

TOWN OF RED CLIFF, COLORADO
ORDINANCE 9-A, SERIES 2015

AN ORDINANCE ANNEXING PARCEL A OF THE CARIBOE MINE TO THE TOWN OF RED CLIFF, COLORADO.

WHEREAS, the Town of Red Cliff (“Town”) is a municipal corporation and body politic organized under the laws of the State of Colorado and possessing the maximum powers, authority and privileges to which it is entitled under Colorado law;

WHEREAS, the Town owns a 50% undivided interest in a parcel of real property located in Eagle County, Colorado, commonly known as the Cariboe Mine, consisting of approximately 2.58 acres, and more particularly described as:

The Cariboe Lode Mining Claim (U.S. Mineral Survey No. 6509), as patented and described in United States Patent dated March 11, 1892, and certified copies of which are recorded November 29, 1929 in Book 113 at Page 315 under Reception Number 50885, and April 28, 2008 under Reception No. 200808920

together with all appurtenances thereto.

WHEREAS, the Cariboe Mine is located within unincorporated Eagle County and not within the boundaries of any Colorado municipality;

WHEREAS, the Town seeks to annex the Cariboe Mine to the Town pursuant to Colorado’s Municipal Annexation Act of 1965, C.R.S. § 31-12-101, *et seq.*, (“Act”) for the purpose of effectuating certain critical improvements to the communication systems available in and to the Town;

WHEREAS, the Cariboe Mine is eligible for annexation under § 30(1)(b) of Article II of the Colorado Constitution and the Act in that the Town, as the owner in fee of an undivided interest in the Cariboe Mine, petitioned the Town to annex the Cariboe Mine to the Town and such petition was in substantial compliance with C.R.S. § 31-12-107(1);

WHEREAS, the Town intends to annex the entirety of the Cariboe Mine to the Town by dividing the Cariboe Mine into one or more parcels and then annexing each such parcel to the Town through a series of annexations to be completed simultaneously and considered together pursuant to C.R.S. § 31-12-104(1)(a), where not less than one-sixth of the perimeter of each such parcel proposed to be annexed will be contiguous with the Town;

WHEREAS, that portion of the Cariboe Mine identified as Parcel A on *Exhibit A* is contiguous with the Town as described in C.R.S. § 31-12-104(1)(a) in that not less than one-sixth of the perimeter of Parcel A is contiguous with the Town;

WHEREAS, that portion of the Cariboe Mine identified as Parcel A on *Exhibit A* is eligible for annexation in accordance with C.R.S. § 31-12-105;

WHEREAS, that portion of the Caribou Mine identified as Parcel A on *Exhibit A* is not solely a public street or right-of-way;

WHEREAS, the Town provided notice of the proposed annexation of that portion of the Cariboe Mine identified as Parcel A on *Exhibit A* as required by C.R.S. § 31-12-108 and conducted a public hearing regarding the eligibility for annexation of that portion of the Cariboe Mine identified as Parcel A on *Exhibit A* as required by C.R.S. §§ 31-12-108 and 31-12-109;

WHEREAS, by resolution enacted on September 10, 2015, the Board made findings of fact and reached conclusions based thereon regarding all matters described in C.R.S. § 31-12-110;

WHEREAS, pursuant to C.R.S. § 31-12-111, the Town may annex that portion of the Cariboe Mine identified as Parcel A on *Exhibit A* by ordinance because the resolution enacted by the Board pursuant to C.R.S. § 31-12-110 determined that the applicable provisions of Section 30 of Article II of the Colorado Constitution and §§ 31-12-104 and 31-12-105 of the Colorado Revised Statutes have been met, determined that an election is not required under C.R.S. § 31-12-107(2) and did not determine that additional terms and conditions are to be imposed in connection with the proposed annexation;

WHEREAS, the communications system presently available to the Town and its inhabitants is wholly insufficient to allow for the timely and effective delivery of emergency services to the Town and its inhabitants;

WHEREAS, the lack of timely and effective delivery of emergency services to the Town and its inhabitants as a result of the Town's antiquated communications systems poses a substantial and continuing danger to the Town and its inhabitants;

WHEREAS, the Town intends to rectify its antiquated communications systems and thereby allow for more timely and effective delivery of emergency services to the Town and its inhabitants through annexation of the Cariboe Mine to the Town and subsequent construction of a new communications tower system on the Cariboe Mine to serve the Town and its inhabitants;

WHEREAS, delays in effectuating annexation of the Cariboe Mine to the Town may substantially delay the Town's ability to provide the sort of modern communications systems to the Town and its inhabitants that allows for more timely and effective delivery of emergency services;

WHEREAS, substantial delays in the Town's ability to provide the sort of modern communications systems to the Town and its inhabitants that allows for more timely and effective delivery of emergency services will cause the Town and its inhabitants to continue to be subjected to the substantial and continuing dangers posed by the lack of timely and effective delivery of emergency services; and,

WHEREAS, the Town's Board of Trustees has determined that the foregoing circumstances constitute a special emergency and that immediate passage of this ordinance is necessary for the preservation of the public peace, health and safety of the Town.

NOW, THEREFORE, THE TOWN OF RED CLIFF ORDAINS:

Section 1: Annexation. That portion of the Cariboe Mine identified as Parcel A on *Exhibit A* is hereby annexed to the Town of Red Cliff, Colorado.

Section 2: Findings. The Board of Trustees hereby finds and determines that this ordinance is necessary and proper to protect the public peace, health, safety and welfare of the Town of Red Cliff and its inhabitants.

Section 3: Determination. The Board of Trustees hereby determines that the circumstances described above constitute a special emergency and that this ordinance is necessary for the preservation of the public peace, health and safety.

Section 4: Severability. If any section, paragraph, clause, provision or part of this ordinance is for any reason held to be invalid or unenforceable, the remainder of this ordinance shall continue in full force and effect, it being the intent of the Board of Trustees that this ordinance would have been adopted even if such invalid or unenforceable matter had not been included therein. It is further declared that if any section, provision or part of this ordinance, or the application thereof to any person or circumstance, is held invalid, the remainder of the ordinance and the application thereof to other persons shall not be affected thereby.

Section 5: Effective Date. This ordinance shall become effective as of the date hereof in accordance with § 2-3-50 of the Town of Red Cliff Municipal Code.

INTRODUCED, TITLE READ IN FULL, APPROVED, ADOPTED AND ORDERED PUBLISHED ON THIS 10TH DAY OF SEPTEMBER 2015.

TOWN OF RED CLIFF, COLORADO



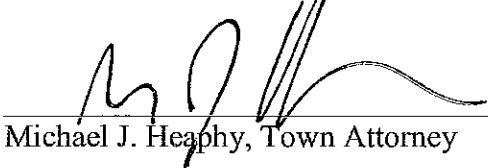
M. Scott Burgess, Mayor

ATTEST:



Barb Smith, Town Clerk

APPROVED AS TO FORM:



Michael J. Heaphy, Town Attorney

