. On a lot with multiple buildings, those located on the interior of the site shall relate to one another both functionally and visually. A building complex may be organized around features such as courtyards, greens or quadrangles, which encourage pedestrian activity and incidental social interaction. Smaller, individualized groupings of buildings are encouraged. Buildings shall be located to allow for adequate fire and emergency access.

(6) Order Rather Than Repetition. The orderly arrangement of design elements can unify a space even when the elements are not the same. The location of sidewalks relative to streets, building setbacks and orientation, and the placement of trees can all help create an overall impression of unity even though each home or building has a distinct character.

(7) Use Human Proportion. Buildings shall be considered in terms of their relationship to the height and massing of adjacent buildings, as well as in relation to the human scale. (In a small town, this means generally one-story, two-story and three-story buildings.)

(8) Define the Transition Between the Public and Private Realm. Buildings shall be located to front towards and relate to public streets or parks, both functionally and visually, to the greatest extent possible. Wherever possible, buildings shall not be oriented to front towards a parking lot.

(9) Encourage Walking and Bicycling. Sites shall be designed to minimize conflicts

between vehicles, bicycles and pedestrians. Pedestrian and bicycle access and connections shall be designed to make it safe and easy to get around on foot and by bicycle.

(10) Neighborhoods Shall Have a Mix of Activities Available Rather Than a Purely Residential Land Use. Neighborhood residents shall have convenient access to parks, schools, open space, trails and services. The optimum size of a neighborhood is one-quarter (¼) mile from center to edge.

(11) Fit Within the Environment Rather Than on Top of It. New developments shall be designed to respond to the natural environment, fit into the setting and protect scenic view corridors. Key design considerations shall include a site layout that responds to natural features both on- and off-site, the size of structures and materials used in the development and the transition between the development and the surrounding landscape.

(12) Encourage a Range of Residents in Every Neighborhood. Housing types and the size of lots shall be varied to enable people to remain in the neighborhood as their needs change. (Refer to Section 16-2-835 of this Article for illustrations of architectural styles that the Town is encouraging.)

(13) Housing Types and Styles That Reflect the Architecture of the Region. Familiar architectural styles shall play an important role in developing an architectural identity for neighborhood dwellings. New homes shall be designed consistent with the architectural principles outlined in Division 6 of this Article. (Ord. 480 §2.6, 2003)

ARTICLE III
Zoning
Division 1 General

Sec. 16-3-10. General provisions.

(a) In their interpretation and application, the provisions of these zoning regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals, convenience, comfort, prosperity and general welfare.

(b) Uniformity of Regulations. The regulations established by this Article within each zone shall apply uniformly to each class or kind of structure or land. Unless exceptions are specified in this Article, the following interpretations shall apply:

(1) No buildings, structure or land shall be used or occupied, and no building, structure or part thereof shall be erected, changed, constructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the zone in which it is located. Where a lot is divided by a zoning district boundary line by the current official zoning map or by subsequent amendments to the zoning map, the zoning requirements may be extended within the lot for a distance of not more than twenty-five (25) feet.

(2) No building or other structure shall be erected or altered:

a. To exceed the height limitations.
b. To accommodate or house a greater number of families.
c. To occupy a greater percentage of the area.
d. To have narrower or smaller rear yards, front yards, side yards or other open spaces.

(3) No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this

Article, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building unless specific exception therefore is stated in this Article. Exceptions may be granted by the Board of Trustees for infill development.

(4) No yard or lot existing or approved at the time of passage of this Code shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Code shall meet at least the minimum requirements established by this Code.

(5) Any use not permitted in a zone either specifically or by interpretation by the Board of Trustees per Section 16-3-210 of this Article is hereby specifically prohibited from that zone.

(6) The Town shall withhold building permits, occupancy certificates, final inspection certificates and any other certificates or permits provided for by any building code or other law, if a violation of this Article exists with respect to the land to which the permit or certificate pertains, or such a violation would exist upon the exercise of the privilege granted by the permit or certificate.

(7) No building shall hereafter be changed to a residential, business, commercial or industrial use, nor shall any new structure, building or land be occupied for a residential, business, commercial or industrial use unless the owner has first obtained a certificate of occupancy from the Building Official. Provided that the use is in conformance with the provisions of this Article, a certificate of occupancy shall be issued within a reasonable time after written notification that the building is ready for occupancy.

(8) The fact that land is zoned pursuant to this Article does not excuse compliance with Town subdivision regulations and community design and development standards.

(c) Conflict with Other Provisions of Law. Whenever the requirements of this Article are at a variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or that imposing the higher standards shall govern.

(d) Conflict with Private Covenants or Deeds. In case of a conflict between this Code and any private restrictions imposed by covenant or deed, the responsibility of the Town of Milliken shall be limited to the enforcement of this Code. When provisions within this Code are more restrictive than those imposed by covenant or deed, or when any such private instruments are silent on matters contained within this Code, the provisions of this Code shall rule.

(e) Zoning of Annexed Territory.

(1) Zoning of land during annexation may be done in accordance with the procedure and notice requirements of this Section. The proposed zoning ordinance shall not be passed before the date when the annexation ordinance is passed.

(2) Any area annexed shall be brought under the provisions of this Section and the map there under within ninety (90) days from the effective date of the annexation ordinance, despite any legal review that may be made challenging the annexation. During such ninety-day period, or such portion thereof as is required to zone the territory, the Town shall refuse to issue any building permit for any portion or all of the newly annexed area.

(f) Previous Zoning Ordinance. At the effective date of the initial code, all territory in the Town had been zoned pursuant to an earlier zoning ordinance that had been amended from time to time. That earlier code, as it existed on the effective date of the initial code, will be referred to hereinafter as the "Zoning Ordinance." The zoning district classifications are

assigned to the territory of the Town pursuant to the zoning map. The Zoning Ordinance and the last zoning map hereunder are hereby made a part of this Article, in order to facilitate application of the nonconforming use provisions of this Article and of certain additional provisions of this Article.

(g) Administrative Official. The Town Clerk shall administer this Article, with the assistance from other Town employees. The Town Clerk is referred to as the "administrative official" in this Article. The function of administering this Article shall include, but not necessarily be limited to, reviewing proposed construction projects and other proposed land use activities to determine compliance with this Article; interpreting words, phrases and concepts contained herein; obtaining factual material needed for making decisions which this Article requires to be made; and performing other duties specifically or impliedly delegated to the administration official by other sections of this Article.

(h) Enforcement Official.

(1) The Town Clerk shall be responsible for enforcing compliance with this Article. The Town Clerk may designate other Town employees assigned to the Town Clerk's office to assist him or her. The Town Clerk is also referred to as the "enforcement official" in this Article.

(2) The enforcement official shall have authority to notify owners or occupiers of land in the Town of violations of this Article, and to issue orders requiring compliance within specified times, not longer than six (6) months unless a longer time is specified by the Zoning Board of Appeals.

(3) The enforcement official may initiate proceedings in the Municipal Court for the punishment of persons who violate this Article. The issuance of a notice or order pursuant to Paragraph (2) above shall not be a prerequisite to the initiation of any such proceeding in the Municipal Court. (Ord. 480 §3.1, 2003)

Sec. 16-3-20. Purpose.

The purpose of this Zoning Code is to create a vital, cohesive, well-designed community in order to enhance the Town of Milliken's small-town character and further the citizens' goals as identified in the Comprehensive Plan. These zoning regulations are designed:

(1) To promote the health, safety, aesthetics, morals and general welfare of the community;

(2) To lessen congestion in the streets and enhance pedestrian and vehicular movement with the least detriment to environmental quality;

(3) To secure the safety of the people against fire, panic, flood waters and other dangers;

(4) To provide adequate light and air, to prevent the overcrowding of land and to avoid the undue concentration of population;

(5) To regulate the location of activities and developments which could produce significant changes in population density;

(6) To classify land use and distribute land development and utilize in a way which will benefit the community; to regulate development and activities in hazardous areas; and to regulate the use of land on the basis of the impact thereof on the community and other surrounding areas;

(7) To provide, in conjunction with other laws and regulations, for transportation, water, schools, sewage treatment and other public requirements;

(8) To preserve mineral lands for needed development;

(9) To provide for phased development of government services and facilities and to aid in realizing the policies, objectives and goals of the Comprehensive Plan;

(4) To provide adequate light and air, to prevent the overcrowding of land and to avoid the undue concentration of population;
(5) To regulate the location of activities and developments which could produce significant changes in population density;
(6) To classify land use and distribute land development and utilize in a way which will benefit the community; to regulate development and activities in hazardous areas; and to regulate the use of land on the basis of the impact thereof on the community and other surrounding areas;
(7) To provide, in conjunction with other laws and regulations, for transportation, water, schools, sewage treatment and other public requirements;
(8) To preserve mineral lands for needed development;
(9) To provide for phased development of government services and facilities and to aid in realizing the policies, objectives and goals of the Comprehensive Plan;
(10) To encourage innovations in land uses in order to take advantage of improvements in the technology of land use and development;
(11) To encourage and facilitate the orderly growth and expansion of the Town, while at the same time protecting the environment in a manner consistent with constitutional rights;
(12) To construct new domestic water and sewer systems in areas which result in minimal environmental damage;
(13) To permit extension of domestic water and sewage systems in those areas in which the anticipated growth and development that may occur as a result of such extension can be accommodated within the environmental and financial capacity of the area;
(14) To encourage traditional neighborhood residential mixed and multiple-use developments, so the growing demand for housing may be met;
(15) To protect the environmental and cultural heritage of the community; and
(16) To ensure quality development that will present and enhance the quality of life for residents of the Town. (Ord. 480 §3.2, 2003)

Division 2 Zoning Districts and Boundaries

Sec. 16-3-110. Zoning Districts.

In order to carry out the provisions of this Code, the Town is divided into the following zoning districts:

DR Developing Resource
A Agricultural
AE Agricultural Estates
CD Conservation
E-1 Estate Zoning – Rural Subdivision
R-1 Single-Family Residential
R-1E Single-Family Estate Residential
R-2 Two-Family Residential
R-3 Multi-Family Residential
R-FH Factory Built Housing District
R-M Mobile Home Community
C-1 Office
C-2 Local Business
C-3 General Business
C-4 Service Business

MU-C-D Mixed Use Commercial - Downtown
I-1 Light Industrial
I-2 Medium Industrial
I-3 Heavy Industrial
PUD Planned Unit Development
HSP Hillside/Ridgeline Protection Overlay
(Ord. 480 §3.3, 2003)

Sec. 16-3-120. Zoning District Map.

The boundaries and classifications of districts established are as depicted on a map entitled Town Zoning District Map, as may from time to time be revised, updated or redrafted. The official zoning district map adopted and to be used for present reference shall be that map bearing the most recent date of publication that has been signed by the Town Clerk and the Mayor.

(1) Interpretation of Boundary Lines.

a. *Zoning District Boundaries* – In the event uncertainty is deemed to exist on the zoning district map, district boundaries shall be on section lines, lot lines, the center lines of highways, streets, alleys, railroad rights-of-way or such lines extended; municipal corporation lines; natural boundary lines, such as streams; or other lines to be determined by the use of scales shown on the map. Where a lot is divided by a zoning district boundary line at the time of enactment of the ordinance codified in this section or by subsequent amendments to that ordinance or this Article, either zone requirements may be extended within the lot for a distance of not more than twenty-five (25) feet. If, after application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary line, the line shall be determined by the Town Clerk in a reasonable manner, considering the history of the Town's zoning ordinances and amendments, and other factors he or she deems relevant; his or her decision shall be subject to review by the Board of Trustees.

b. *Floodplain District Boundaries* – Floodplain district boundaries, as depicted by separate maps, are estimates based upon data verified from the Colorado Water Conservation Board, Federal Emergency Management Agency (FEMA) or the Board of Trustees on flood-prone areas.

(2) Amendment Upon Zoning or Modification. Upon enactment of any ordinance annexing and establishing zoning or modifying existing zoning for any property, and upon final passage thereof, the Town shall amend the prior existing official map to include the annexed area with the proper zoning classification or show the amended classification, as the case may be. Such updated, current official map shall contain, in table form, the date and number of the ordinance amending it, the date the map was amended to reflect each amendment and the initials of the person who checked and approved the change to the map.

(3) Cost for Amending Zoning. Any person who proposes zoning for property being annexed or proposes modifying existing zoning shall bear the entire cost of amending the official zoning map, including all notification costs. The Town shall provide applicants with a copy of the current fee schedule and fee agreement form.

(4) Public Inspection; Storage of Original. The official zoning district map shall be available and on display at the Town Hall during normal business hours. In addition, one (1) original duplicate Mylar copy of the current official map, and all prior official maps having been adopted, shall be held under lock and in a secure place by

the Town Clerk, who shall act as custodian thereof, and the map shall not be amended, changed, updated or otherwise modified or let out of direct control of the Town Clerk for any reason whatsoever. The secured map is to be released for inspection only upon authorization of the Town Clerk. (Ord. 480 §3.3, 2003)

Sec. 16-3-320. R-1 Single-Family Residential.

(a) Intent. This is a low-density housing district intended primarily for single-family uses on individual lots. This zone is characterized by tree-lined local streets, interconnected pedestrian circulation system and proximity to schools and parks.

(b) Uses by Right. Uses by right in the R-1 District shall be as follows:
   (1) Accessory buildings and accessory uses.
   (2) Foster care homes.
   (3) Home occupations.
   (4) Public and private schools for primary education (grades K-12).
   (5) Public recreational facilities.
   (6) Single-family detached dwellings.

(c) Uses by Special Review. Uses by special review in the R-1 District shall be as follows:
   (1) Accessory dwellings when associated with a use by right.
   (2) Child care centers.
   (3) Community facilities.
   (4) Churches.
   (5) Gas, oil and other hydrocarbon well drilling and production (subject to state and local regulations).
   (6) Group homes for up to eight (8) developmentally disabled, mentally ill or elderly persons.
   (7) Long-term care facilities.
   (8) Private recreational facilities.
   (9) Police and fire stations or facilities.
   (10) Public and private schools for secondary education.
   (11) Signs not meeting the requirements of Article VII of this Chapter.
   (12) Utility service facilities. (Ord. 480 §3.4, 2003; Ord. 666 §5, 2012)

ARTICLE XIII
Annexation Procedures

Sec. 16-13-10. Purpose.

The purpose of this Article is to establish a procedure to bring land under the jurisdiction of the Town in compliance with the *Colorado Municipal Annexation Act of 1965*, as amended. This Article, in part, provides supplemental requirements for annexation pursuant to the *Colorado Municipal Annexation Act of 1965*, and is not to be construed as altering, modifying, eliminating or replacing any requirement set forth in that act, or any requirements set forth in other portions of this Code. In the event of a conflict between the act, the provisions of this Article or any requirements set forth in other portions of this Code, it is the expressed intent of the Board of Trustees that the more stringent provision shall control. (Ord. 627 §1, 2010)

Sec. 16-13-15. Responsibilities of applicant.

In addition to other duties imposed upon all applicants by this Code and the Colorado Municipal Act of 1965 (the "Act"), as amended, all applicants shall have the following responsibilities: The applicant is responsible for having a representative at all meetings of the Planning Commission

and the Board of Trustees where the request is reviewed. Failure to have a representative present may cause to have the item withdrawn from the agenda of that meeting. (Ord. 627 §1, 2010)

Sec. 16-13-20. Annexation policy

(a) All annexations to the Town shall comply with the *Colorado Municipal Annexation Act of 1965* (Sections 31-12-104 and 31-12-105, C.R.S.).

(b) All annexation shall comply with the annexation policies of the Town's Comprehensive Plan including:

(1) Annexation of enclaves may be accomplished for the purpose of improving the continuity of the Town's boundary and to provide more efficient and effective delivery of services.

(2) Annexation of unincorporated land may be accomplished in situations where the Town has the ability to serve, or will have the ability to serve in the near future, the annexed land.

(3) Annexation of land should mainly be limited to the Urban Growth Area of the Town as defined by the Framework Map.

(4) The fiscal impact of the annexation, if any, shall be determined by applying the Town's fiscal impact model to the present and proposed land use of the annexed area. The fiscal impact shall not be the sole determinant of annexation approval, but shall be one of the determinants in a decision to annex land.

(5) At the time of annexation action on the part of the Town, all adjoining landowners and any landowners within three hundred (300) feet shall be notified. (Ord. 627 §1, 2010)

Sec. 16-13-30. Annexation application process.

The requirements as set forth in this Section may be waived or modified as determined by the Town Administrator or his or her designee based on the size of the proposed land area to be annexed and the timing and intensity of development proposed by the applicant. No such waiver or modification shall apply to the requirements of the *Colorado Municipal Annexation Act of 1965*, as amended.

(1) Step 1: Preapplication Conference. The applicant shall schedule a preapplication conference with the Community Development Department for the purpose of reviewing the Town's requirements, obtaining the annexation application materials and to discuss any special conditions pertaining to the annexation.

(2) Step 2: Annexation Application Submittal. At least fifteen (15) days prior to the presentation of any annexation petition to the Board of Trustees, the applicant shall submit two (2) copies of the following information to the Town:

a. Land Use Application Form.

b. Application and Deposit Fees. A nonrefundable application fee as determined by the adopted Town Fee Schedule shall accompany each application. This fee is for the cost of the Town to process and review the application. A deposit as determined by the adopted Town Fee Schedule shall accompany each application for outside fees accrued by the Town for review and processing of the application. Any unused amount will be refunded to the applicant as per the fee and deposit agreement. The aforementioned fee and deposit may be waived at the discretion of the Town.

c. Annexation map. All annexation maps shall be made with an engineer's scale, minimum scale to be one (1) inch represents one hundred (100) feet, and shall be on a

reproducible medium with outer dimensions of twenty-four (24) by thirty-six (36) inches. The annexation map shall contain the following information:

1. The date of preparation, the scale and a symbol designating true north.
2. The name of the annexation. The name of the annexation shall be approved by Town Staff.
3. The names, addresses and phone numbers of the applicant and the firm or person responsible for preparing the annexation map.
4. The legal description shall be provided in digital format either in MSWord or WordPerfect format.
5. Designation of the boundary that is contiguous to the Town and the length of the same.
6. Lot and block numbers if the area is already platted.
7. Existing and proposed easements and rights-of-way.
8. Existing and requested zoning and acreage of each requested zone. 9. Ownership of all parcels within and adjacent to the annexation.
10. Appropriate certification blocks as directed by the Community Development Department.
11. A digital copy of the annexation map shall be submitted.

d. Concept plan. All concept plans shall be made with an engineer's scale, at a minimum scale of one (1) inch represents one hundred (100) feet, and shall be on a reproducible medium with outer dimensions of twenty-four (24) by thirty-six (36) inches. The concept plan shall contain the following information:

1. The date of preparation, the scale and a symbol designating true north.
2. The name of the annexation. The name of the annexation shall be approved by Town Staff.
3. The names, addresses and phone numbers of the applicant and the firm or person responsible for preparing the concept plan.
4. Existing and proposed easements and rights-of-way.
5. Location and approximate acreage of proposed land uses including open space and public sites to be dedicated.
6. Existing watercourses with adequate easements for flood control.
7. Land Use Table that includes land uses (including oil and gas facilities and their required setbacks), approximate acreage of each land use, percentage of each land use, proposed density or floor area ratio and proposed number of dwelling units.
8. USGS topographic contours, most current available.
9. Proposed zoning of the property.
10. A digital copy of the concept map shall be submitted.

e. Supportive information. The following supportive information may be submitted with the annexation map and master plan:

1. Annexation petition. See CRS for requirements.
2. Soils description and limitation.
3. Preliminary utility plan.
4. Floodplain information.
5. Title commitment. Such commitment must have an effective date less than thirty (30) days prior to the date of the submittal of the annexation petition.
6. Mailing list and labels for county, special districts, irrigation ditch companies, mineral interest owners and adjacent property owners. The applicant is to provide

a mailing address list and labels as required by the Town of all property owners within three hundred (300) feet of the boundaries of the annexation.

7. In the case of flagpole annexations, a separate list and set of mailing labels of owners of property adjacent to the public right-of-way proposed to achieve contiguity.
8. Descriptive Summary stating how the annexation is consistent with the goals, policies and strategies set forth in the Comprehensive Plan.
9. Water rights. Water rights sufficient for development of annexed land shall be provided to the Town. One-acre-foot, as the net amount delivered to the applicable treatment facility, per single-family residential unit or in an amount as determined by a water demand analysis for residential or non-residential development shall be applicable. Water rights shall be conveyed as units of the Northern Colorado Water Conservancy District or paid for based on the current market value as determined by the Town Administrator based upon current reliable sales information. Water rights shall be provided at the time of final plat approval or prior to the issuance of a building permit as determined by the Board of Trustees upon approval of the final plat.
10. Zoning map of property to be annexed. All zoning maps shall be made with an engineer's scale at a minimum scale of one (1) inch represents one hundred (100) feet, and shall be on a reproducible medium with outer dimensions of twenty-four (24) by thirty-six (36) inches. The concept plan shall contain the following information:
    i. The date of preparation, the scale and a symbol designating true north.
    ii. The name of the annexation. The name of the annexation shall be approved by Town Staff.
    iii. The names, addresses and phone numbers of the applicant and the firm or person responsible for preparing the zoning map.
    iv. Existing and requested zoning and acreage of each requested zone. Type and maximum density, including gross and net density of residential land uses; and floor area ratios of nonresidential uses.
    v. Legal description of the property.
    vi. All existing land uses within the parcels to be rezoned.
    vii. Appropriate certification blocks as directed by the Community Development Department.
    viii. A digital copy of the zoning map shall be submitted.
    ix. Property tax statement.
    x. Vicinity map with a radius of one and one-half (1½) miles, at a minimum scale of one (1) inch represents two thousand (2,000) feet.
    xi. Statement on community need for proposed annexation and zoning.
    xii. For all annexations in excess of ten (10) acres, the applicant shall obtain from the school district governing the area to be annexed a statement of the effect of the annexation upon the school district, including an estimate of the number of students generated by the proposed annexation.

f. Annexation impact report. See Section 31-12-108.5, C.R.S., for requirements.
    1. One (1) copy of the impact report shall be filed with the Board of County Commissioners governing the area proposed to be annexed within five (5) days thereafter. The preparation and filing of the annexation impact report may be

waived upon approval of the Board of County Commissioners governing the area proposed to be annexed.

2. The annexation impact report shall include the following:
   i. A map or maps of the Town and adjacent territory showing the following information:
      (a) The present and proposed boundaries of the Town in the vicinity of the proposed annexation.
      (b) The present streets, major trunk water lines, sewer interceptors and outfalls, other utility lines and ditches and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation.
      (c) The existing and proposed land use pattern in the areas to be annexed.
   ii. A statement of the Town's plans for extending or providing for municipal services within the area to be annexed.
   iii. A statement of the Town's plans for the financing of municipal services to be extended into the area to be annexed.
   iv. A statement identifying all existing districts within the area to be annexed.
   v. A statement of the effect of the annexation upon the school district governing the area to be annexed, as is more fully set forth in Subparagraph i. above.

(3) Step 3: Staff Certifies the Application is Complete. Within thirty (30) days, Staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified by the Community Development Director) to the Town. If all documents are complete and accurate, the Community Development Department shall submit the annexation petition to the Town Clerk.

(4) Step 4: Annexation Petition Referral to the Board of Trustees. The Town Clerk shall present the annexation petition and a resolution initiating annexation proceedings to the Board of Trustees, which shall thereafter establish the dates for a public hearing.

(5) Step 5: Publish Public Notice. At least thirty (30) days prior to the public hearing, the Town Clerk shall publish notice of the date, time and place that the Planning Commission and Board of Trustees will be holding the public hearing. The notice must be published once a week for four (4) consecutive weeks.

(6) Step 6: Clerk Refers Annexation Petition, Resolution and Maps to the County, Neighboring Municipalities and Special Districts. Upon the establishment of a public hearing date, the Town Clerk shall give appropriate notice in accordance with the *Colorado Municipal Annexation Act of 1965*, as amended, and shall specifically direct copies of the annexation petition, maps and the resolution initiating the annexation procedure by certified mail to the Clerk of the Weld Board of County Commissioners and the Weld County Attorney. Copies of the annexation petition, maps and the resolution initiating the annexation procedure shall also be sent by certified mail to any school district or special district having territory within the annexed area and all municipalities within three (3) miles of the subject property. These copies shall be sent at least twenty-five (25) days prior to the public hearing.

(7) Step 7: Referral of the Annexation to Interested Parties. Upon acceptance of the annexation petition by the Board of Trustees, Staff shall send copies of the annexation materials to additional interested entities as determined by the Community Development Department. Such entities shall be advised of the scheduled hearing date and shall further be notified that any objections to the annexation and concept plan must be submitted to the Town in

writing no later than twelve (12) days after receipt of the annexation map and master plan.

(8) Step 8: Town Clerk Files the Annexation Impact Report. The Town Clerk shall file one (1) copy of the Annexation Impact Report with the Board of Weld County Commissioners at least twenty (20) days before the date of the first public hearing. The preparation and filing of the Annexation Impact Report may be waived if the land being annexed is less than ten (10) acres.

(9) Step 9: Posting of Property and Notification.

a. Using the mailing list provided by the applicant, notification shall be sent by the Town via first-class mail to the all owners of property within three hundred (300) feet of the property proposed for annexation, mineral interest owners of the property and irrigation ditch companies no later than twelve (12) days before the first public hearing.

b. The applicant shall post the property with a notice of the public hearings at least twelve (12) days prior to the first public hearing. The sign shall meet the standards determined by the Community Development Department.

(10) Step 10: Annexation Agreement. The Community Development Department shall coordinate discussion among the applicant and appropriate representatives of the Town regarding the provisions of an annexation agreement. The agreement shall be in a form provided by the Town. A draft agreement shall be prepared in advance of the Town Board Public Hearing.

(11) Step 11: Planning Commission Review and Recommendation.

a. The Planning Commission shall consider the petition for annexation and zoning of the property at a regular or special meeting to be held prior to the date of the public hearing before the Board of Trustees.

b. The Planning Commission shall, by resolution, recommend approval of the petition for annexation and zoning with or without modifications and/or conditions, or recommend denial. The Planning Commission shall refer any such recommendation to the Board of Trustees.

(12) Step 12: Board of Trustees Public Hearing. Upon the submission of documentation in accordance with this Article and upon compliance with the notice and hearing requirements as set forth in the *Colorado Municipal Annexation Act of 1965*, as amended, and the public hearing, the Board of Trustees may consider the approval of an ordinance annexing and zoning the subject property to the Town. Before approval or denial of the ordinance to annex the subject property, the Board of Trustees per Section 31-12-110, C.R.S., shall set forth a finding of facts through a resolution regarding compliance with Sections 13-12-104 and 13-12-105, C.R.S., and whether or not an election is required. If the Board of Trustees, in its sole discretion, finds that the annexation is not in the best interest of the Town, it may deny the petition by resolution, stating the grounds for such denial. In the event the Board of Trustees considers and disapproves such ordinance, no similar request may be heard for a period of one (1) year from the date of denial.

(13) Step 13: Final Submittal. In the event the Board of Trustees approves the annexation and zoning ordinance, the applicant shall submit to the Town Clerk two (2) mylars of the final annexation and zoning maps within ten (10) days of the effective date of the ordinances.

(14) Step 14: Record the Documents. The Town Clerk shall record two (2) certified copies of the annexation and zoning maps and the signed annexation agreement, if any, with the Weld County Clerk and Recorder Office. (Ord. 627 §1, 2010)

Sec. 16-13-35. Review criteria.
It shall be the general policy of the Town with respect to annexations and the consideration of annexation petitions that:

(1) Annexation is a discretionary act. With the exception of an initiated petition for the annexation of an enclave, the Board of Trustees shall exercise its sole discretion in the annexation of territory to the Town.
(2) The property is eligible for annexation if the annexation complies with the *Colorado Annexation Act of 1965* (Sections 31-12-104 and 13-12-105, C.R.S.), as amended.
(3) All annexation shall comply with the annexation policies of the Town's Comprehensive Plan. See Section 16-13-20(b). (Ord. 627 §1, 2010)

REVIEW CRITERIA

Annexation

At a public hearing on May 20, 2015, the Planning and Zoning Commissioners made a recommendation to the Board of Trustees to deny the request for annexation as presented by staff with Ordinance 711. They had concerns about the need to bundle Annexations No. 1-3 and zone them all as R-1 "Single Family Residential". They thought that perhaps the Annexation No. 1 could be zoned R-1, but did not feel comfortable making the rest of the acreage R-1.

The Milliken Land Use Code allows the Town and the Commission to annex land without zoning pursuant to Section 16-3-10 and the State Statute. The annexation must occur before the zoning, the annexation and the zoning can occur within the same ordinance or through another zoning ordinance within 90 days after effective date of annexation ordinance.

Ordinance 711 proposes to annex Martinez Hahn Annexation 1, 2 and 3 and zone them to R-1 "Single Family Residential", as requested in the Martinez Family's annexation petition. The Town Board can make a recommendation to revise the Ordinance and leave out the zoning designation using Ordinance 713. If the Board finds the petition is not in the best interest of the Town, it may deny the petition by resolution, stating the grounds for such denial pursuant to Section 16-13-30 (12). In the event the Board of Trustees considers and disapproves either Ordinance, no similar request may be heard for a period of one (1) year from the date of denial.

The annexation criteria are listed below with staff's review of each one.

(1) Annexation is a discretionary act. With the exception of an initiated petition for the annexation of an enclave, the Board of Trustees shall exercise its sole discretion in the annexation of territory to the Town.

Adam Martinez serves as the Petitioner and Personal Representative for the Estate of Joe Adam Martinez (the "Estate"). The Estate owns one hundred percent (100%) of the area to be annexed, excluding public streets and alleys. The Town worked with the Martinez-Hahn family, the Petitioner, on the language contained in the petitions for each annexation. The terms were agreed to by both parties prior to petitions being filed, which included:

1. The Estate has agreed to annex all of the property owned by the Estate into the Town of Milliken. In consideration of the Estate agreeing to annex to Milliken all the Property owned by the Estate adjacent to the Town, the Town shall pay for all costs and prepare all documents for the annexation proceedings and will submit the documents to the appropriate authorities for the annexation proceedings.

2. The current residents of the residential portion of the property are Martinez family members. They will continue to reside on the property and will be responsible for all utilities and maintenance of the residential property. The family will ensure that all of the heating, cooling, plumbing and electrical systems are operational and that the residential property is in compliance with all applicable codes, ordinances and statutes. This does not imply that the Martinezes will have to improve the residential property to comply with the Town's current building codes, except if they make improvements to the property. No new or additional fees or costs will be assessed against the property until the transfer of the property to Milliken has taken place, at which time Milliken shall be responsible for any fees or costs.

3. The residential portion of the property as shown on the attached annexation map, Exhibit 1, will be transferred to Milliken within two weeks after the annexation ordinance is passed. The Town shall give the Martinez family six (6) months prior notice of the date the Town of Milliken wishes them to vacate the Property. When the Town of Milliken has taken possession of the residential portion of the property with the Martinez family vacating the residential portion of the property, the Town may change the zoning from the requested zoning R-1 "Single-Family Residential" of that portion as it deems appropriate.

4. The other two annexations, Martinez-Hahn Annexation No. 2 and No. 3 consist of a total of approximately 153.33 acres. This property is currently agricultural and will continue to be used for agricultural purposes; however, the Martinez family has requested that this land be zoned R-1 "Single-Family Residential".

5. In conjunction with the Martinez-Hahn Annexations No. 1, No. 2, and No. 3, open space shall be conveyed as a non-exclusive easement to the Town for use as by the public for trails, nature observation, wetlands and other public purposes. It shall not be developed. The uses reserved for the servient estate will be those which are compatible with the uses being conveyed to the dominant estate. This proposed open space property as described in Exhibit 3 contains 23.28 acres, more or less.

(2) The property is eligible for annexation if the annexation complies with the *Colorado Annexation Act of 1965* (Sections 31-12-104 and 13-12-105, C.R.S.), as amended.

The Board held a public hearing on March 11, 2015 to determine whether the proposed annexation complied with the applicable requirements of Section 30 of Article II of the Colorado Constitution §31-12-104 and 31-12-105, C.R.S.; whether an election should be required under Section 30(1)(a) of Article II of the Colorado Constitution §31-12-107(2), C.R.S.; and whether additional terms and conditions should be imposed. The Board found the annexation petition complied with the State of Colorado's requirements. The Board of Trustees adopted Resolution No. 15-07, which initiated the annexation proceedings.

The Town published the dates for the proposed annexation public hearings before the Planning and Zoning Commission on May 20, 2015 and the Board of Trustees on May 27, 2015 in *The Johnstown Breeze*. *The Johnstown Breeze* published the legal hearing notice on April 9, 16, 23, and 30, 2015 and May 7, 14 and 21, 2015 in the manner prescribed by §31-12-108(2), C.R.S. *The Johnstown Breeze* is a newspaper of general circulation in the area proposed to be annexed. Copies of the published notices, together with a copy of said resolution and a copy of said petition, were sent by registered mail to Weld County and to all special districts and school districts having territory within the area proposed to be annexed. The property was posted at least twenty-five (25) days prior to the date fixed for the public hearing.

The land to be annexed lies entirely within the Town of Milliken Growth Management Area, as depicted in the 2009 Comprehensive Plan Planning Area, as amended. An annexation impact report was filed with the Weld County Board of Commissioners on or prior to April 7, 2015. The impact report, required by Section 31-12-108.5, C.R.S., contains the present and proposed boundaries of the Town in the vicinity of the proposed annexation, existing infrastructure and services, the Town's plans to add additional infrastructure and services, current land use patterns, and the potential impacts on the schools and other districts serving the area.

Weld County responded to the impact report with their concerns about the proposed annexation. The County warned the Town that the application and/or the Town may need to enter into a County Improvements Agreement regarding road maintenance, upgrades and repairs for County Road 52 with any new development. Permits are required for work on County roads and rights of way. The County suggested the Town prepare a separate agreement with the developer to contribute a proportionate share of the County Road improvements in coordination with the municipality for the costs associated with new development. In addition, the County advised the Town to obtain a monetary proportionate share from the developer and/or landowner for additional impacts upon the Town's infrastructure, services, drainage, environment, and the other districts serving the area associated with any new development. And finally, the County cautioned the Town that that while developers and potential residents may enjoy views, wildlife, and the spaciousness of outlying areas, they need to also recognize and accept that drawbacks exist too with long-standing agricultural practices such as odors, noise, slow farm traffic, bugs, dust, pesticides, fertilizers, oil fields, and lower levels of service than provided in most towns.

The Town requires developers to address all the County's concerns through its land use/subdivision development process, including the acquisition of water necessary for any proposed development.

The Town's annexation impact report outlines how the annexation complies with the Colorado Annexation Act of 1965 as amended. Adam Martinez as the Personal Representative and Petitioner for the Estate of Joe Adam Martinez (the "Estate") owns one hundred percent (100%) of said area to be annexed, excluding public streets and alleys. At least one-sixth of the perimeter of said area is contiguous with the Town of Milliken. The impact report explains how a community of interest exists between the areas to be annexed and the Town. No part of the proposed annexation has been commenced for the area to be annexed into another municipality. The annexations of the areas proposed to be annexed will not result in the detachment of the area from any school district and the attachment of the same to another school district. The area

proposed to be annexed is urban or will become urbanized in the near future and is capable of being integrated within the Town of Milliken.

(3) All annexation shall comply with the annexation policies of the Town's Comprehensive Plan. See Section 16-13-20(b). (Ord. 627 §1, 2010)

All annexation shall comply with the annexation policies of the Town's Comprehensive Plan including:

1. Annexation of enclaves may be accomplished for the purpose of improving the continuity of the Town's boundary and to provide more efficient and effective delivery of services.
2. Annexation of unincorporated land may be accomplished in situations where the Town has the ability to serve, or will have the ability to serve in the near future, the annexed land.
3. Annexation of land should mainly be limited to the Urban Growth Area of the Town as defined by the Framework Map.
4. The fiscal impact of the annexation, if any, shall be determined by applying the Town's fiscal impact model to the present and proposed land use of the annexed area. The fiscal impact shall not be the sole determinant of annexation approval, but shall be one of the determinants in a decision to annex land.
5. At the time of annexation action on the part of the Town, all adjoining landowners and any landowners within three hundred (300) feet shall be notified. (Ord. 627 §1, 2010)

The land to be annexed is not within an enclave, but is adjacent to the boundary of Milliken. The property sits entirely within the Town of Milliken Growth Management Area, as depicted in the 2009 Comprehensive Plan's Framework Map. The Martinez family's land is shown in the Framework Map with low density residential and agricultural uses. The family currently has a residence on the first parcel to be annexed and the other two parcels are agricultural.

The Martinez family is aware that Milliken has enacted fees and policies with the intention that growth should pay its own way and that growth should improve the health, safety and welfare of its citizens. Examples of Milliken's fees include capital investment fees such as the water dedication fee, water tap fee, wastewater tap fee, parkland dedication fee, parkland development fee, public facilities fee, street fee, and density transfer fee. However, no fees will be assessed against the Property prior to the transfer of the Property to Milliken.

The developer of the property will have to pay for any new development's impact on the County's, District's, and Town's infrastructure, services, and environment. Milliken's Municipal Code requires that as a condition of approval for any subdivision a development agreement is executed which contains specific limitations on the rate at which the development can proceed. The petitioners understand that the growth of Milliken is limited by the Comprehensive Plan, Town ordinances, and other local, state, and federal regulations and agree to comply with these limitations.

Milliken has various enterprise funds through which utilities provided by Milliken are financed. Examples of Milliken's services are its water, wastewater, and drainage/floodplain utilities.

Milliken's Utility Board and the Board of Trustees believe that the provision of utilities by Milliken assists in complying with the Comprehensive Plan and Municipal Code.

A Water and Wastewater Master Plan included later in this report shows how these additional utilities could be provided for this area. The Town serves Mill Iron V subdivision with water, so a municipal water line currently exists in County Road 52. If a developer were to develop the annexed land, they would have bring water rights to serve the development and pay to connect to the Town's existing water line. Currently Mill Iron V to the south is on a septic system. Additional development requiring sewer service could be provided with a lift station and a force main with additional funding from the developer.

The entities below have indicated they have the capacity to serve this property:

Electricity	Excel Energy & Poudre Valley REA
Telephone	Century Link Communications
Water	Town of Milliken & Little Thompson Water District
Sanitary Sewer	Town of Milliken once developed –currently Mill Iron V is on septic systems
Fire	Front Range Fire Rescue Authority
Police	Town of Milliken
Street Maintenance	Town of Milliken

The RE-5J School District forms an integral part of the Milliken community. Milliken has enacted fees to support the acquisition of land by this School District. The petitioners are aware of these fees but the Parties agree that no such fees shall be assessed against the property prior to the transfer of the Property to Milliken. The annexation will not generate additional impacts to the School District immediately because the annexed parcels only contains one residence. Ultimately, this property may contain a mix of residential and non-residential uses. At this time, the specific impact on the RE-5J School District is unknown. The Town will have more information once a developer or property owner submits a sketch plan subdivision application. The Town has an intergovernmental agreement with the School District in place which addresses mitigating the impact of the eventual development on the School District.

The area to be annexed is included within the following special districts:

Weld County
Weld County School District, RE-5J
Northern Colorado Water
Johnstown Fire aka Front Range Fire Rescue Authority Bonding District
Aims Junior College
High Plains Library District
West Greeley Conservation
Thompson River Parks and Recreation District

Any new development must be compatible with the surrounding County agricultural and residential uses. The developer will need to go through the Town's land use development review process to mitigate potential issues associated with new development. Proper notice shall be given to adjacent property owners and other affected parties. The Town as part of its subdivision

approval requires a development agreement to ensure the developer constructs the required public infrastructure while providing the Town with the financial collateral sufficient to complete public improvements. The agreement includes an itemized list of the improvements, the cost, and any additional conditions necessary to ensure that quality, time-effective improvements meet the Town's standards. If the improvements are not completed within 2 years from the recording date of the final map or plat, the Town can complete the improvements using the financial collateral provided by the developer. Also, a two year guarantee or warranty period exists before the Town releases the developer's funds and final acceptance of the subdivision. The development agreement runs with the land.

Milliken's citizens and its Board of Trustees have determined that open space and agriculture add to the community and have implemented sales taxes and fees to financially support trails, parks, open space and agriculture. The acreage legally described in Exhibit 3 as open space shall be conveyed as a non-exclusive easement to the Town for use as by the public for trails, nature observation, wetlands and other public purposes.

Zoning

In addition, the Commission and the Board of Trustees need to consider the request to zone the property R-1 "Single-Family Residential". Six review criteria exist under the Town's Municipal Code in the Chapter 16 "Land Use" Section 16-3-540(d) for amending the Official Zoning Map. Many of these criteria do not apply since the proposed annexation area was in Weld County. However, the requested residential zoning does comply with the Town's Comprehensive Plan.
The Comprehensive Plan Framework Map and 2013 Water/Sewer Master Plan shows the northwest quadrant in the growth area on the next page with residential and agricultural uses. The annexation will not only provide the Town additional residential housing, but also open space that should appeal to the residents within the area. The Martinez family's request to zone the land residential as R-1 "Single Family Residential" is consistent with polices and goals of the Comprehensive Plan.

2013 WATER/SEWER MASTER PLAN

ULTIMATE BUILDOUT

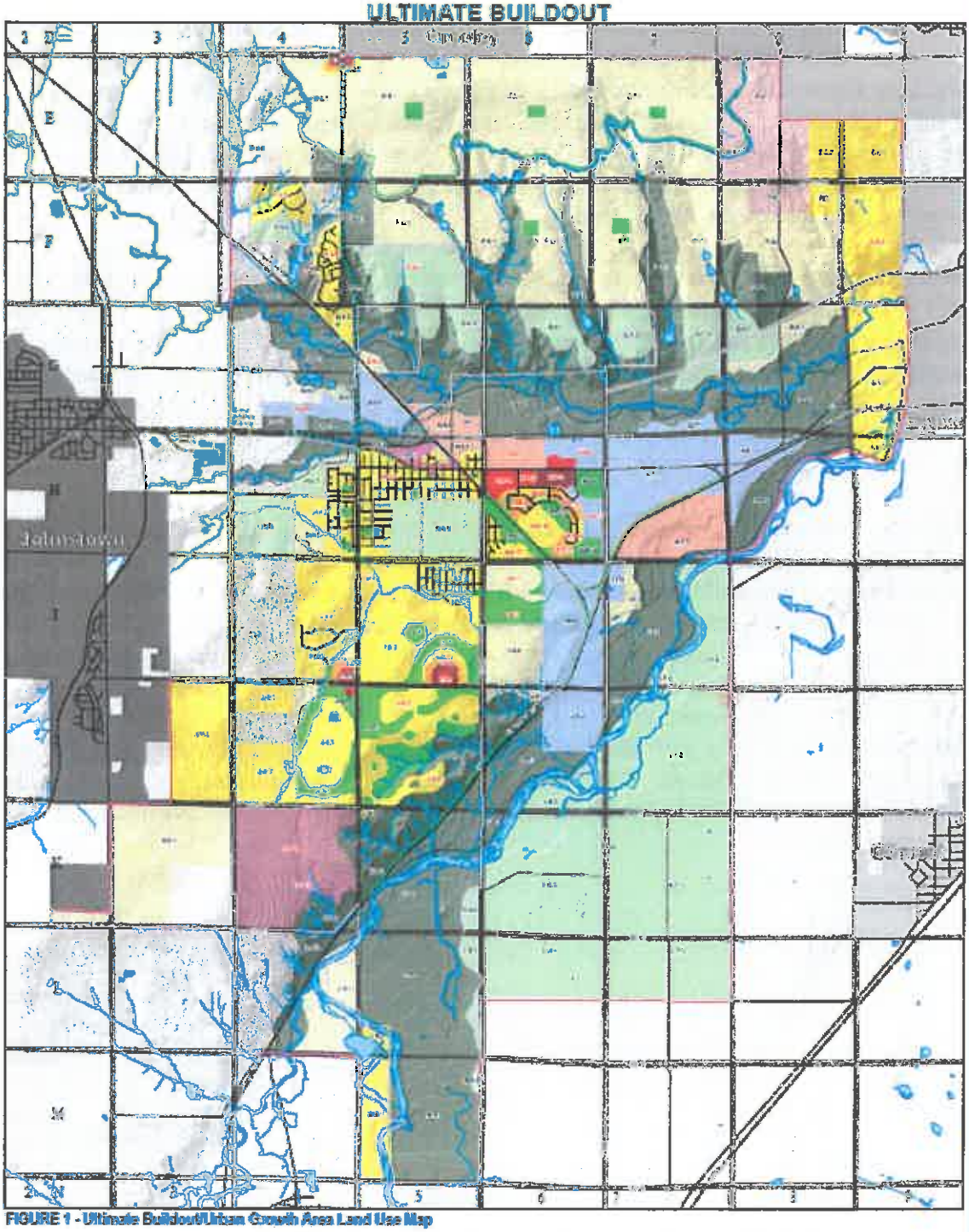


FIGURE 1 - Ultimate Buildout/Urban Growth Area Land Use Map

FINDINGS OF FACT

1. The proposed annexations of the areas described on Exhibits 1, 2 A, 2 B, and 3 attached comply with and meets the requirements of the applicable parts of Section 30 of Article II of the Colorado Constitution §31-12-104 and 31-12-105, C.R.S.

2. No election is required under Section 30(1)(a) of Article II of the Colorado Constitution §31-12-107(2), C.R.S.

3. The proposed annexations of the areas described on Exhibits 1, 2 A, 2 B, and 3 attached hereto and incorporated herein consists of approximately 152 acres.

4. The proposed annexations of the areas described on Exhibit 3, Open Space, consist of approximately 23.26 acres and shall be conveyed as a non-exclusive easement to the Town for use as by the public for trails, nature observation, wetlands and other public purposes. This land shall not be developed. The uses reserved for the servient estate will be those which are compatible with the uses being conveyed to the dominant estate.

TOWN BOARD APPROVAL

_____The Town Board of Trustees after hearing testimony, examination of the documents presented and the findings of fact finds the application substantially complies with and MEETS the requirements of the applicable parts of Section 30 of Article II of the Colorado Constitution and the Municipal Annexation Act of 1965 and the Town of Milliken's Municipal Code Chapter 16 "Land Use Code" and RECOMMENDS the Town Board APPROVE Ordinance No. 711 for annexation of certain territory to the Town of Milliken, Colorado to be known and designated as "Martinez-Hahn Continuous Annexations No. 1-3 and an amendment to the Town of Milliken's Official Zoning District Map for the Martinez-Hahn Continuous Annexations No. 1-3 to be zoned as R-1 "Residential Single Family" Zoning District;

or:

_____The Town Board of Trustees after hearing testimony, examination of the documents presented and the findings of fact finds the application substantially complies with and MEETS the requirements of the applicable parts of Section 30 of Article II of the Colorado Constitution and the Municipal Annexation Act of 1965 and the Town of Milliken's Municipal Code Chapter 16 "Land Use Code" and RECOMMENDS the Town Board APPROVE Ordinance No. 713 for annexation of certain territory to the Town of Milliken, Colorado to be known and designated as "Martinez-Hahn Continuous Annexations No. 1-3;

or:

_____The Town Board of Trustees after hearing testimony, examination of the documents presented and the findings of fact finds the petition IS NOT IN THE BEST INTERST OF THE TOWN and DOES NOT APPROVE Ordinance No. 711 or Ordinance 713 for annexation of

Sec. 16-13-35. Review criteria.
It shall be the general policy of the Town with respect to annexations and the consideration of annexation petitions that:

(1) Annexation is a discretionary act. With the exception of an initiated petition for the annexation of an enclave, the Board of Trustees shall exercise its sole discretion in the annexation of territory to the Town.
(2) The property is eligible for annexation if the annexation complies with the *Colorado Annexation Act of 1965* (Sections 31-12-104 and 13-12-105, C.R.S.), as amended.
(3) All annexation shall comply with the annexation policies of the Town's Comprehensive Plan. See Section 16-13-20(b). (Ord. 627 §1, 2010)

REVIEW CRITERIA

Annexation

At a public hearing on May 20, 2015, the Planning and Zoning Commissioners made a recommendation to the Board of Trustees to deny the request for annexation as presented by staff with Ordinance 711 as they did not think it was in the best interest of the Town. The Commission had concerns about the need to bundle Annexations No. 1-3 and zone them all as R-1 "Single Family Residential". They thought that perhaps the Annexation No. 1 could be zoned R-1, but did not feel comfortable making the rest of the acreage R-1.

The Milliken Land Use Code allows the Town and the Commission to annex land without zoning pursuant to Section 16-3-10 and the State Statute. The annexation must occur before the zoning. The annexation and the zoning can occur within the same ordinance or through another zoning ordinance within 90 days after effective date of annexation ordinance.

Ordinance 711 proposes to annex Martinez Hahn Annexation 1, 2 and 3 and zone them to R-1 "Single Family Residential", as requested in the Martinez Family's annexation petition. The Town Board can make a recommendation to revise the Ordinance and leave out the zoning designation using Ordinance 713. If the Board finds the petition is not in the best interest of the Town, it may deny the petition by resolution, stating the grounds for such denial pursuant to Section 16-13-30 (12). In the event the Board of Trustees considers and disapproves either Ordinance, no similar request may be heard for a period of one (1) year from the date of denial.

The annexation criteria are listed below with staff's review of each one.

(1) Annexation is a discretionary act. With the exception of an initiated petition for the annexation of an enclave, the Board of Trustees shall exercise its sole discretion in the annexation of territory to the Town.

Adam Martinez serves as the Petitioner and Personal Representative for the Estate of Joe Adam Martinez (the "Estate"). The Estate owns one hundred percent (100%) of the area to be annexed, excluding public streets and alleys. The Town worked with the Martinez-Hahn family, the Petitioner, on the language contained in the petitions for each annexation. The terms were agreed to by both parties prior to petitions being filed, which included:

1. The Estate has agreed to annex all of the property owned by the Estate into the Town of Milliken. In consideration of the Estate agreeing to annex to Milliken all the Property owned by the Estate adjacent to the Town, the Town shall pay for all costs and prepare all documents for the annexation proceedings and will submit the documents to the appropriate authorities for the annexation proceedings.

2. The current residents of the residential portion of the property are Martinez family members. They will continue to reside on the property and will be responsible for all utilities and maintenance of the residential property. The family will ensure that all of the heating, cooling, plumbing and electrical systems are operational and that the residential property is in compliance with all applicable codes, ordinances and statutes. This does not imply that the Martinezes will have to improve the residential property to comply with the Town's current building codes, except if they make improvements to the property. No new or additional fees or costs will be assessed against the property until the transfer of the property to Milliken has taken place, at which time Milliken shall be responsible for any fees or costs.

3. The residential portion of the property as shown on the attached annexation map, Exhibit 1, will be transferred to Milliken within two weeks after the annexation ordinance is passed. The Town shall give the Martinez family six (6) months prior notice of the date the Town of Milliken wishes them to vacate the Property. When the Town of Milliken has taken possession of the residential portion of the property with the Martinez family vacating the residential portion of the property, the Town may change the zoning from the requested zoning R-1 "Single-Family Residential" of that portion as it deems appropriate.

4. The other two annexations, Martinez-Hahn Annexation No. 2 and No. 3 consist of a total of approximately 153.33 acres. This property is currently agricultural and will continue to be used for agricultural purposes; however, the Martinez family has requested that this land be zoned R-1 "Single-Family Residential".

5. In conjunction with the Martinez-Hahn Annexations No. 1, No. 2, and No. 3, open space shall be conveyed as a non-exclusive easement to the Town for use as by the public for trails, nature observation, wetlands and other public purposes. It shall not be developed. The uses reserved for the servient estate will be those which are compatible with the uses being conveyed to the dominant estate. This proposed open space property as described in Exhibit 3 contains 23.28 acres, more or less.

(2) The property is eligible for annexation if the annexation complies with the *Colorado Annexation Act of 1965* (Sections 31-12-104 and 13-12-105, C.R.S.), as amended.

The Board held a public hearing on March 11, 2015 to determine whether the proposed annexation complied with the applicable requirements of Section 30 of Article II of the Colorado Constitution §31-12-104 and 31-12-105, C.R.S.; whether an election should be required under Section 30(1)(a) of Article II of the Colorado Constitution §31-12-107(2), C.R.S.; and whether additional terms and conditions should be imposed. The Board found the annexation petition

complied with the State of Colorado's requirements. The Board of Trustees adopted Resolution No. 15-07, which initiated the annexation proceedings.

The Town published the dates for the proposed annexation public hearings before the Planning and Zoning Commission on May 20, 2015 and the Board of Trustees on May 27, 2015 in *The Johnstown Breeze*. *The Johnstown Breeze* published the legal hearing notice on April 9, 16, 23, and 30, 2015 and May 7, 14 and 21, 2015 in the manner prescribed by §31-12-108(2), C.R.S. *The Johnstown Breeze* is a newspaper of general circulation in the area proposed to be annexed. Copies of the published notices, together with a copy of said resolution and a copy of said petition, were sent by registered mail to Weld County and to all special districts and school districts having territory within the area proposed to be annexed. The property was posted at least twenty-five (25) days prior to the date fixed for the public hearing.

The land to be annexed lies entirely within the Town of Milliken Growth Management Area, as depicted in the 2009 Comprehensive Plan Planning Area, as amended. An annexation impact report was filed with the Weld County Board of Commissioners on or prior to April 7, 2015. The impact report, required by Section 31-12-108.5, C.R.S., contains the present and proposed boundaries of the Town in the vicinity of the proposed annexation, existing infrastructure and services, the Town's plans to add additional infrastructure and services, current land use patterns, and the potential impacts on the schools and other districts serving the area.

Weld County responded to the impact report with their concerns about the proposed annexation. The County warned the Town that the application and/or the Town may need to enter into a County Improvements Agreement regarding road maintenance, upgrades and repairs for County Road 52 with any new development. Permits are required for work on County roads and rights of way. The County suggested the Town prepare a separate agreement with the developer to contribute a proportionate share of the County Road improvements in coordination with the municipality for the costs associated with new development. In addition, the County advised the Town to obtain a monetary proportionate share from the developer and/or landowner for additional impacts upon the Town's infrastructure, services, drainage, environment, and the other districts serving the area associated with any new development. And finally, the County cautioned the Town that that while developers and potential residents may enjoy views, wildlife, and the spaciousness of outlying areas, they need to also recognize and accept that drawbacks exist too with long-standing agricultural practices such as odors, noise, slow farm traffic, bugs, dust, pesticides, fertilizers, oil fields, and lower levels of service than provided in most towns.

The Town requires developers to address all the County's concerns through its land use/subdivision development process, including the acquisition of water necessary for any proposed development.

The Town's annexation impact report outlines how the annexation complies with the Colorado Annexation Act of 1965 as amended. Adam Martinez as the Personal Representative and Petitioner for the Estate of Joe Adam Martinez (the "Estate") owns one hundred percent (100%) of said area to be annexed, excluding public streets and alleys. At least one-sixth of the perimeter of said area is contiguous with the Town of Milliken. The impact report explains how a community of interest exists between the areas to be annexed and the Town. No part of the proposed annexation has been commenced for the area to be annexed into another municipality. The annexations of the areas proposed to be annexed will not result in the detachment of the area

from any school district and the attachment of the same to another school district. The area proposed to be annexed is urban or will become urbanized in the near future and is capable of being integrated within the Town of Milliken.

(3) All annexation shall comply with the annexation policies of the Town's Comprehensive Plan. See Section 16-13-20(b). (Ord. 627 §1, 2010)

All annexation shall comply with the annexation policies of the Town's Comprehensive Plan including:

1. Annexation of enclaves may be accomplished for the purpose of improving the continuity of the Town's boundary and to provide more efficient and effective delivery of services.
2. Annexation of unincorporated land may be accomplished in situations where the Town has the ability to serve, or will have the ability to serve in the near future, the annexed land.
3. Annexation of land should mainly be limited to the Urban Growth Area of the Town as defined by the Framework Map.
4. The fiscal impact of the annexation, if any, shall be determined by applying the Town's fiscal impact model to the present and proposed land use of the annexed area. The fiscal impact shall not be the sole determinant of annexation approval, but shall be one of the determinants in a decision to annex land.
5. At the time of annexation action on the part of the Town, all adjoining landowners and any landowners within three hundred (300) feet shall be notified. (Ord. 627 §1, 2010)

The land to be annexed is not within an enclave, but is adjacent to the boundary of Milliken. The property sits entirely within the Town of Milliken Growth Management Area, as depicted in the 2009 Comprehensive Plan's Framework Map. The Martinez family's land is shown in the Framework Map with low density residential and agricultural uses. The family currently has a residence on the first parcel to be annexed and the other two parcels are agricultural.

The Martinez family is aware that Milliken has enacted fees and policies with the intention that growth should pay its own way and that growth should improve the health, safety and welfare of its citizens. Examples of Milliken's fees include capital investment fees such as the water dedication fee, water tap fee, wastewater tap fee, parkland dedication fee, parkland development fee, public facilities fee, street fee, and density transfer fee. However, no fees will be assessed against the Property prior to the transfer of the Property to Milliken.

The developer of the property will have to pay for any new development's impact on the County's, District's, and Town's infrastructure, services, and environment. Milliken's Municipal Code requires that as a condition of approval for any subdivision a development agreement is executed which contains specific limitations on the rate at which the development can proceed. The petitioners understand that the growth of Milliken is limited by the Comprehensive Plan, Town ordinances, and other local, state, and federal regulations and agree to comply with these limitations.

Milliken has various enterprise funds through which utilities provided by Milliken are financed. Examples of Milliken's services are its water, wastewater, and drainage/floodplain utilities.

Milliken's Utility Board and the Board of Trustees believe that the provision of utilities by Milliken assists in complying with the Comprehensive Plan and Municipal Code.

A Water and Wastewater Master Plan included later in this report shows how these additional utilities could be provided for this area. The Town serves Mill Iron V subdivision with water, so a municipal water line currently exists in County Road 52. If a developer were to develop the annexed land, they would have bring water rights to serve the development and pay to connect to the Town's existing water line. Currently Mill Iron V to the south is on a septic system. Additional development requiring sewer service could be provided with a lift station and a force main with additional funding from the developer.

The entities below have indicated they have the capacity to serve this property:

Electricity	Excel Energy & Poudre Valley REA
Telephone	Century Link Communications
Water	Town of Milliken & Little Thompson Water District
Sanitary Sewer	Town of Milliken once developed –currently Mill Iron V is on septic systems
Fire	Front Range Fire Rescue Authority
Police	Town of Milliken
Street Maintenance	Town of Milliken

The RE-5J School District forms an integral part of the Milliken community. Milliken has enacted fees to support the acquisition of land by this School District. The petitioners are aware of these fees but the Parties agree that no such fees shall be assessed against the property prior to the transfer of the Property to Milliken. The annexation will not generate additional impacts to the School District immediately because the annexed parcels only contains one residence. Ultimately, this property may contain a mix of residential and non-residential uses. At this time, the specific impact on the RE-5J School District is unknown. The Town will have more information once a developer or property owner submits a sketch plan subdivision application. The Town has an intergovernmental agreement with the School District in place which addresses mitigating the impact of the eventual development on the School District.

The area to be annexed is included within the following special districts:

Weld County
Weld County School District, RE-5J
Northern Colorado Water
Johnstown Fire aka Front Range Fire Rescue Authority Bonding District
Aims Junior College
High Plains Library District
West Greeley Conservation
Thompson River Parks and Recreation District

Any new development must be compatible with the surrounding County agricultural and residential uses. The developer will need to go through the Town's land use development review process to mitigate potential issues associated with new development. Proper notice shall be given to adjacent property owners and other affected parties. The Town as part of its subdivision

approval requires a development agreement to ensure the developer constructs the required public infrastructure while providing the Town with the financial collateral sufficient to complete public improvements. The agreement includes an itemized list of the improvements, the cost, and any additional conditions necessary to ensure that quality, time-effective improvements meet the Town's standards. If the improvements are not completed within 2 years from the recording date of the final map or plat, the Town can complete the improvements using the financial collateral provided by the developer. Also, a two year guarantee or warranty period exists before the Town releases the developer's funds and final acceptance of the subdivision. The development agreement runs with the land.

Milliken's citizens and its Board of Trustees have determined that open space and agriculture add to the community and have implemented sales taxes and fees to financially support trails, parks, open space and agriculture. The acreage legally described in Exhibit 3 as open space shall be conveyed as a non-exclusive easement to the Town for use as by the public for trails, nature observation, wetlands and other public purposes.

Zoning

In addition, the Board of Trustees needs to consider the request to zone the property R-1 "Single-Family Residential". Six review criteria exist under the Town's Municipal Code in the Chapter 16 "Land Use" Section 16-3-540(d) for amending the Official Zoning Map. Many of these criteria do not apply since the proposed annexation area was in Weld County.

The Comprehensive Plan Framework Map and 2013 Water/Sewer Master Plan shows the northwest quadrant in the growth area on the next page with residential and agricultural uses. The Town's zoning in the neighborhood includes AE "Agricultural Estate", A "Agricultural", R-1, "Single Family Residential, and the upper half of the Mad Russian subdivision as R-1E "Single Family Estate Residential". Quite of bit of land is within the County and is agricultural too. The annexation will not only provide the Town additional residential housing, but also open space that should appeal to the residents within the area. The Martinez family's request to zone the land residential as R-1 "Single Family Residential" is consistent with polices and goals of the Comprehensive Plan.

If the Town Board decides not to zone the approximately 152 acres at this time as part of the annexation, the Board may do so by approving Ordinance 713 instead of Ordinance No. 711. The annexation will take place in three separate applications known as the Martinez Hahn Annexation 1, 2 and 3. The land can be zoned through a separate ordinance later, provided the land is zoned within 90 days after the effective date of the annexation ordinance, Ordinance 713.

2013 WATER/SEWER MASTER PLAN

ULTIMATE BUILDOUT

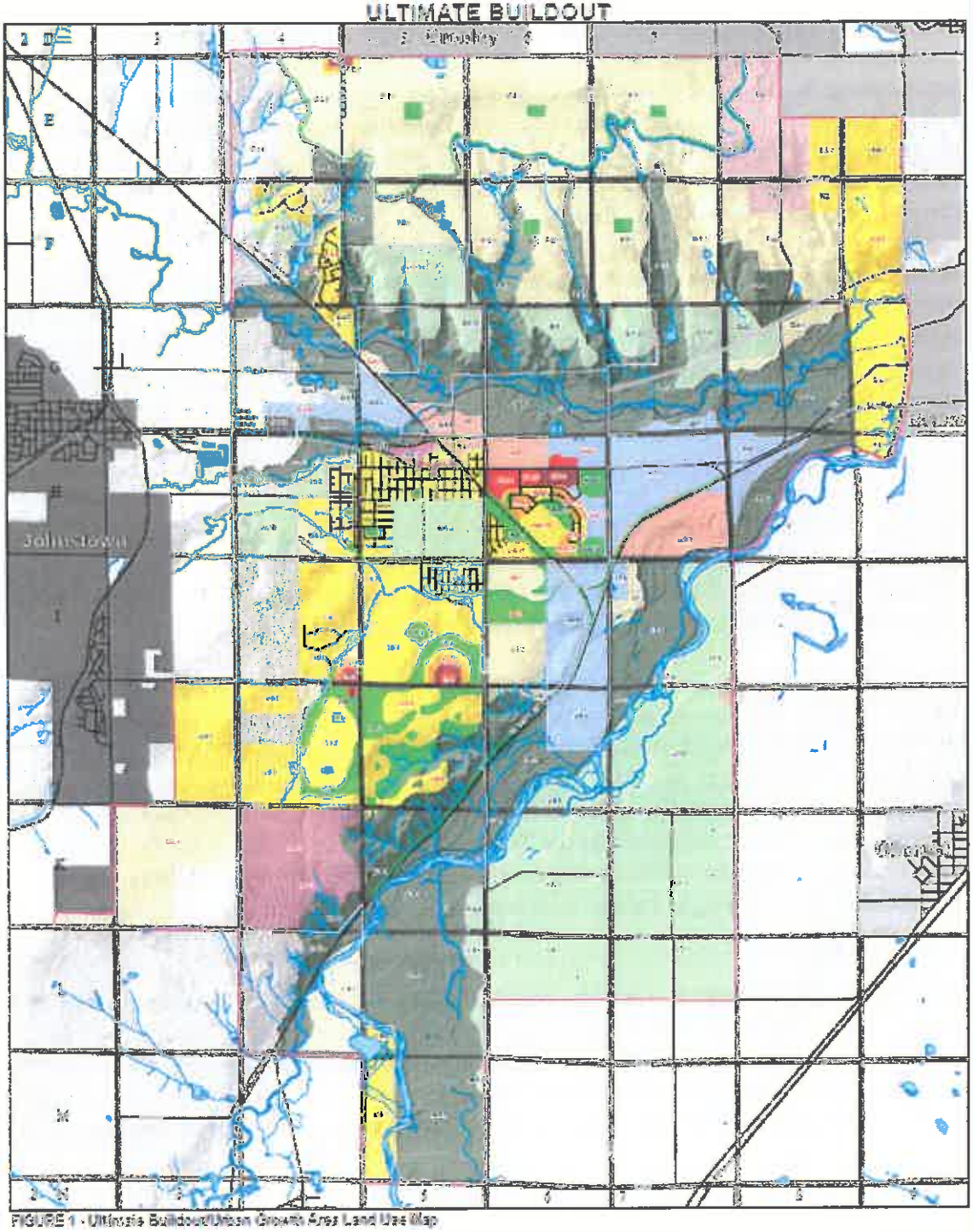


FIGURE 1 - Ultimate Buildout/Urban Growth Area Land Use Map

FINDINGS OF FACT

1. The proposed annexations of the areas described on Exhibits 1, 2 A, 2 B, and 3 attached comply with and meets the requirements of the applicable parts of Section 30 of Article II of the Colorado Constitution §31-12-104 and 31-12-105, C.R.S.

2. No election is required under Section 30(1)(a) of Article II of the Colorado Constitution §31-12-107(2), C.R.S.

3. The proposed annexations of the areas described on Exhibits 1, 2 A, 2 B, and 3 attached hereto and incorporated herein consists of approximately 152 acres.

4. The proposed annexations of the areas described on Exhibit 3, Open Space, consist of approximately 23.26 acres and shall be conveyed as a non-exclusive easement to the Town for use as by the public for trails, nature observation, wetlands and other public purposes. This land shall not be developed. The uses reserved for the servient estate will be those which are compatible with the uses being conveyed to the dominant estate.

TOWN BOARD APPROVAL

_____The Town Board of Trustees after hearing testimony, examination of the documents presented and the findings of fact finds the application substantially complies with and MEETS the requirements of the applicable parts of Section 30 of Article II of the Colorado Constitution and the Municipal Annexation Act of 1965 and the Town of Milliken's Municipal Code Chapter 16 "Land Use Code" and RECOMMENDS the Town Board APPROVE Ordinance No. 711 for annexation of certain territory to the Town of Milliken, Colorado to be known and designated as "Martinez-Hahn Continuous Annexations No. 1-3 and an amendment to the Town of Milliken's Official Zoning District Map for the Martinez-Hahn Continuous Annexations No. 1-3 to be zoned as R-1 "Residential Single Family" Zoning District;

or:

_____The Town Board of Trustees after hearing testimony, examination of the documents presented and the findings of fact finds the application substantially complies with and MEETS the requirements of the applicable parts of Section 30 of Article II of the Colorado Constitution and the Municipal Annexation Act of 1965 and the Town of Milliken's Municipal Code Chapter 16 "Land Use Code" and RECOMMENDS the Town Board APPROVE Ordinance No. 713 for annexation of certain territory to the Town of Milliken, Colorado to be known and designated as "Martinez-Hahn Continuous Annexations No. 1-3;

or:

_____The Town Board of Trustees after hearing testimony, examination of the documents presented and the findings of fact finds the petition IS NOT IN THE BEST INTERST OF THE TOWN and DOES NOT APPROVE Ordinance No. 711 or Ordinance 713 for annexation of

certain territory to the Town of Milliken, Colorado to be known and designated as "Martinez-Hahn Continuous Annexations No. 1-3.

ORDINANCE NO. 711

AN ORDINANCE CONCERNING THE ANNEXATION TO THE TOWN OF MILLIKEN, COLORADO, OF A CERTAIN AREAS DESIGNATED AS "MARTINEZ-HAHN CONTIGOUOUS ANNEXATIONS NO. 1, 2 and 3" AND ZONING MORE PARTICULARLY DESCRIBED HEREIN, AND SETTING FORTH FINDINGS OF FACT AND CONCLUSIONS BASED THEREON AS REQUIRED BY THE COLORADO CONSTITUTION AND BY STATE STATUTE

WHEREAS, on March 3, 2015, three Petitions for Annexation were filed by persons comprising more than fifty percent (50%) of the landowners in the areas described on **Exhibits 1, 2 A, 2 B, and 3** attached hereto and incorporated herein, who own more than fifty percent (50%) of said area, excluding public streets and alleys; and

WHEREAS, said petitions request the Town of Milliken to annex said areas to the Town; and

WHEREAS, pursuant to Resolution No. **15-07**, the Town Board found that said petitions substantially comply with and meets the requirements of Section 30(1)(b) of Article II of the Colorado Constitution and of §31-12-107(1), C.R.S.; and

WHEREAS, on May 20, 2015 commencing at 7:00 p.m., pursuant to the notice required by §31-12-108, C.R.S. and the Town of Milliken's Municipal Code Chapter 16 "Land Use Code", the Planning & Zoning Commission held a public hearing to determine whether the area proposed to be annexed complies with the applicable requirements Section 30 of Article II of the Colorado Constitution and of §31-12-104 and 31-12-105, C.R.S., and is eligible for annexation in order to advise the Town Board of at its public hearing scheduled for May 27, 2015 at 7:00 p.m.; whether or not an election is required under Section 30(1)(a) of Article II of the Colorado Constitution and of §31-12-107(2), C.R.S.; and whether or not additional terms and conditions are to be imposed; NOW THEREFORE:

BE IT ORDAINED BY THE TOWN AND BOARD OF TRUSTEES FOR THE TOWN OF MILLIKEN, COLORADO THAT:

1. The Planning & Zoning Commission has found, and the Board of Trustees for the Town of Milliken makes the following findings of fact:

A. The subject Petitions for Annexation were signed by Ben Adam Martinez as the Personal Representative as Petitioner herein for the Estate of Joe Adam Martinez (the "Estate"), which owns own one hundred percent (100%) of said areas, excluding public streets and alleys.

B. Pursuant to Resolution No. **15-07**, the Town Board found that said petition substantially complied with and met the requirements of Section 30(1)(b) of Article II of the Colorado Constitution §31-12-107(1), C.R.S.

C. Pursuant to Resolution No. **15-07**, a public hearing was held on March 11, 2015, commencing at the hour of 7:00 p.m., to determine whether the proposed annexation complied with the applicable requirements of Section 30 of Article II of the Colorado Constitution §§31-12-104 and 31-12-105, C.R.S.; whether an election is required under Section 30(1)(a) of Article II of the Colorado Constitution §31-12-107(2), C.R.S.; and whether additional terms and conditions are to be imposed.

D. Notice of said public hearing was published in *the Johnstown Breeze* on April 9, 16, 23, and 30, 2015 and May 7, 14 and 21, 2015 in the manner prescribed by §31-12-108(2), C.R.S. *The Johnstown Breeze* is a newspaper of general circulation in the area proposed to be annexed. Copies of the published notices, together with a copy of said resolution and a copy of said petition, were sent by registered mail to Weld County and to all special districts and school districts having territory within the area proposed to be annexed and the property was posted at least twenty-five (25) days prior to the date fixed for said hearing.

E. The land to be annexed lies entirely within the Town of Milliken Growth Management Area, as depicted in the 2009 Comprehensive Plan, as amended. An annexation impact report has been prepared and filed with the Weld County Board of Commissioners on or prior to April 7, 2015.

F. The perimeter of the Martinez-Hahn Annexation No. 1 proposed to be annexed is 5,496.32 linear feet, of which 1,408.93 linear feet is contiguous to the Town of Milliken. At least one-sixth of the perimeter of said area is contiguous with the Town of Milliken.

G. The perimeter of the Martinez-Hahn Annexation No. 2 proposed to be annexed is 8,260.71 linear feet, of which 1,755.83 linear feet is contiguous to the Town of Milliken. At least one-sixth of the perimeter of said area is contiguous with the Town of Milliken.

H. The perimeter of the Martinez-Hahn Annexation No. 3 proposed to be annexed is 7,754.78 linear feet, of which 2,561.61 linear feet is contiguous to the Town of Milliken. At least one-sixth of the perimeter of said area is contiguous with the Town of Milliken.

I. A community of interest exists between the areas proposed to be annexed and the Town of Milliken.

J. The areas proposed to be annexed are urban or will be urbanized in the near future, and said areas integrated with or are capable of being integrated with the Town of Milliken.

K. No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, is divided into separate parts or parcels without the written consent of the landowners

thereof unless such tracts or parcels are separated by a dedicated street, road, or other public way.

L. No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty (20) acres or more and which, together with the buildings and improvements situated thereon, has a valuation for assessment in excess of $200,000 for ad valorem tax purposes for the year next preceding the annexation, is included within the area proposed to be annexed without the written consent of the landowner or landowners.

M. No annexation proceedings have been commenced for the annexation to another municipality of part or all of the area proposed to be annexed.

N. The annexations of the areas proposed to be annexed will not result in the detachment of the area from any school district and the attachment of the same to another school district.

O. The annexation of the areas proposed to be annexed would not have the effect of extending the boundary of the Town of Milliken more than three miles in any direction from any point of such boundary in any one year.

P. In establishing the boundaries of the area proposed to be annexed, the entire width of any platted street or alley to be annexed is included within said area.

Q. The annexation of the area proposed to be annexed will not deny reasonable access to any landowner, owner of an easement or owner of a franchise adjoining a platted street or alley which is included in said area but which is not bounded on both sides by the Town of Milliken.

R. The Petition for the "MARTINEZ-HAHN CONTIGOUOUS ANNEXATIONS NO. 1, 2 and 3" was signed by Ben Adam Martinez as the Personal Representative for the Estate of Joe Adam Martinez (the "Estate"), with the intent to retain the existing residential and agricultural uses with the request that the land be zoned R-1 "Single Family Residential".

S. The annexation of the area proposed to be annexed is shown in the Urban Growth Area of the Town's 2009 Comprehensive Framework Map with residential and agricultural land uses.

2. The Town Board reaches the following conclusions based on the above findings of fact:

A. The proposed annexations of the areas described on **Exhibits 1, 2 A, 2 B, and 3** attached hereto and incorporated herein complies with and meets the requirements of the applicable parts of Section 30 of Article II of the Colorado Constitution §31-12-104 and 31-12-105, C.R.S.

B. No election is required under Section 30(1)(a) of Article II of the Colorado Constitution §31-12-107(2), C.R.S.

C. The proposed annexations of the areas described on **Exhibits 1, 2 A, 2 B, and 3** attached hereto and incorporated herein shall be zoned as **R-1 "Single Family Residential"**, which conforms with land uses shown in the Comprehensive Plan's Framework Map's Urban Growth Area.

D. The proposed annexations of the areas described on **Exhibit 3, Open Space**, consisting of approximately 23.26 acres, shall be conveyed as a non-exclusive easement to the Town for use as by the public for trails, nature observation, wetlands and other public purposes. It shall not be developed. The uses reserved for the servient estate will be those which are compatible with the uses being conveyed to the dominant estate.

E. No additional terms and conditions are to be imposed.

3. This Ordinance shall become effective thirty (30) days after publication.

APPROVED the ____ day of _____, 2015 by a vote of ____ in favor and ____opposed.

TOWN OF MILLIKEN

_____
Milt Tokunaga, Mayor

ATTEST:

_____
Cheryl Powell, Town Clerk

APPROVED AS TO FORM:

_____
Town Attorney

LEGAL DESCRIPTION AND MAP

The annexation contains approximately 155.69 acres, more or less, and is subject to all existing easements and /or rights-of-way of record.

Legal Description for Martinez-Hahn Annexation No. 1 (Exhibit 1)

That portion of the Southwest Quarter of Section 27, Township 5 North, Range 67 West of the 6TH P.M., County of Weld, State of Colorado being more particularly described as follows:

Considering the South line of the Southwest Quarter of said Section 27 as assumed to bear North 89°49'31" East and with all bearings contained herein and relative thereto;

Beginning at the Southeast corner of the Southwest Quarter of said Section 27; thence along the East line of said Southwest Quarter North 00°07'52" West 30.00 feet to a point on the North right of way of County Road No. 52 and the North line of Mill Iron 5 Second Annexation; thence along said North right of way and said North line of Mill Iron 5 Second Annexation South 89°49'31" West 391.34 feet to the TRUE POINT OF BEGINNING; thence continuing along said North right of way and the North line of Mill Iron 5 Second Annexation South 89°49'31" West 496.65 feet; thence departing said North right of way and North line of Mill Iron 5 Second Annexation North 03°45'26" East 118.88 feet; thence North 03°42'22" East 24.77 feet; thence North 03°41'58" East 47.77 feet; thence North 17°14'47" East 11.44 feet; thence North 88°44'56" East 38.99 feet; thence North 89°38'22" East 66.25 feet; thence North 88°24'57" East 290.11 feet; thence North 88°52'47" East 101.76 feet; thence South 04°21'41" West 105.16 feet; thence South 04°22'59" West 107.15 feet to a point on the North right of way of County Road No. 52 and the North line of Mill Iron 5 Second Annexation, said point being the TRUE POINT OF BEGINNING.

Said parcel contains 2.36 acres, more or less, and is subject to all existing easements and/or rights of way of record.

Legal Description for Martinez-Hahn Annexation No. 2 (Exhibit 2 A)

That portion of the Southwest Quarter of Section 27 and a portion of the Northwest Quarter of Section 34, both in Township 5 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado being more particularly described as follows:

Considering the South line of the Southwest Quarter of said Section 27 as assumed to bear North 89°49'31" East and with all bearings contained herein and relative thereto;

Beginning at the Southeast corner of the Southwest Quarter of said Section 27; thence along the East line of said Southwest Quarter North 00°07'52" West 30.00 feet to a point on the North right of way of County Road No. 52 and the North line of Mill Iron 5 Second Annexation, said point being the TRUE POINT OF BEGINNING; thence continuing along said East line North 00°07'52" West 1307.55 feet; thence departing said East line South 89°32'41" West 2561.61 feet to a point on the West line of said Southwest Quarter; thence along said West line South 00°05'23" East 1325.00 feet to the Southwest corner of said Section 27; thence South 00°05'23" East 30.00 feet to a point on the South right of way of County Road No. 52; thence along said South right of way North 89°49'31" East 1280.72 feet to a point on the West line of Mill Iron 5 Second Annexation; thence departing said South right of way and along said West line of Mill Iron 5 Second Annexation North 01°26'31" East 60.02 feet to a point on the North right of way of County Road No. 52 and the North line of Mill Iron 5 Second Annexation; thence along said North right of way and said North line of Mill Iron 5 Second Annexation North 89°49'31" East 392.19 feet; thence departing said North right of way and said North line of Mill Iron 5 Second Annexation North 03°45'26" East 118.88 feet; thence North 03°42'22" East 24.77 feet; thence North 03°41'58" East 47.77 feet; thence North 17°14'47" East 11.44 feet; thence North 88°44'56" East 38.99 feet; thence North 89 38'22" East 66.25 feet; thence North 88°24'57" East 290.11 feet; thence North 88°52'47" East 101.76 feet; thence South 04°21'41" West 105.16 feet; thence South 04°22'59" West 107.15 feet to a point on the North right of way of County Road No. 52 and the North line of Mill Iron 5 Second Annexation; thence along said North right t of way and said North line of Mill Iron 5 Second Annexation North 89°49'31" East 391.34 feet to a point on the East line of the Southwest Quarter of said Section 27 and the TRUE POINT OF BEGINNING.

Said parcel contains 75.94 acres, more or less, and is subject to all existing easements and/or rights of way of record.

Legal Description for Martinez-Hahn Annexation No. 3 (Exhibit 2 B)

That portion of the Southwest Quarter of Section 27, Township 5 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado being more particularly described as follows:

Considering the South line of the Southwest Quarter of said Section 27 as assumed to bear North 89°49'31" East and with all bearings contained herein and relative thereto;

Beginning at the Southeast corner of the Southwest Quarter of said Section 27; thence along the East line of said Southwest Quarter North 00°07'52" West 30.00 feet to a point on the North right of way of County Road No. 52 and the North line of Mill Iron 5 Second Annexation; thence continuing along said East line North 00°07'52" West 1307.55 feet to the TRUE POINT OF BEGINNING; thence departing said East line South 89°32'41" West 2561.61 feet to a point on the West line of said Southwest Quarter; thence along said West line North 00°05'23" West 1325.00 feet to the Northwest corner of the Southwest Quarter of said Section 27; thence along the North line of said Southwest Quarter; North 89°56'07" East 2560.62 feet to the Northeast corner of said Southwest Quarter; thence along the East line of said Southwest Quarter South 00°07'52" East 1307.55 feet to the TRUE POINT OF BEGINNING.

Said parcel contains 77.39 acres, more or less, and is subject to all existing easements and/or rights of way of record.

Legal Description for Martinez-Hahn Annexation Open Space (Exhibit 3)

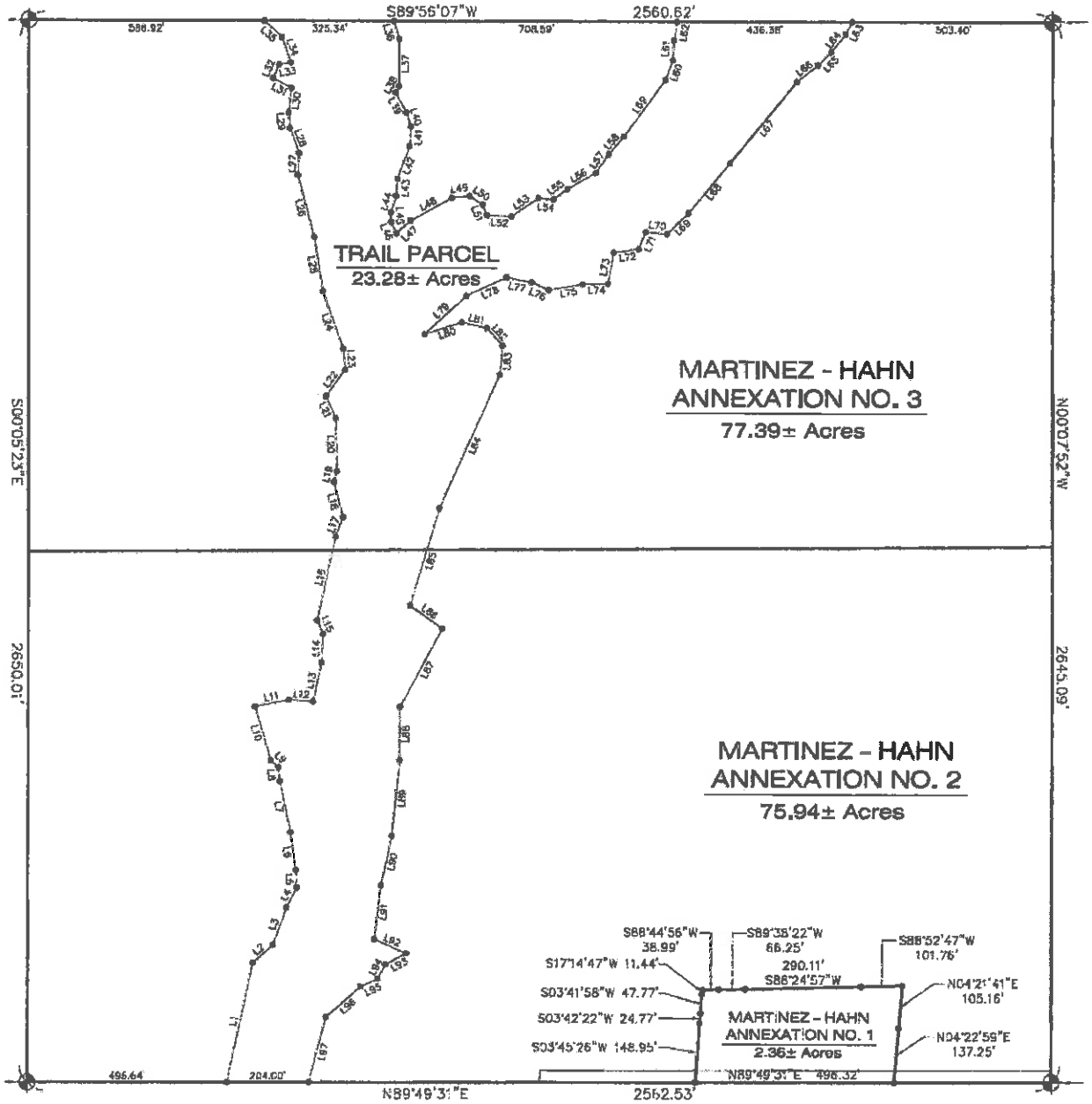
That portion of the Southwest Quarter of Section 27, Township 5 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado being more particularly described as follows:

Considering the South line of the Southwest Quarter of said Section 27 as assumed to bear North 89°49'31" East and with all bearings contained herein and relative thereto;

Beginning at the Southwest Corner of said Section 27: thence along the South line of the Southwest Quarter of said Section 27 North 89°49'31" East 496.64 feet to the TRUE POINT OF BEGINNING; thence continuing along said South line North 89°49'31" East 204.00 feet; thence departing said South line North 89°49'31" East 204.00 feet; thence North 14°45'08" East 168.92 feet; thence North 48°56'09" East 115.63 feet; thence North 65°27'10" East 47.44 feet; thence North 29°00'13" East 41.35 feet; thence North 61°12'37" East 57.76 feet; thence North 65°53'31" West 87.16 feet; thence North 07°05'46" East 135.52 feet; thence North 12°05'37" East 126.10 feet; thence North 05°45'48" East 189.90 feet; thence North 00°07'34" East 134.29 feet; thence North 28°14'53" East 221.50 feet; thence North 54°56'28" West 99.91 feet; thence North 16°57'25" East 253.55 feet; thence North 24°11'13" East 365.61 feet; thence North 05°12'27" East 73.11 feet; thence North 41°23'05" West 58.74 feet; thence North 77°38'46" West 64.21 feet; thence South 72°26'17" West 98.19 feet; thence North 47°34'43" East 141.71 feet; thence North 65°21'08" East 110.25 feet; thence South 79°03'22" East 63.69 feet; thence South 66°00'20" East 45.86 feet; thence North 80°19'42" East 86.73 feet; thence North 88°34'21" East 62.35 feet; thence North 10°11'05" East 79.07 feet; thence North 82°13'00" East 63.90 feet; thence North 22°18'45" East 46.46 feet; thence South 85°04'47" East 54.62 feet; thence North 46°11'58" East 75.01 feet; thence North 39°28'40" East 161.49 feet; thence North 39°17'28" East 263.29 feet; thence North 51°37'32" East 65.60 feet; thence North 45°09'41" East 46.39 feet; thence North 38°27'43" East 57.38 feet; thence North 29°20'59" East 35.10 feet to a point on the North line of the Southwest Quarter of said Section 27; thence along said North line South 89°56'07" West 436.38 feet; thence departing said North line South 09°10'03" West 47.61 feet; thence South 03°56'09" West 48.92 feet; thence South 20°14'47" West 52.99 feet; thence South 36°37'51" West 176.95 feet; thence South 41°17'20" West 57.51 feet; thence South 33°53'11" West 56.28 feet; thence South 60°03'44" West 82.01 feet; thence South 53°19'15" West 43.29 feet; thence North 84°37'37" West 38.72 feet; thence South 55°33'39" West 80.40 feet; thence North 87°24'17" West 60.27 feet; thence North 20°57'11" West 28.41 feet; thence North 57°50'17" West 39.40 feet; thence South 83°19'47" West 44.66 feet; thence South 61°35'58" West 118.68 feet; thence South 46°58'37" West 46.74 feet; thence North 24°38'34" West 31.91 feet; thence North 00°48'12" West 23.94 feet; thence North 17°22'23" East 41.75 feet; thence North 04°59'46" East 43.13 feet; thence North 19°30'23" East 86.26 feet;

thence North 04°31'32" East 49.35 feet; thence North 18°24'41" West 37.35 feet; thence North 28°37'52" West 55.24 feet; thence North 29°34'20" East 18.14 feet; thence North 00°10'01" East 117.97 feet; thence North 16°42'57" West 46.64 feet to a point on the North line of said Southwest Quarter; thence along said North line South 89°56'07" West 325.34 feet; thence departing said North line South 46°50'51" East 59.84 feet; thence South 19°37'46" East 66.91 feet; thence South 80°06'22" West 29.82 feet; thence South 24°00'25" West 37.29 feet; thence South 61°46'32" East 52.10 feet; thence South 06°11'24" West 61.41 feet; thence South 04°16'49" East 38.44 feet; thence South 20°43'30" East 66.53 feet; thence South 03°14'46" West 54.18 feet; thence South 14°56'13" East 160.23 feet; thence South 09°17'25" East 135.94 feet; thence South 19°44'16" East 153.61 feet; thence South 04°30'20" East 52.32 feet; thence South 35°37'39" West 81.58 feet; thence South 24°14'31" East 59.41 feet; thence South 01°39'03" East 133.12 feet; thence South 16°12'15" West 27.45 feet; thence South 14°54'10" East 90.33 feet; thence South 21°30'26" West 52.87 feet; thence South 12°13'59" West 214.07 feet; thence South 23°52'58" East 36.62 feet; thence South 02°41'08" West 71.86 feet; thence South 12°08'51" West 99.14 feet; thence North 86°10'31" West 60.29 feet; thence South 78°40'21" West 86.70 feet; thence South 16°33'20" East 140.06 feet; thence South 46°53'46" East 25.33 feet; thence South 06°54'06" East 35.09 feet; thence South 12°12'35" East 130.05 feet; thence South 08°19'44" East 95.80 feet; thence South 03°13'45" East 44.13 feet; thence South 27°35'15" West 56.44 feet; thence South 19°37'43" West 99.02 feet; thence South 47°52'45" West 67.47 feet; thence South 12°01'58" West 304.97 feet to a point on the South line of said Southwest Quarter and the TRUE POINT OF BEGINNING.

The above-described parcel contains 23.28 acres, more or less, and is subject to all existing easements and/or rights of way of record.


S89°56'07"W
2560.62'
586.92'
325.34'
708.59'
436.38'
503.40'
TRAIL PARCEL
23.28± Acres
MARTINEZ - HAHN
ANNEXATION NO. 3
77.39± Acres
MARTINEZ - HAHN
ANNEXATION NO. 2
75.94± Acres
S00°05'23"E
2650.01'
N00°07'52"W
2643.09'
S88°44'56"W
38.99'
S89°38'22"W
66.25'
S88°52'47"W
101.76'
S17°14'47"W 11.44'
290.11'
S86°24'57"W
S03°41'58"W 47.77'
N04°21'41"E
105.16'
S03°42'22"W 24.77'
MARTINEZ - HAHN
ANNEXATION NO. 1
2.36± Acres
S03°45'26"W 148.95'
N04°22'59"E
137.25'
496.64
204.00'
N89°49'31"E
2562.53'

ORDINANCE NO. 713

AN ORDINANCE CONCERNING THE ANNEXATION TO THE TOWN OF MILLIKEN, COLORADO, OF A CERTAIN AREAS DESIGNATED AS "MARTINEZ-HAHN CONTIGOUOUS ANNEXATIONS NO. 1, 2 and 3" AND ZONING MORE PARTICULARLY DESCRIBED HEREIN, AND SETTING FORTH FINDINGS OF FACT AND CONCLUSIONS BASED THEREON AS REQUIRED BY THE COLORADO CONSTITUTION AND BY STATE STATUTE

WHEREAS, on March 3, 2015, three Petitions for Annexation were filed by persons comprising more than fifty percent (50%) of the landowners in the areas described on **Exhibits 1, 2 A, 2 B, and 3** attached hereto and incorporated herein, who own more than fifty percent (50%) of said area, excluding public streets and alleys; and

WHEREAS, said petitions request the Town of Milliken to annex said areas to the Town; and

WHEREAS, pursuant to Resolution No. **15-07**, the Town Board found that said petitions substantially comply with and meets the requirements of Section 30(1)(b) of Article II of the Colorado Constitution and of §31-12-107(1), C.R.S.; and

WHEREAS, on May 20, 2015 commencing at 7:00 p.m., pursuant to the notice required by §31-12-108, C.R.S. and the Town of Milliken's Municipal Code Chapter 16 "Land Use Code", the Planning & Zoning Commission held a public hearing to determine whether the area proposed to be annexed complies with the applicable requirements Section 30 of Article II of the Colorado Constitution and of §31-12-104 and 31-12-105, C.R.S., and is eligible for annexation in order to advise the Town Board of at its public hearing scheduled for May 27, 2015 at 7:00 p.m.; whether or not an election is required under Section 30(1)(a) of Article II of the Colorado Constitution and of §31-12-107(2), C.R.S.; and whether or not additional terms and conditions are to be imposed; NOW THEREFORE:

BE IT ORDAINED BY THE TOWN AND BOARD OF TRUSTEES FOR THE TOWN OF MILLIKEN, COLORADO THAT:

1. The Planning & Zoning Commission has found, and the Board of Trustees for the Town of Milliken makes the following findings of fact:

A. The subject Petitions for Annexation were signed by Ben Adam Martinez as the Personal Representative as Petitioner herein for the Estate of Joe Adam Martinez (the "Estate"), which owns own one hundred percent (100%) of said areas, excluding public streets and alleys.

B. Pursuant to Resolution No. **15-07**, the Town Board found that said petition substantially complied with and met the requirements of Section 30(1)(b) of Article II of the Colorado Constitution §31-12-107(1), C.R.S.

C. Pursuant to Resolution No. **15-07**, a public hearing was held on March 11, 2015, commencing at the hour of 7:00 p.m., to determine whether the proposed annexation complied with the applicable requirements of Section 30 of Article II of the Colorado Constitution §§31-12-104 and 31-12-105, C.R.S.; whether an election is required under Section 30(1)(a) of Article II of the Colorado Constitution §31-12-107(2), C.R.S.; and whether additional terms and conditions are to be imposed.

D. Notice of said public hearing was published in *the Johnstown Breeze* on April 9, 16, 23, and 30, 2015 and May 7, 14 and 21, 2015 in the manner prescribed by §31-12-108(2), C.R.S. *The Johnstown Breeze* is a newspaper of general circulation in the area proposed to be annexed. Copies of the published notices, together with a copy of said resolution and a copy of said petition, were sent by registered mail to Weld County and to all special districts and school districts having territory within the area proposed to be annexed and the property was posted at least twenty-five (25) days prior to the date fixed for said hearing.

E. The land to be annexed lies entirely within the Town of Milliken Growth Management Area, as depicted in the 2009 Comprehensive Plan, as amended. An annexation impact report has been prepared and filed with the Weld County Board of Commissioners on or prior to April 7, 2015.

F. The perimeter of the Martinez-Hahn Annexation No. 1 proposed to be annexed is 5,496.32 linear feet, of which 1,408.93 linear feet is contiguous to the Town of Milliken. At least one-sixth of the perimeter of said area is contiguous with the Town of Milliken.

G. The perimeter of the Martinez-Hahn Annexation No. 2 proposed to be annexed is 8,260.71 linear feet, of which 1,755.83 linear feet is contiguous to the Town of Milliken. At least one-sixth of the perimeter of said area is contiguous with the Town of Milliken.

H. The perimeter of the Martinez-Hahn Annexation No. 3 proposed to be annexed is 7,754.78 linear feet, of which 2,561.61 linear feet is contiguous to the Town of Milliken. At least one-sixth of the perimeter of said area is contiguous with the Town of Milliken.

I. A community of interest exists between the areas proposed to be annexed and the Town of Milliken.

J. The areas proposed to be annexed are urban or will be urbanized in the near future, and said areas integrated with or are capable of being integrated with the Town of Milliken.

K. No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate,

is divided into separate parts or parcels without the written consent of the landowners thereof unless such tracts or parcels are separated by a dedicated street, road, or other public way.

L. No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty (20) acres or more and which, together with the buildings and improvements situated thereon, has a valuation for assessment in excess of $200,000 for ad valorem tax purposes for the year next preceding the annexation, is included within the area proposed to be annexed without the written consent of the landowner or landowners.

M. No annexation proceedings have been commenced for the annexation to another municipality of part or all of the area proposed to be annexed.

N. The annexations of the areas proposed to be annexed will not result in the detachment of the area from any school district and the attachment of the same to another school district.

O. The annexation of the areas proposed to be annexed would not have the effect of extending the boundary of the Town of Milliken more than three miles in any direction from any point of such boundary in any one year.

P. In establishing the boundaries of the area proposed to be annexed, the entire width of any platted street or alley to be annexed is included within said area.

Q. The annexation of the area proposed to be annexed will not deny reasonable access to any landowner, owner of an easement or owner of a franchise adjoining a platted street or alley which is included in said area but which is not bounded on both sides by the Town of Milliken.

R. The Petition for the "MARTINEZ-HAHN CONTIGOUOUS ANNEXATIONS NO. 1, 2 and 3" was signed by Ben Adam Martinez as the Personal Representative for the Estate of Joe Adam Martinez (the "Estate"), with the intent to retain the existing residential and agricultural uses with the request that the land be zoned R-1 "Single Family Residential".

S. The annexation of the area proposed to be annexed is shown in the Urban Growth Area of the Town's 2009 Comprehensive Framework Map with residential and agricultural land uses.

2. The Town Board reaches the following conclusions based on the above findings of fact:

A. The proposed annexations of the areas described on **Exhibits 1, 2 A, 2 B, and 3** attached hereto and incorporated herein complies with and meets the requirements of the applicable parts of Section 30 of Article II of the Colorado Constitution §31-12-104 and 31-12-105, C.R.S.

B. No election is required under Section 30(1)(a) of Article II of the Colorado Constitution §31-12-107(2), C.R.S.

C. The proposed annexations of the areas described on **Exhibits 1, 2 A, 2 B, and 3** attached hereto and incorporated herein shall be zoned at a later date, which conforms with land uses shown in the Comprehensive Plan's Framework Map's Urban Growth Area.

D. The proposed annexations of the areas described on **Exhibit 3, Open Space**, consisting of approximately 23.26 acres, shall be conveyed as a non-exclusive easement to the Town for use as by the public for trails, nature observation, wetlands and other public purposes. It shall not be developed. The uses reserved for the servient estate will be those which are compatible with the uses being conveyed to the dominant estate.

E. No additional terms and conditions are to be imposed.

3. This Ordinance shall become effective thirty (30) days after publication.

APPROVED the ____ day of _____, 2015 by a vote of ____ in favor and ____opposed.

TOWN OF MILLIKEN

_____
Milt Tokunaga, Mayor

ATTEST:

_____
Cheryl Powell, Town Clerk

APPROVED AS TO FORM:

_____
Town Attorney

LEGAL DESCRIPTION AND MAP

The annexation contains approximately 155.69 acres, more or less, and is subject to all existing easements and /or rights-of-way of record.

Legal Description for Martinez-Hahn Annexation No. 1 (Exhibit 1)

That portion of the Southwest Quarter of Section 27, Township 5 North, Range 67 West of the 6TH P.M., County of Weld, State of Colorado being more particularly described as follows:

Considering the South line of the Southwest Quarter of said Section 27 as assumed to bear North 89°49'31" East and with all bearings contained herein and relative thereto;

Beginning at the Southeast corner of the Southwest Quarter of said Section 27; thence along the East line of said Southwest Quarter North 00°07'52" West 30.00 feet to a point on the North right of way of County Road No. 52 and the North line of Mill Iron 5 Second Annexation; thence along said North right of way and said North line of Mill Iron 5 Second Annexation South 89°49'31" West 391.34 feet to the TRUE POINT OF BEGINNING; thence continuing along said North right of way and the North line of Mill Iron 5 Second Annexation South 89°49'31" West 496.65 feet; thence departing said North right of way and North line of Mill Iron 5 Second Annexation North 03°45'26" East 118.88 feet; thence North 03°42'22" East 24.77 feet; thence North 03°41'58" East 47.77 feet; thence North 17°14'47" East 11.44 feet; thence North 88°44'56" East 38.99 feet; thence North 89°38'22" East 66.25 feet; thence North 88°24'57" East 290.11 feet; thence North 88°52'47" East 101.76 feet; thence South 04°21'41" West 105.16 feet; thence South 04°22'59" West 107.15 feet to a point on the North right of way of County Road No. 52 and the North line of Mill Iron 5 Second Annexation, said point being the TRUE POINT OF BEGINNING.

Said parcel contains 2.36 acres, more or less, and is subject to all existing easements and/or rights of way of record.

Legal Description for Martinez-Hahn Annexation No. 2 (Exhibit 2 A)

That portion of the Southwest Quarter of Section 27 and a portion of the Northwest Quarter of Section 34, both in Township 5 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado being more particularly described as follows:

Considering the South line of the Southwest Quarter of said Section 27 as assumed to bear North 89°49'31" East and with all bearings contained herein and relative thereto;

Beginning at the Southeast corner of the Southwest Quarter of said Section 27; thence along the East line of said Southwest Quarter North 00°07'52" West 30.00 feet to a point on the North right of way of County Road No. 52 and the North line of Mill Iron 5 Second Annexation, said point being the TRUE POINT OF BEGINNING; thence continuing along said East line North 00°07'52" West 1307.55 feet; thence departing said East line South 89°32'41" West 2561.61 feet to a point on the West line of said Southwest Quarter; thence along said West line South 00°05'23" East 1325.00 feet to the Southwest corner of said Section 27; thence South 00°05'23" East 30.00 feet to a point on the South right of way of County Road No. 52; thence along said South right of way North 89°49'31" East 1280.72 feet to a point on the West line of Mill Iron 5 Second Annexation; thence departing said South right of way and along said West line of Mill Iron 5 Second Annexation North 01°26'31" East 60.02 feet to a point on the North right of way of County Road No. 52 and the North line of Mill Iron 5 Second Annexation; thence along said North right of way and said North line of Mill Iron 5 Second Annexation North 89°49'31" East 392.19 feet; thence departing said North right of way and said North line of Mill Iron 5 Second Annexation North 03°45'26" East 118.88 feet; thence North 03°42'22" East 24.77 feet; thence North 03°41'58" East 47.77 feet; thence North 17°14'47" East 11.44 feet; thence North 88°44'56" East 38.99 feet; thence North 89 38'22" East 66.25 feet; thence North 88°24'57" East 290.11 feet; thence North 88°52'47" East 101.76 feet; thence South 04°21'41" West 105.16 feet; thence South 04°22'59" West 107.15 feet to a point on the North right of way of County Road No. 52 and the North line of Mill Iron 5 Second Annexation; thence along said North right t of way and said North line of Mill Iron 5 Second Annexation North 89°49'31" East 391.34 feet to a point on the East line of the Southwest Quarter of said Section 27 and the TRUE POINT OF BEGINNING.

Said parcel contains 75.94 acres, more or less, and is subject to all existing easements and/or rights of way of record.

Legal Description for Martinez-Hahn Annexation No. 3 (Exhibit 2 B)

That portion of the Southwest Quarter of Section 27, Township 5 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado being more particularly described as follows:

Considering the South line of the Southwest Quarter of said Section 27 as assumed to bear North 89°49'31" East and with all bearings contained herein and relative thereto;

Beginning at the Southeast corner of the Southwest Quarter of said Section 27; thence along the East line of said Southwest Quarter North 00°07'52" West 30.00 feet to a point on the North right of way of County Road No. 52 and the North line of Mill Iron 5 Second Annexation; thence continuing along said East line North 00°07'52" West 1307.55 feet to the TRUE POINT OF BEGINNING; thence departing said East line South 89°32'41" West 2561.61 feet to a point on the West line of said Southwest Quarter; thence along said West line North 00°05'23" West 1325.00 feet to the Northwest corner of the Southwest Quarter of said Section 27; thence along the North line of said Southwest Quarter; North 89°56'07" East 2560.62 feet to the Northeast corner of said Southwest Quarter; thence along the East line of said Southwest Quarter South 00°07'52" East 1307.55 feet to the TRUE POINT OF BEGINNING.

Said parcel contains 77.39 acres, more or less, and is subject to all existing easements and/or rights of way of record.

Legal Description for Martinez-Hahn Annexation Open Space (Exhibit 3)

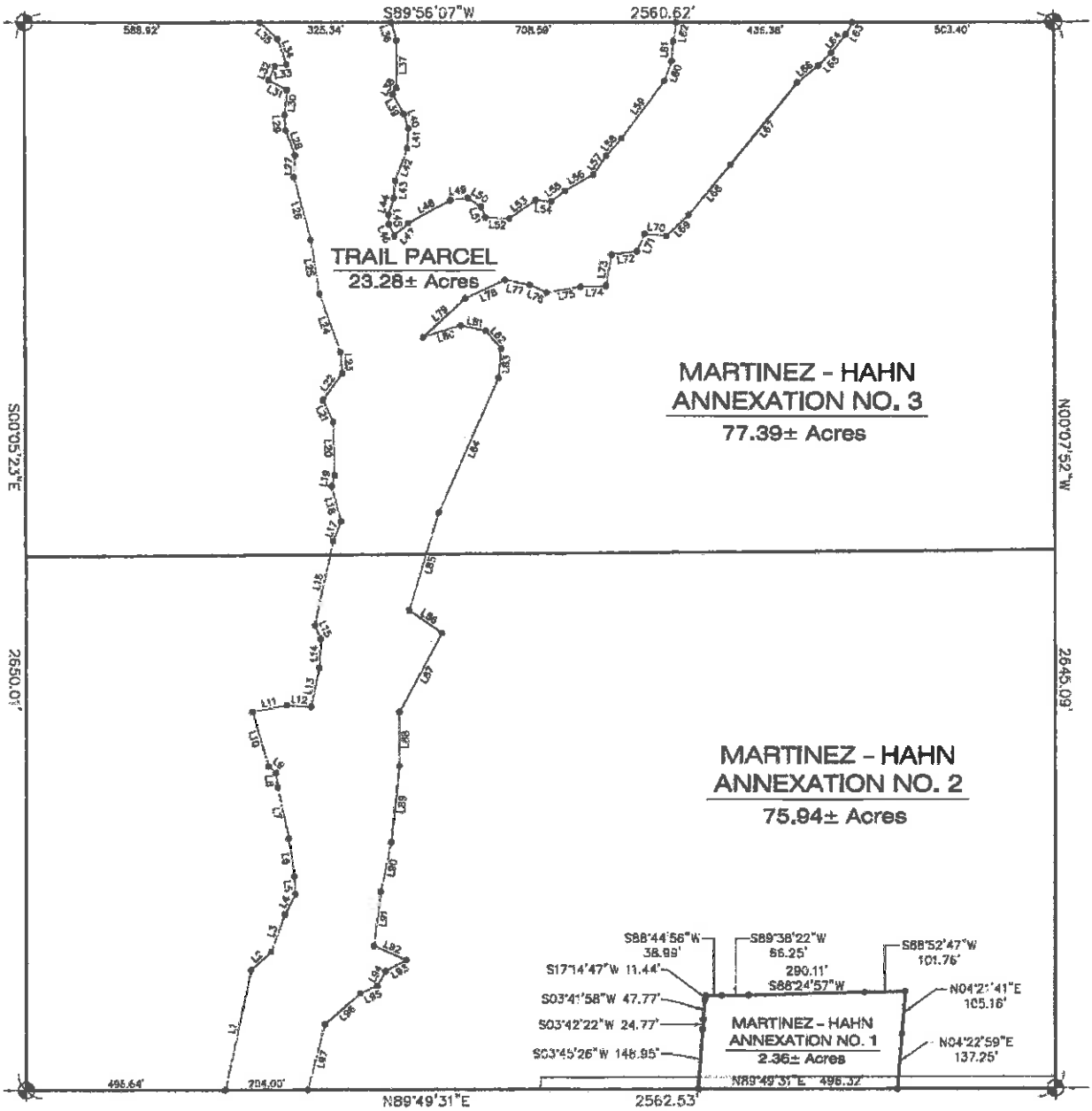
That portion of the Southwest Quarter of Section 27, Township 5 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado being more particularly described as follows:

Considering the South line of the Southwest Quarter of said Section 27 as assumed to bear North 89°49'31" East and with all bearings contained herein and relative thereto;

Beginning at the Southwest Corner of said Section 27: thence along the South line of the Southwest Quarter of said Section 27 North 89°49'31" East 496.64 feet to the TRUE POINT OF BEGINNING; thence continuing along said South line North 89°49'31" East 204.00 feet; thence departing said South line North 89°49'31" East 204.00 feet; thence North 14°45'08" East 168.92 feet; thence North 48°56'09" East 115.63 feet; thence North 65°27'10" East 47.44 feet; thence North 29°00'13" East 41.35 feet; thence North 61°12'37" East 57.76 feet; thence North 65°53'31" West 87.16 feet; thence North 07°05'46" East 135.52 feet; thence North 12°05'37" East 126.10 feet; thence North 05°45'48" East 189.90 feet; thence North 00°07'34" East 134.29 feet; thence North 28°14'53" East 221.50 feet; thence North 54°56'28" West 99.91 feet; thence North 16°57'25" East 253.55 feet; thence North 24°11'13" East 365.61 feet; thence North 05°12'27" East 73.11 feet; thence North 41°23'05" West 58.74 feet; thence North 77°38'46" West 64.21 feet; thence South 72°26'17" West 98.19 feet; thence North 47°34'43" East 141.71 feet; thence North 65°21'08" East 110.25 feet; thence South 79°03'22" East 63.69 feet; thence South 66°00'20" East 45.86 feet; thence North 80°19'42" East 86.73 feet; thence North 88°34'21" East 62.35 feet; thence North 10°11'05" East 79.07 feet; thence North 82°13'00" East 63.90 feet; thence North 22°18'45" East 46.46 feet; thence South 85°04'47" East 54.62 feet; thence North 46°11'58" East 75.01 feet; thence North 39°28'40" East 161.49 feet; thence North 39°17'28" East 263.29 feet; thence North 51°37'32" East 65.60 feet; thence North 45°09'41" East 46.39 feet; thence North 38°27'43" East 57.38 feet; thence North 29°20'59" East 35.10 feet to a point on the North line of the Southwest Quarter of said Section 27; thence along said North line South 89°56'07" West 436.38 feet; thence departing said North line South 09°10'03" West 47.61 feet; thence South 03°56'09" West 48.92 feet; thence South 20°14'47" West 52.99 feet; thence South 36°37'51" West 176.95 feet; thence South 41°17'20" West 57.51 feet; thence South 33°53'11" West 56.28 feet; thence South 60°03'44" West 82.01 feet; thence South 53°19'15" West 43.29 feet; thence North 84°37'37" West 38.72 feet; thence South 55°33'39" West 80.40 feet; thence North 87°24'17" West 60.27 feet; thence North 20°57'11" West 28.41 feet; thence North 57°50'17" West 39.40 feet; thence South 83°19'47" West 44.66 feet; thence South 61°35'58" West 118.68 feet; thence South 46°58'37" West 46.74 feet; thence North 24°38'34" West 31.91 feet; thence North 00°48'12" West 23.94 feet; thence North 17°22'23" East 41.75 feet; thence North 04°59'46" East 43.13 feet; thence North 19°30'23" East 86.26 feet;

thence North 04°31'32" East 49.35 feet; thence North 18°24'41" West 37.35 feet; thence North 28°37'52" West 55.24 feet; thence North 29°34'20" East 18.14 feet; thence North 00°10'01" East 117.97 feet; thence North 16°42'57" West 46.64 feet to a point on the North line of said Southwest Quarter; thence along said North line South 89°56'07" West 325.34 feet; thence departing said North line South 46°50'51" East 59.84 feet; thence South 19°37'46" East 66.91 feet; thence South 80°06'22" West 29.82 feet; thence South 24°00'25" West 37.29 feet; thence South 61°46'32" East 52.10 feet; thence South 06°11'24" West 61.41 feet; thence South 04°16'49" East 38.44 feet; thence South 20°43'30" East 66.53 feet; thence South 03°14'46" West 54.18 feet; thence South 14°56'13" East 160.23 feet; thence South 09°17'25" East 135.94 feet; thence South 19°44'16" East 153.61 feet; thence South 04°30'20" East 52.32 feet; thence South 35°37'39" West 81.58 feet; thence South 24°14'31" East 59.41 feet; thence South 01°39'03" East 133.12 feet; thence South 16°12'15" West 27.45 feet; thence South 14°54'10" East 90.33 feet; thence South 21°30'26" West 52.87 feet; thence South 12°13'59" West 214.07 feet; thence South 23°52'58" East 36.62 feet; thence South 02°41'08" West 71.86 feet; thence South 12°08'51" West 99.14 feet; thence North 86°10'31" West 60.29 feet; thence South 78°40'21" West 86.70 feet; thence South 16°33'20" East 140.06 feet; thence South 46°53'46" East 25.33 feet; thence South 06°54'06" East 35.09 feet; thence South 12°12'35" East 130.05 feet; thence South 08°19'44" East 95.80 feet; thence South 03°13'45" East 44.13 feet; thence South 27°35'15" West 56.44 feet; thence South 19°37'43" West 99.02 feet; thence South 47°52'45" West 67.47 feet; thence South 12°01'58" West 304.97 feet to a point on the South line of said Southwest Quarter and the TRUE POINT OF BEGINNING.

The above-described parcel contains 23.28 acres, more or less, and is subject to all existing easements and/or rights of way of record.


S89°56'07"W
2560.62'
588.92'
325.34'
708.59'
436.38'
503.40'
TRAIL PARCEL
23.28± Acres
MARTINEZ - HAHN
ANNEXATION NO. 3
77.39± Acres
S00°05'23"E
N00°07'52"W
2650.01'
2645.09'
MARTINEZ - HAHN
ANNEXATION NO. 2
75.94± Acres
S88°44'56"W
38.99'
S89°38'22"W
66.25'
S88°52'47"W
101.76'
S17°14'47"W 11.44'
290.11'
S88°24'57"W
N04°2'41"E
105.16'
S03°41'58"W 47.77'
S03°42'22"W 24.77'
MARTINEZ - HAHN
ANNEXATION NO. 1
2.36± Acres
N04°22'59"E
137.25'
S03°45'26"W 146.95'
N89°49'31"E 498.32'
495.64'
204.00'
N89°49'31"E
2562.53'

PETITION FOR ANNEXATION

Martinez-Hahn Annexation No. 1

The Estate of Joe Adam Martinez (the "Estate"), Petitioner herein, represents that it is the landowner of 100% of the land described in this Petition, excluding public streets, alleys, roads and easements, which is legally described on Exhibit "A" (hereinafter the "Property"), and affirms the following to be true and correct as its petition for annexation.

CONTIGUITY:

1. The perimeter of the proposed annexation consists of 1,408.93+/- linear feet and has a distance of 496.32+/- linear feet that are contiguous to the existing Town Limits of Milliken.

2. This contiguity results in a minimum of 1/6th of the perimeter of proposed annexation being contiguous to the Town of Milliken.

3. The proposed annexation contains approximately 2.36 acres.

4. The requirements of §31-12-104 and §31-12-105 C.R.S., exist or have been met.

5. We further allege:

   a. It is desirable and necessary that the Property be annexed to the Town of Milliken ("Milliken").

   b. A community of interest exists between the Property and Milliken.

   c. The Property is integrated or capable of being integrated with Milliken.

   d. The Property is urban or will be urbanized in the near future.

   e. No land held in identical ownership is divided into separate parcels unless the owner of said tract has consented in writing or joins in this Petition.

   f. No land held in identical ownership compromises 20 acres and together with improvements had an assessed valuation in excess of $200,000 in the year preceding the filing of this Petition, unless the owner of said tract has consented in writing or joins in this Petition.

   g. No proceedings for annexation of the land described in this Petition have been commenced for annexation to another municipality.

   h. The Petitioner understands that there may be a significant period of time before all municipal utilities will be available, but anticipates that urbanization will be able to take place at a pace acceptable to the Estate without immediate access

to all these utilities. Until urbanization takes place the Petitioner intends to maintain the Property in its current uses until the Property is transferred to Milliken, which uses are acceptable to Milliken.

The undersigned Petitioner is requesting annexation by Milliken of property of which it is a 100% owner. The Petitioner has submitted the petition with the intention that the property will be transferred to Milliken immediately after the annexation process is completed.

The Petitioner is aware that Milliken has enacted fees and policies with the intention that growth should pay its own way and that growth should improve the health, safety and welfare of its citizens. Examples of Milliken's fees include capital investment fees such as the water dedication fee, water tap fee, wastewater tap fee, parkland dedication fee, parkland development fee, public facilities fee, street fee, and density transfer fee. However, no fees will be assessed against the Property prior to the transfer of the Property to Milliken.

Milliken has various enterprise funds through which utilities provided by Milliken are financed. Examples of Milliken's services are its water, wastewater, and drainage/floodplain utilities. Milliken's Utility Board and the Board of Trustees believe that the provision of utilities by Milliken assists in complying with the Comprehensive Plan and Development Code.

Milliken's Development Code requires that as a condition of approval for any subdivision a development agreement is executed which contains specific limitations on the rate at which the development can proceed. The petitioners understand that the growth of Milliken is limited by the Comprehensive Plan and ordinances and agree to comply with these limitations.

Milliken's citizens and its Board of Trustees have determined that open space and agriculture add to the community and have implemented sales taxes and fees to financially support trails, parks, open space and agriculture.

The RE-5J School District forms an integral part of the Milliken community. Milliken has enacted fees to support the acquisition of land by this School District. The petitioners are aware of these fees but the Parties agree that no such fees shall be assessed against the Property prior to the transfer of the Property to Milliken.

Milliken is required by Colorado Revised Statutes to prepare and file an annexation impact report. Milliken will prepare a proposed annexation impact report and provide it for review and consideration six (6) weeks prior to the hearing.

The Petitioner and Milliken further agree as follows:

a. The Residential Portion of the Property as shown on the attached annexation map, Exhibit 1, will be transferred to Milliken within two weeks after the annexation ordinance is passed. .

b. The current residents of the Residential Portion of the Property, who are Martinez family members, shall be given six (6) months prior notice of the date Milliken wishes them to vacate the Property. During the Martinez's occupancy of the Residential Portion of the property they will continue to be responsible for all utilities and maintenance of the Residential Property ensuring that all of the heating, cooling, plumbing and electrical systems are operational and the Residential Property is in compliance with all applicable codes, ordinances and statutes. It is specifically understood that this does not mean that the Martinez's will have to improve the Residential Property to comply with the Town's current building codes except if they make improvements with the prior written consent of the Town.

c. In consideration of the Estate agreeing to annex to Milliken all the Property owned by the Estate adjacent to the Town, the Town shall pay for all costs and prepare all documents for the annexation proceedings and will submit the documents to the appropriate authorities for the annexation proceedings.

d. No new or additional fees or costs will be assessed against the Property until the transfer of the Property to Milliken has taken place at which time Milliken shall be responsible for any fees or costs.

e. The non-Residential Portion of the Property will continue to be used for agricultural purposes but will be zoned "R-1".When Milliken has taken possession of the Residential Portion Property and the Martinez family has vacated the Residential Portion of the Property the Town may implement the zoning of that portion as it deems appropriate.

f. The acreage legally described in Exhibit 3 as Open Space shall be conveyed as a non-exclusive easement to the Town for use as by the public for trails, nature observation, wetlands and other public purposes but shall not be developed. The uses reserved for the servient estate will be those which are compatible with the uses being conveyed to the dominant estate.

The Petitioner agrees to the provisions of this Petition for Annexation and hereby presents it to the Clerk of the Town of Milliken to be presented to the Board of Trustees for consideration of the annexation.

THE ESTATE OF JOE ADAM MARTINEZ
"Petitioner"

Ben Adam Martinez

By, Ben Adam Martinez, Personal Representative

Therefore, the undersigned hereby requests that the Town of Milliken approve the annexation of the areas described herein.

3-3-15
Date Signed

ESTATE OF JOE ADAM MARTINEZ
"Landowner"

Ben Adam Martinez
By, Ben Adam Martinez, Personal Representative

Mailing Address:
2412 W. 9th Street
Greeley, CO 80634

Legal Description: SEE EXHIBIT 1 AND PLAT

STATE OF COLORADO)
) ss. CIRCULATOR'S AFFIDAVIT
COUNTY OF WELD)

Robert J. Penny, being first duly sworn, upon oath deposes and says that he/she was the circulator of the above and foregoing petition and that the signatures on said petition are the signatures of the persons whose names they purport to be.

Signature

Subscribed and sworn to before me this 3rd day of March, 2015.

WITNESS my hand and official seal.

CHRISTOPHER MICHAEL GLAZ NOTARY PUBLIC STATE OF COLORADO

Notary Public
12/18/2017

MARTINEZ-HAHN ANNEXATION NO. 1
EXHIBIT 1

Property Description

That portion of the Southwest Quarter of Section 27, Township 5 North, Range 67 West of the 6TH P.M., County of Weld, State of Colorado being more particularly described as follows:

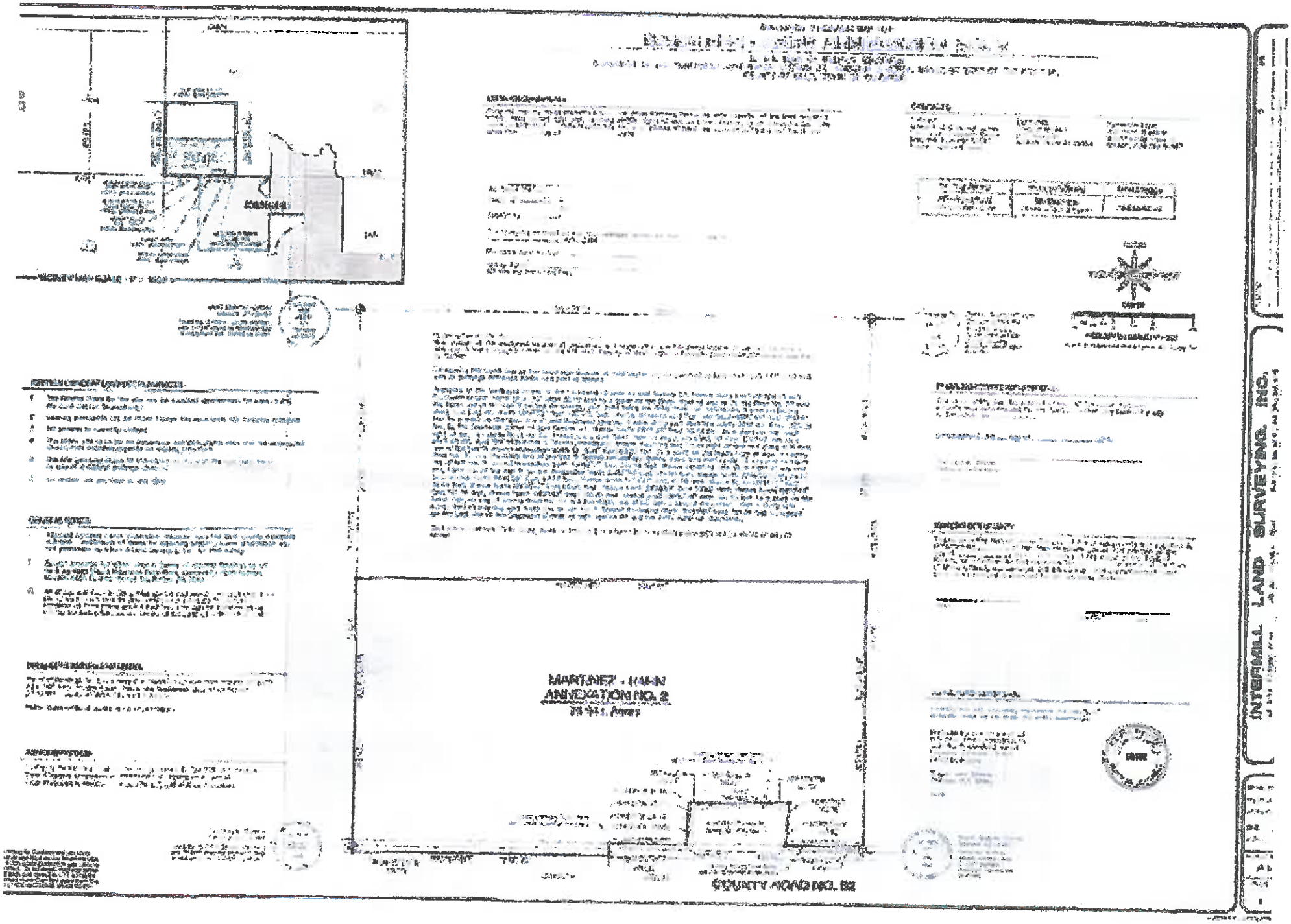
Considering the South line of the Southwest Quarter of said Section 27 as assumed to bear North 89°49'31" East and with all bearings contained herein and relative thereto;

Beginning at the Southeast corner of the Southwest Quarter of said Section 27; thence along the East line of said Southwest Quarter North 00°07'52" West 30.00 feet to a point on the North right of way of County Road No. 52 and the North line of Mill Iron 5 Second Annexation; thence along said North right of way and said North line of Mill Iron 5 Second Annexation South 89°49'31" West 391.34 feet to the TRUE POINT OF BEGINNING; thence continuing along said North right of way and the North line of Mill Iron 5 Second Annexation South 89°49'31" West 496.65 feet; thence departing said North right of way and North line of Mill Iron 5 Second Annexation North 03°45'26" East 118.88 feet; thence North 03°42'22" East 24.77 feet; thence North 03°41'58" East 47.77 feet; thence North 17°14'47" East 11.44 feet; thence North 88°44'56" East 38.99 feet; thence North 89°38'22" East 66.25 feet; thence North 88°24'57" East 290.11 feet; thence North 88°52'47" East 101.76 feet; thence South 04°21'41" West 105.16 feet; thence South 04°22'59" West 107.15 feet to a point on the North right of way of County Road No. 52 and the North line of Mill Iron 5 Second Annexation, said point being the TRUE POINT OF BEGINNING.

Said parcel contains 2.36 acres, more or less, and is subject to all existing easements and/or rights of way of record.

COUNTY ROAD NO. 52
PARTURIET - HAYNA
ANNEXATION NO. 3

ENTERMILL LAND SURVEYING, INC.


MARTINEZ - HAHN
ANNEXATION NO. 2
COUNTY ROAD NO. 82
INTERMILL LAND SURVEYING, INC.

MARTINEZ - HAHN TRAIL EXHIBIT MAP

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO.

Existing Zoning	Proposed Zoning	Total Acreage
AG - Agricultural (Zoning in Weld County)	M - Municipal (Zoning in Town of Milliken)	23.28± Acres

NORTH
WEST EAST
SOUTH

HORIZONTAL SCALE: 1" = 200'
Linear units used for this survey = U.S. Survey Foot

CONTACTS

Surveyor:
Intermill Land Surveying, Inc.
1301 North Cleveland Avenue
Loveland, Colorado 80537
Phone: 970-669-2944

Petitioner:
Town of Milliken
P.O. Box 290
Milliken, Colorado 80543

Owner/Petitioner:
Jose Adam Martinez
1533 County Road 53
Milliken, Colorado 80543

West Quarter Corner
Section 27-5-67
Found No. 4 Rebar (length unknown) with 2-1/2" diameter Aluminum Cap
"LS 24965"
"LS 24965"

Center Quarter Corner
Section 27-5-67
Found No. 4 Rebar (length unknown) with 2-1/2" diameter Aluminum Cap marked as shown.

Southwest Corner
Section 27-5-67
Found No. 4 Rebar (length unknown) with 3-1/4" diameter Aluminum Cap in monument box marked as shown.

South Quarter Corner
Section 27-5-67
Found No. 4 Rebar (length unknown) with 3-1/2" diameter Aluminum Cap marked as shown.

S89°28'01"W 2580.63'
N89°49'31"E 2582.53'
S00°10'52"E 2646.00'
N00°10'52"W 2646.00'

TRAIL PARCEL
23.28± Acres

MARTINEZ - HAHN
ANNEXATION NO. 3
77.89± Acres

MARTINEZ - HAHN
ANNEXATION NO. 2
75.94± Acres

MARTINEZ - HAHN
ANNEXATION NO. 1
8.062± Acres

S00°44'58"W 38.00'
S17°14'47"W 11.44'
S03°41'58"W 47.77'
S03°41'22"W 34.77'
S03°45'38"W 148.85'
S89°28'32"W 84.33'
780.11'
S89°28'32"W
N00°32'42"W 101.76'
N04°31'41"E 165.16'
N04°22'39"E 137.38'

Assuming to Concrete the pin could monument the bank within inches on this survey while from years after you observe with Adjust, in an small, only the rather based upon any Subject to this survey for monumental meet than has years Note the date of the certification shown hereon.

LINE TABLE		
LINE	BEARING	LENGTH
L1	N00°00'00"E	244.57'
L2	N00°00'00"E	27.57'
L3	N00°00'00"E	53.00'
L4	N00°00'00"E	30.00'
L5	N00°00'00"E	44.00'
L6	N00°00'00"E	19.00'
L7	N00°00'00"E	100.00'
L8	N00°00'00"E	30.00'
L9	N00°00'00"E	30.00'
L10	N00°00'00"E	30.00'
L11	N00°00'00"E	110.00'
L12	N00°00'00"E	30.00'
L13	N00°00'00"E	30.00'
L14	N00°00'00"E	64.00'
L15	N00°00'00"E	30.00'
L16	N00°00'00"E	30.00'
L17	N00°00'00"E	30.00'
L18	N00°00'00"E	30.00'
L19	N00°00'00"E	30.00'
L20	N00°00'00"E	30.00'
L21	N00°00'00"E	30.00'
L22	N00°00'00"E	30.00'
L23	N00°00'00"E	30.00'
L24	N00°00'00"E	30.00'
L25	N00°00'00"E	30.00'
L26	N00°00'00"E	30.00'
L27	N00°00'00"E	30.00'
L28	N00°00'00"E	30.00'
L29	N00°00'00"E	30.00'
L30	N00°00'00"E	30.00'
L31	N00°00'00"E	30.00'
L32	N00°00'00"E	30.00'
L33	N00°00'00"E	30.00'
L34	N00°00'00"E	30.00'
L35	N00°00'00"E	30.00'
L36	N00°00'00"E	30.00'
L37	N00°00'00"E	30.00'
L38	N00°00'00"E	30.00'
L39	N00°00'00"E	30.00'
L40	N00°00'00"E	30.00'
L41	N00°00'00"E	30.00'
L42	N00°00'00"E	30.00'
L43	N00°00'00"E	30.00'
L44	N00°00'00"E	30.00'
L45	N00°00'00"E	30.00'
L46	N00°00'00"E	30.00'
L47	N00°00'00"E	30.00'
L48	N00°00'00"E	30.00'
L49	N00°00'00"E	30.00'
L50	N00°00'00"E	30.00'
L51	N00°00'00"E	30.00'
L52	N00°00'00"E	30.00'
L53	N00°00'00"E	30.00'
L54	N00°00'00"E	30.00'
L55	N00°00'00"E	30.00'
L56	N00°00'00"E	30.00'
L57	N00°00'00"E	30.00'
L58	N00°00'00"E	30.00'
L59	N00°00'00"E	30.00'
L60	N00°00'00"E	30.00'
L61	N00°00'00"E	30.00'
L62	N00°00'00"E	30.00'
L63	N00°00'00"E	30.00'
L64	N00°00'00"E	30.00'
L65	N00°00'00"E	30.00'
L66	N00°00'00"E	30.00'
L67	N00°00'00"E	30.00'
L68	N00°00'00"E	30.00'
L69	N00°00'00"E	30.00'
L70	N00°00'00"E	30.00'
L71	N00°00'00"E	30.00'
L72	N00°00'00"E	30.00'
L73	N00°00'00"E	30.00'
L74	N00°00'00"E	30.00'
L75	N00°00'00"E	30.00'
L76	N00°00'00"E	30.00'
L77	N00°00'00"E	30.00'
L78	N00°00'00"E	30.00'
L79	N00°00'00"E	30.00'
L80	N00°00'00"E	30.00'
L81	N00°00'00"E	30.00'
L82	N00°00'00"E	30.00'
L83	N00°00'00"E	30.00'
L84	N00°00'00"E	30.00'
L85	N00°00'00"E	30.00'
L86	N00°00'00"E	30.00'
L87	N00°00'00"E	30.00'
L88	N00°00'00"E	30.00'
L89	N00°00'00"E	30.00'
L90	N00°00'00"E	30.00'
L91	N00°00'00"E	30.00'
L92	N00°00'00"E	30.00'
L93	N00°00'00"E	30.00'
L94	N00°00'00"E	30.00'
L95	N00°00'00"E	30.00'
L96	N00°00'00"E	30.00'
L97	N00°00'00"E	30.00'
L98	N00°00'00"E	30.00'
L99	N00°00'00"E	30.00'
L100	N00°00'00"E	30.00'
L101	N00°00'00"E	30.00'
L102	N00°00'00"E	30.00'
L103	N00°00'00"E	30.00'
L104	N00°00'00"E	30.00'
L105	N00°00'00"E	30.00'
L106	N00°00'00"E	30.00'
L107	N00°00'00"E	30.00'
L108	N00°00'00"E	30.00'
L109	N00°00'00"E	30.00'
L110	N00°00'00"E	30.00'
L111	N00°00'00"E	30.00'
L112	N00°00'00"E	30.00'
L113	N00°00'00"E	30.00'
L114	N00°00'00"E	30.00'
L115	N00°00'00"E	30.00'
L116	N00°00'00"E	30.00'
L117	N00°00'00"E	30.00'
L118	N00°00'00"E	30.00'
L119	N00°00'00"E	30.00'
L120	N00°00'00"E	30.00'
L121	N00°00'00"E	30.00'
L122	N00°00'00"E	30.00'
L123	N00°00'00"E	30.00'
L124	N00°00'00"E	30.00'
L125	N00°00'00"E	30.00'
L126	N00°00'00"E	30.00'
L127	N00°00'00"E	30.00'
L128	N00°00'00"E	30.00'
L129	N00°00'00"E	30.00'
L130	N00°00'00"E	30.00'
L131	N00°00'00"E	30.00'
L132	N00°00'00"E	30.00'
L133	N00°00'00"E	30.00'
L134	N00°00'00"E	30.00'
L135	N00°00'00"E	30.00'
L136	N00°00'00"E	30.00'
L137	N00°00'00"E	30.00'
L138	N00°00'00"E	30.00'
L139	N00°00'00"E	30.00'
L140	N00°00'00"E	30.00'
L141	N00°00'00"E	30.00'
L142	N00°00'00"E	30.00'
L143	N00°00'00"E	30.00'
L144	N00°00'00"E	30.00'
L145	N00°00'00"E	30.00'
L146	N00°00'00"E	30.00'
L147	N00°00'00"E	30.00'
L148	N00°00'00"E	30.00'
L149	N00°00'00"E	30.00'
L150	N00°00'00"E	30.00'
L151	N00°00'00"E	30.00'
L152	N00°00'00"E	30.00'
L153	N00°00'00"E	30.00'
L154	N00°00'00"E	30.00'
L155	N00°00'00"E	30.00'
L156	N00°00'00"E	30.00'
L157	N00°00'00"E	30.00'
L158	N00°00'00"E	30.00'
L159	N00°00'00"E	30.00'
L160	N00°00'00"E	30.00'
L161	N00°00'00"E	30.00'
L162	N00°00'00"E	30.00'
L163	N00°00'00"E	30.00'
L164	N00°00'00"E	30.00'
L165	N00°00'00"E	30.00'
L166	N00°00'00"E	30.00'
L167	N00°00'00"E	30.00'
L168	N00°00'00"E	30.00'
L169	N00°00'00"E	30.00'
L170	N00°00'00"E	30.00'
L171	N00°00'00"E	30.00'
L172	N00°00'00"E	30.00'
L173	N00°00'00"E	30.00'
L174	N00°00'00"E	30.00'
L175	N00°00'00"E	30.00'
L176	N00°00'00"E	30.00'
L177	N00°00'00"E	30.00'
L178	N00°00'00"E	30.00'
L179	N00°00'00"E	30.00'
L180	N00°00'00"E	30.00'
L181	N00°00'00"E	30.00'
L182	N00°00'00"E	30.00'
L183	N00°00'00"E	30.00'
L184	N00°00'00"E	30.00'
L185	N00°00'00"E	30.00'
L186	N00°00'00"E	30.00'
L187	N00°00'00"E	30.00'
L188	N00°00'00"E	30.00'
L189	N00°00'00"E	30.00'
L190	N00°00'00"E	30.00'
L191	N00°00'00"E	30.00'
L192	N00°00'00"E	30.00'
L193	N00°00'00"E	30.00'
L194	N00°00'00"E	30.00'
L195	N00°00'00"E	30.00'
L196	N00°00'00"E	30.00'
L197	N00°00'00"E	30.00'
L198	N00°00'00"E	30.00'
L199	N00°00'00"E	30.00'
L200	N00°00'00"E	30.00'

LINE TABLE CONTINUED		
LINE	BEARING	LENGTH
L201	N00°00'00"E	30.00'
L202	N00°00'00"E	30.00'
L203	N00°00'00"E	30.00'
L204	N00°00'00"E	30.00'
L205	N00°00'00"E	30.00'
L206	N00°00'00"E	30.00'
L207	N00°00'00"E	30.00'
L208	N00°00'00"E	30.00'
L209	N00°00'00"E	30.00'
L210	N00°00'00"E	30.00'
L211	N00°00'00"E	30.00'
L212	N00°00'00"E	30.00'
L213	N00°00'00"E	30.00'
L214	N00°00'00"E	30.00'
L215	N00°00'00"E	30.00'
L216	N00°00'00"E	30.00'
L217	N00°00'00"E	30.00'
L218	N00°00'00"E	30.00'
L219	N00°00'00"E	30.00'
L220	N00°00'00"E	30.00'
L221	N00°00'00"E	30.00'
L222	N00°00'00"E	30.00'
L223	N00°00'00"E	30.00'
L224	N00°00'00"E	30.00'
L225	N00°00'00"E	30.00'
L226	N00°00'00"E	30.00'
L227	N00°00'00"E	30.00'
L228	N00°00'00"E	30.00'
L229	N00°00'00"E	30.00'
L230	N00°00'00"E	30.00'
L231	N00°00'00"E	30.00'
L232	N00°00'00"E	30.00'
L233	N00°00'00"E	30.00'
L234	N00°00'00"E	30.00'
L235	N00°00'00"E	30.00'
L236	N00°00'00"E	30.00'
L237	N00°00'00"E	30.00'
L238	N00°00'00"E	30.00'
L239	N00°00'00"E	30.00'
L240	N00°00'00"E	30.00'
L241	N00°00'00"E	30.00'
L242	N00°00'00"E	30.00'
L243	N00°00'00"E	30.00'
L244	N00°00'00"E	30.00'
L245	N00°00'00"E	30.00'
L246	N00°00'00"E	30.00'
L247	N00°00'00"E	30.00'
L248	N00°00'00"E	30.00'
L249	N00°00'00"E	30.00'
L250	N00°00'00"E	30.00'
L251	N00°00'00"E	30.00'
L252	N00°00'00"E	30.00'
L253	N00°00'00"E	30.00'
L254	N00°00'00"E	30.00'
L255	N00°00'00"E	30.00'
L256	N00°00'00"E	30.00'
L257	N00°00'00"E	30.00'
L258	N00°00'00"E	30.00'
L259	N00°00'00"E	30.00'
L260	N00°00'00"E	30.00'
L261	N00°00'00"E	30.00'
L262	N00°00'00"E	30.00'
L263	N00°00'00"E	30.00'
L264	N00°00'00"E	30.00'
L265	N00°00'00"E	30.00'
L266	N00°00'00"E	30.00'
L267	N00°00'00"E	30.00'
L268	N00°00'00"E	30.00'
L269	N00°00'00"E	30.00'
L270	N00°00'00"E	30.00'
L271	N00°00'00"E	30.00'
L272	N00°00'00"E	30.00'
L273	N00°00'00"E	30.00'
L274	N00°00'00"E	30.00'
L275	N00°00'00"E	30.00'
L276	N00°00'00"E	30.00'
L277	N00°00'00"E	30.00'
L278	N00°00'00"E	30.00'
L279	N00°00'00"E	30.00'
L280	N00°00'00"E	30.00'
L281	N00°00'00"E	30.00'
L282	N00°00'00"E	30.00'
L283	N00°00'00"E	30.00'
L284	N00°00'00"E	30.00'
L285	N00°00'00"E	30.00'
L286	N00°00'00"E	30.00'
L287	N00°00'00"E	30.00'
L288	N00°00'00"E	30.00'
L289	N00°00'00"E	30.00'
L290	N00°00'00"E	30.00'
L291	N00°00'00"E	30.00'
L292	N00°00'00"E	30.00'
L293	N00°00'00"E	30.00'
L294	N00°00'00"E	30.00'
L295	N00°00'00"E	30.00'
L296	N00°00'00"E	30.00'
L297	N00°00'00"E	30.00'
L298	N00°00'00"E	30.00'
L299	N00°00'00"E	30.00'
L300	N00°00'00"E	30.00'

DATE
BY
REVISIONS

INTERMILL LAND SURVEYING, INC.
1301 NORTH CLEVELAND AVENUE LOVELAND, COLORADO 80537 (970) 669-2944 / FAX: (970) 669-2948

TOWN OF MILLIKEN

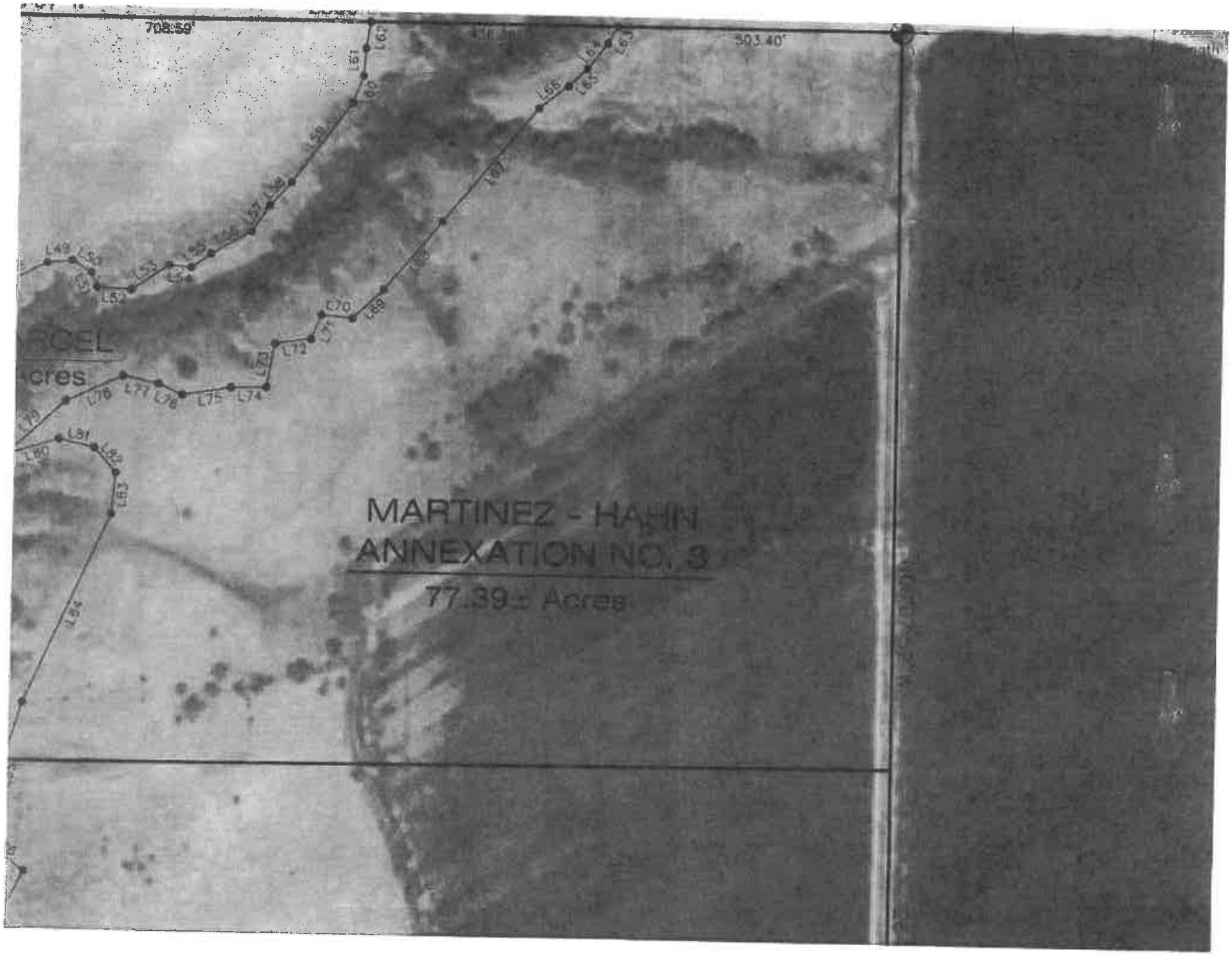
TITLE: MARTINEZ - HAHN TRAIL EXHIBIT MAP

DRAWN BY: BCL
CHECKED BY:
APPROVED BY:
DATE: 3-12-2024
SCALE: 1" = 200'

PROJECT NO.: P-14-7887

SHEET	OF
1	1

MARTINEZ - HAHN TRAIL EXHIBIT MAP


708.59'
593.40'
MARTINEZ - HAHN
ANNEXATION NO. 3
77.39± Acres

PETITION FOR ANNEXATION
Martinez-Hahn Annexation No. 2

The Estate of Joe Adam Martinez (the "Estate"), Petitioner herein, represents that it is the landowner of 100% of the land described in this Petition, excluding public streets, alleys, roads and easements, which is legally described on Exhibit "A", (hereinafter the "Property"), and affirms the following to be true and correct as it's petition for annexation.

CONTIGUITY:

1. The perimeter of the proposed annexation consists of 8,260.71+/- linear feet and has a distance of 1,755.83+/- linear feet that are contiguous to the existing Town Limits of Milliken.

2. This contiguity results in a minimum of 1/6th of the perimeter of proposed annexation being contiguous to the Town of Milliken.

3. The proposed annexation contains approximately 75.94 acres.

4. The requirements of §31-12-104 and §31-12-105 C.R.S., exist or have been met.

5. We further allege:

   a. It is desirable and necessary that the territory be annexed to the Town of Milliken.

   b. A community of interest exists between the Property and Milliken.

   c. The Property is integrated or capable of being integrated with Milliken.

   d. The territory is urban or will be urbanized in the near future.

   e. No land held in identical ownership is divided into separate parcels unless the owner of said tract has consented in writing or joins in this Petition.

   f. No land held in identical ownership compromises 20 acres and together with improvements had an assessed valuation in excess of $200,000 in the year preceding the filing of this Petition, unless the owner of said tract has consented in writing or joins in this Petition.

   g. No proceedings for annexation of the land described in this Petition have been commenced for annexation to another municipality.

   h. The Petitioner understands that there may be a significant period of time before municipal utilities will be available, but anticipates that urbanization will be able to take place at a pace acceptable to the Estate without immediate access to all

these utilities. Until urbanization takes place the Petitioner intends to maintain the Property in its current uses, which uses are acceptable to Milliken.

The undersigned Petitioner is requesting annexation by Milliken of property of which it is a 100% owner. The Petitioner has submitted the petition with the intention that the Property will be developed in accordance with Milliken's Development Code, Comprehensive Plan, Municipal Code, resolutions and ordinances.

The Petitioner is aware that Milliken has enacted fees and policies with the intention that growth should pay its own way and that growth should improve the health, safety and welfare of its citizens. Examples of Milliken's fees include capital investment fees such as the water dedication fee, water tap fee, wastewater tap fee, parkland dedication fee, parkland development fee, public facilities fee, street fee, and density transfer fee. However, no fees will be assessed against the Property prior to annexation.

Milliken has various enterprise funds through which utilities provided by Milliken are financed. Examples of Milliken's services are its water, wastewater, and drainage/floodplain utilities. Milliken's Utility Board and the Board of Trustees believe that the provision of utilities by Milliken assists in complying with the Comprehensive Plan and Development Code.

Milliken's Development Code requires that as a condition of approval for any subdivision a development agreement is executed which contains specific limitations on the rate at which the development can proceed. The petitioners understand that the growth of Milliken is limited by the Comprehensive Plan and ordinances and agree to comply with these limitations.

Milliken's citizens and its Board of Trustees have determined that open space and agriculture add to the community and have implemented sales taxes and fees to financially support trails, parks, open space and agriculture.
The RE-5J School District forms an integral part of the Milliken community. Milliken has enacted fees to support the acquisition of land by this School District. The Petitioner is aware of these fees, but the Parties agree that no such fees shall be assessed against the Property prior to annexation.

Milliken is required by Colorado Revised Statutes to prepare and file an annexation impact report. Milliken will prepare a proposed annexation impact report and provide it for review and consideration six (6) weeks prior to the hearing.

The Petitioner and Milliken further agree as follows:

a. In consideration of the Estate agreeing to annex to Milliken all the Property owned by the Estate adjacent to the Town, the Town shall pay for all costs and prepare all documents for the annexation proceedings and will submit the documents to the appropriate authorities for the annexation proceedings.

b. The non-Residential Portion of the Property, as shown on the attached annexation plats for Annexation No. 2 and No. 3 as Exhibit 2 A and 2 B, will continue to be used for agricultural purposes, but will be zoned "R-1 Single-Family Residential".

c. The acreage legally described in Exhibit 3 as Open Space shall be conveyed as a non-exclusive easement to the Town for use as by the public for trails, nature observation, wetlands and other public purposes but shall not be developed.

The Petitioner agrees to the provisions of this Petition for Annexation and hereby present it to the Clerk of the Town of Milliken to be presented to the Board of Trustees for consideration of the annexation.

THE ESTATE OF JOE ADAM MARTINEZ
"Petitioner"

Ben Adam Martinez
By, Ben Adam Martinez, Personal Representative

Therefore, the undersigned hereby requests that the Town of Milliken approve the annexation of the areas described herein.

3-3-15
Date Signed

ESTATE OF JOE ADAM MARTINEZ
"Landowner"

Ben Adam Martinez
By, Ben Adam Martinez, Personal Representative

Mailing Address:
2412 W. 9th Street
Greeley, CO 80634

Legal Description: SEE EXHIBIT 2 A AND PLAT& EXHIBIT 3 AND PLAT

STATE OF COLORADO)
) ss. CIRCULATOR'S AFFIDAVIT
COUNTY OF WELD)

Robert J Perry, being first duly sworn, upon oath deposes and says that he/she was the circulator of the above and foregoing petition and that the signatures on said petition are the signatures of the persons whose names they purport to be.

Robert J Perry
Signature

Subscribed and sworn to before me this 3rd day of March, 2015.

WITNESS my hand and official seal.

CHRISTOPHER MICHAEL CRAY NOTARY PUBLIC STATE OF COLORADO

Notary Public
12/18/2017

MARTINEZ-HAHN ANNEXATION NO.2
Exhibit 2 A

Property Description

That portion of the Southwest Quarter of Section 27 and a portion of the Northwest Quarter of Section 34, both in Township 5 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado being more particularly described as follows:

Considering the South line of the Southwest Quarter of said Section 27 as assumed to bear North 89°49'31" East and with all bearings contained herein and relative thereto;

Beginning at the Southeast corner of the Southwest Quarter of said Section 27; thence along the East line of said Southwest Quarter North 00°07'52" West 30.00 feet to a point on the North right of way of County Road No. 52 and the North line of Mill Iron 5 Second Annexation, said point being the TRUE POINT OF BEGINNING; thence continuing along said East line North 00°07'52" West 1307.55 feet; thence departing said East line South 89°32'41" West 2561.61 feet to a point on the West line of said Southwest Quarter; thence along said West line South 00°05'23" East 1325.00 feet to the Southwest corner of said Section 27; thence South 00°05'23" East 30.00 feet to a point on the South right of way of County Road No. 52; thence along said South right of way North 89°49'31" East 1280.72 feet to a point on the West line of Mill Iron 5 Second Annexation; thence departing said South right of way and along said West line of Mill Iron 5 Second Annexation North 01°26'31" East 60.02 feet to a point on the North right of way of County Road No. 52 and the North line of Mill Iron 5 Second Annexation; thence along said North right of way and said North line of Mill Iron 5 Second Annexation North 89°49'31" East 392.19 feet; thence departing said North right of way and said North line of Mill Iron 5 Second Annexation North 03°45'26" East 118.88 feet; thence North 03°42'22" East 24.77 feet; thence North 03°41'58" East 47.77 feet; thence North 17°14'47" East 11.44 feet; thence North 88°44'56" East 38.99 feet; thence North 89 38'22" East 66.25 feet; thence North 88°24'57" East 290.11 feet; thence North 88°52'47" East 101.76 feet; thence South 04°21'41" West 105.16 feet; thence South 04°22'59" West 107.15 feet to a point on the North right of way of County Road No. 52 and the North line of Mill Iron 5 Second Annexation; thence along said North right t of way and said North line of Mill Iron 5 Second Annexation North 89°49'31" East 391.34 feet to a point on the East line of the Southwest Quarter of said Section 27 and the TRUE POINT OF BEGINNING.

Said parcel contains 75.94 acres, more or less, and is subject to all existing easements and/or rights of way of record.

PETITION FOR ANNEXATION

Martinez-Hahn Annexation No. 3

The Estate of Joe Adam Martinez (the "Estate"), Petitioner herein, represents that it is the landowner of 100% of the land described in this Petition, excluding public streets, alleys, roads and easements, which is legally described on Exhibit "A", (hereinafter the "Property"), and affirms the following to be true and correct as its Petition for Annexation.

CONTIGUITY:

1. The perimeter of the proposed annexation consists of 7,754.78+/- linear feet and has a distance of 2,561.61+/- linear feet that are contiguous to the existing Town Limits of Milliken.

2. This contiguity results in a minimum of 1/6th of the perimeter of proposed annexation being contiguous to the Town of Milliken.

3. The proposed annexation contains approximately 77.39 acres.

4. The requirements of §31-12-104 and §31-12-105 C.R.S., exist or have been met.

5. We further allege:

   a. It is desirable and necessary that the territory be annexed to the Town of Milliken.

   b. A community of interest exists between the Property and Milliken.

   c. The Property is integrated or capable of being integrated with Milliken.

   d. The territory is urban or will be urbanized in the near future.

   e. No land held in identical ownership is divided into separate parcels unless the owner of said tract has consented in writing or joins in this Petition.

   f. No land held in identical ownership compromises 20 acres and together with improvements had an assessed valuation in excess of $200,000 in the year preceding the filing of this Petition, unless the owner of said tract has consented in writing or joins in this Petition.

   g. No proceedings for annexation of the land described in this Petition have been commenced for annexation to another municipality.

   h. The Petitioner understands that there may be a significant period of time before municipal utilities will be available, but anticipates that urbanization will be able to take place at a pace acceptable to the Estate without immediate access to all

these utilities. Until urbanization takes place the Petitioner intends to maintain the Property in its current uses, which uses are acceptable to Milliken.

The undersigned Petitioner is requesting annexation by Milliken of property of which it is a 100% owner. The Petitioner has submitted the petition with the intention that the Property will be developed in accordance with Milliken's Development Code, Comprehensive Plan, Municipal Code, resolutions and ordinances.

The Petitioner is aware that Milliken has enacted fees and policies with the intention that growth should pay its own way and that growth should improve the health, safety and welfare of its citizens. Examples of Milliken's fees include capital investment fees such as the water dedication fee, water tap fee, wastewater tap fee, parkland dedication fee, parkland development fee, public facilities fee, street fee, and density transfer fee. However, no fees will be assessed against the Property prior to annexation.

Milliken has various enterprise funds through which utilities provided by Milliken are financed. Examples of Milliken's services are its water, wastewater, and drainage/floodplain utilities. Milliken's Utility Board and the Board of Trustees believe that the provision of utilities by Milliken assists in complying with the Comprehensive Plan and Development Code.

Milliken's Development Code requires that as a condition of approval for any subdivision a development agreement is executed which contains specific limitations on the rate at which the development can proceed. The petitioners understand that the growth of Milliken is limited by the Comprehensive Plan and ordinances and agree to comply with these limitations.

Milliken's citizens and its Board of Trustees have determined that open space and agriculture add to the community and have implemented sales taxes and fees to financially support trails, parks, open space and agriculture. .

The RE-5J School District forms an integral part of the Milliken community. Milliken has enacted fees to support the acquisition of land by this School District. The Petitioner is aware of these fees, but the Parties agree that no such fees shall be assessed against the Property prior to annexation.

Milliken is required by Colorado Revised Statutes to prepare and file an annexation impact report. Milliken will prepare a proposed annexation impact report and provide it for review and consideration six (6) weeks prior to the hearing.

The Petitioner and Milliken further agree as follows:

a. In consideration of the Estate agreeing to annex to Milliken all the Property owned by the Estate adjacent to the Town, the Town shall pay for all costs and prepare all documents for the annexation proceedings and will submit the documents to the appropriate authorities for the annexation proceedings.

b. The non-Residential Portion of the Property, as shown on the attached annexation plats for Annexation No. 2 and No. 3 as Exhibit 2 A and 2 B, will continue to be used for agricultural purposes, but will be zoned "R-1 Single-Family Residential".

c. The acreage legally described in Exhibit 3 as Open Space shall be conveyed as a non-exclusive easement to the Town for use as by the public for trails, nature observation, wetlands and other public purposes but shall not be developed.

The Petitioner agrees to the provisions of this Petition for Annexation and hereby presents it to the Clerk of the Town of Milliken to be presented to the Board of Trustees for consideration of the annexation.

THE ESTATE OF JOE ADAM MARTINEZ
"Petitioner"

Ben Adam Martinez
By, Ben Adam Martinez, Personal Representative

Therefore, the undersigned hereby requests that the Town of Milliken approve the annexation of the areas described herein.

3-3-15
Date Signed

ESTATE OF JOE ADAM MARTINEZ
"Landowner"

Ben Adam Martinez
By, Ben Adam Martinez, Personal Representative

Mailing Address:
2412 W. 9th Street
Greeley, CO 80634

Legal Description: SEE EXHIBIT 2 B AND PLAT & EXHIBIT 3 AND PLAT

STATE OF COLORADO)
) ss. CIRCULATOR'S AFFIDAVIT
COUNTY OF WELD)

Robert J. Perry, being first duly sworn, upon oath deposes and says that he/she was the circulator of the above and foregoing petition and that the signatures on said petition are the signatures of the persons whose names they purport to be.

Signature

Subscribed and sworn to before me this 3rd day of March, 2015.

WITNESS my hand and official seal.

CHRISTOPHER MICHAEL CLAY NOTARY PUBLIC STATE OF COLORADO

Notary Public

12/18/2017

MARTINEZ-HAHN ANNEXATION NO.3
Exhibit 2 B

Property Description

That portion of the Southwest Quarter of Section 27, Township 5 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado being more particularly described as follows:

Considering the South line of the Southwest Quarter of said Section 27 as assumed to bear North 89°49'31" East and with all bearings contained herein and relative thereto;

Beginning at the Southeast corner of the Southwest Quarter of said Section 27; thence along the East line of said Southwest Quarter North 00°07'52" West 30.00 feet to a point on the North right of way of County Road No. 52 and the North line of Mill Iron 5 Second Annexation; thence continuing along said East line North 00°07'52" West 1307.55 feet to the TRUE POINT OF BEGINNING; thence departing said East line South 89°32'41" West 2561.61 feet to a point on the West line of said Southwest Quarter; thence along said West line North 00°05'23" West 1325.00 feet to the Northwest corner of the Southwest Quarter of said Section 27; thence along the North line of said Southwest Quarter; North 89°56'07" East 2560.62 feet to the Northeast corner of said Southwest Quarter; thence along the East line of said Southwest Quarter South 00°07'52" East 1307.55 feet to the TRUE POINT OF BEGINNING.

Said parcel contains 77.39 acres, more or less, and is subject to all existing easements and/or rights of way of record.