

CITY OF LEADVILLE, COLORADO
Ordinance No. 1
Series of 2017

**AN ORDINANCE ANNEXING CERTAIN LAND TO THE
CITY OF LEADVILLE, COLORADO KNOWN AS THE
RAILROAD PROPERTY ANNEXATION NO. 1, 2, 3 AND 4**

WHEREAS, the real property as described on Exhibit A attached hereto ("Property") is located in an unincorporated area of Lake County, Colorado; and

WHEREAS, the City Council finds that:

- the Property to be annexed meets the applicable requirements of Sections 31-12-104 and 31-12-105, C.R.S., and is therefore eligible for annexation to the City of Leadville; and
- an election is not required under Section 31-12-107(2), C.R.S.; and
- no additional terms or conditions are imposed which would require an election under Section 31-12-107(2) C.R.S.

WHEREAS, the City Council held a public hearing on January 24, 2017 to consider annexation of the Property, notice of which was duly published in accordance with the requirements set forth in Section 31-12-108(2), C.R.S.; and

WHEREAS, annexation of the Property will not result in detachment of any area from any school district and the attachment of the same to another school district; and

WHEREAS, the City Council finds that it is in the best interests of the City to annex the Property to the City; and

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with state law by setting a public hearing in order to provide the property owner/petitioner and the public an opportunity to present testimony and evidence regarding the petition for annexation. Approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects, or denies annexation of the Property.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF LEADVILLE, COLORADO, as follows:

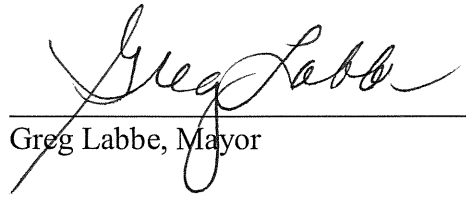
Section 1. The Property as described on Exhibit A is hereby annexed to and included within the corporate limits of the City of Leadville, Colorado, in accordance with law.

Section 2. The City Council hereby directs staff to complete all necessary procedures required for annexation of said Property to the City including: (1) filing for recording three certified copies of this annexation ordinance and a map of the annexed Property containing a legal description of the Property annexed hereby (“Annexation Map”) with the Lake County Clerk and Recorder, and (2) filing the original of this annexation ordinance together with a copy of the Annexation Map with the City Clerk of the City of Leadville, Colorado.

Section 3. Severability. Should any one or more sections or provisions of this ordinance or enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

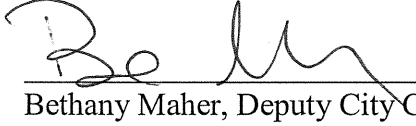
Section 4. Effective Date. This Ordinance shall become effective thirty days after publication following final passage.

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED in full on first reading
this 3 day of January 2017.



Greg Labbe, Mayor

ATTEST:

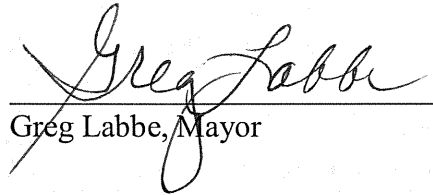


Bethany Maher, Deputy City Clerk

PUBLISHED in full in The Herald Democrat, a newspaper of general circulation in the
City of Leadville, Colorado, on January 12, 2017.


PASSED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED BY
TITLE ONLY, with any amendments, this _____ day of _____, 2017.

CITY OF LEADVILLE, COLORADO



Greg Labbe, Mayor

ATTEST:



Bethany Maher, Deputy City Clerk

PUBLISHED in full, as amended, in The Herald Democrat, a newspaper of general
circulation in the City of Leadville, Colorado, on February 2nd, 2017.

Exhibit A

Annexation Parcel 1:

THAT PORTION OF THE SIZER PLACER U.S. SURVEY NO. 388, SEARL PLACER U.S. SURVEY NO. 436 AND THE CAPITOL PLACER U.S. SURVEY NO. 977, LOCATED WITHIN SECTION 23 AND 24, TOWNSHIP 9 SOUTH, RANGE 80 WEST OF THE 6TH PRINCIPAL MERIDIAN, LAKE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT CORNER NO. 4 OF SAID SEARL PLACER, U.S. SURVEY NO. 436, ALSO BEING CORNER NO. 2 OF THE JACOBSON PLACER, U.S. SURVEY NO. 380. A FOUND 2" BRASS CAP FROM WHICH CORNER NO. 1 OF SAID JACOBSON PLACER A FOUND 2" BRASS CAP BEARS N. 65° 00' 00" W., A DISTANCE OF 2,865.39 FEET AND THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 13, A FOUND STONE BEARS S. 61° 11' 22" E., A DISTANCE OF 1,265.53 FEET; THENCE S. 82° 31' 53" W., A DISTANCE OF 742.23 FEET TO CORNER NO. 2 OF A PARCEL OF LAND AS DESCRIBED IN 498 AT PAGE 6 OF LAKE COUNTY RECORDS,

THENCE N. 68° 58' 22" W. ALONG THE SOUTH LINE OF SAID PARCEL DESCRIBED IN BOOK 498 AT PAGE 6, A DISTANCE OF 486.84 FEET TO THE EASTERLY LINE OF A PARCEL OF LAND AS DESCRIBED IN BOOK 319 AT PAGE 79 OF LAKE COUNTY RECORDS; THENCE S. 20° 26' 00" W. ALONG SAID EASTERLY LINE OF PARCEL DESCRIBED IN BOOK 319 AT PAGE 79, A DISTANCE OF 377.97 FEET TO THE SOUTHEASTERLY CORNER OF SAID PARCEL DESCRIBED IN BOOK 319 AT PAGE 79;

THENCE N. 69° 12' 00" W. ALONG THE SOUTHERLY LINE OF SAID PARCEL DESCRIBED IN BOOK 319 AT PAGE 79, A DISTANCE OF 162.23 FEET TO THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 24 AS DESCRIBED IN 261 AT PAGE 191 OF LAKE COUNTY RECORDS;

THENCE S. 20° 20' 05" W. ALONG SAID EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 24, A DISTANCE OF 59.89 FEET TO THE NORTH LINE OF A PARCEL OF LAND AS DESCRIBED IN BOOK 377 AT PAGE 264, LAKE COUNTY RECORDS;

THENCE S. 69° 12' 00" E. ALONG SAID NORTH LINE OF A PARCEL OF LAND DESCRIBED IN BOOK 377 AT PAGE 264, A DISTANCE OF 188.13 FEET TO THE NORTHEASTERLY CORNER OF SAID PARCEL DESCRIBED IN BOOK 377 AT PAGE 264;

THENCE S. 20° 26' 00" W. ALONG THE EASTERLY LINE OF SAID PARCEL AS DESCRIBED IN BOOK 377 AT PAGE 264, A DISTANCE OF 275.00 FEET TO THE SOUTHEASTERLY CORNER OF SAID PARCEL AS DESCRIBED IN BOOK 377 AT PAGE 264;

THENCE S. 69° 12' 00" E. TO SAID EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 24 AS DESCRIBED IN BOOK 261 AT PAGE 191, A DISTANCE OF 187.55 FEET ; THENCE S. 20° 20' 05" W. ALONG SAID EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 24 AS DESCRIBED IN BOOK 261 AT PAGE 191, A DISTANCE OF 336.33 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 961.00 FEET, OF WHICH THE CHORD BEARS S. 06° 40' 17" W., A DISTANCE OF 454.06 FEET;

THENCE ALONG THE ARC OF SAID CURVE AND SAID EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 24 AS DESCRIBED IN BOOK 261 AT PAGE 191, A DISTANCE OF 458.38 FEET THROUGH A CENTRAL ANGLE OF 27° 19' 35" TO THE 1-2 LINE OF SAID SEARL PLACER TO THE POINT OF BEGINNING;

THENCE N. 65° 00' 00" W. ALONG THE SAID SEARL PLACER, ALSO BEING THE NORTHERLY LINE OF SAID CAPITAL PLACER, A DISTANCE OF 27.42 FEET TO THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 24 AS SHOWN ON CONSTRUCTION DRAWINGS FOR TENNESSEE PASS DATED 1936, AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 971.18 FEET, THE CHORD OF WHICH BEARS S. 10° 34' 42" E., A DISTANCE OF 145.81 FEET;

THENCE ALONG THE ARC OF SAID CURVE AND SAID EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 24 AS SHOWN ON CONSTRUCTION DRAWINGS FOR TENNESSEE PASS, A DISTANCE OF 145.94 FEET THROUGH A CENTRAL ANGLE OF 08° 36' 37";

THENCE S. 14° 53' 00" E., ALONG SAID EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 24 AS SHOWN ON CONSTRUCTION DRAWINGS FOR TENNESSEE PASS, A DISTANCE OF 1243.56 FEET TO THE SOUTHERLY LINE OF THE DEPOT GROUND AS SHOWN ON COOPER'S SUBDIVISION PLAT RECORDED JULY 26, 1881 AND THE NORTHERLY RIGHT-OF-WAY LINE OF 12TH STREET;

THENCE N. 75° 22' 00" E. ALONG SAID SOUTHERLY LINE OF THE DEPOT GROUND AS SHOWN ON COOPER'S SUBDIVISION PLAT AND SAID NORTHERLY RIGHT-OF-WAY OF 12TH STREET, A

DISTANCE OF 660.97 FEET TO THE SOUTHEASTERLY CORNER OF SAID DEPOT GROUND AS SHOWN ON COOPER'S SUBDIVISION PLAT;
THENCE N. 16° 34' 00" W. ALONG THE EASTERLY LINE OF SAID DEPOT GROUND AS SHOWN ON COOPER'S SUBDIVISION PLAT, A DISTANCE OF 871.82 FEET TO THE NORTHEASTERLY LINE OF THE SIZER PLACER ALSO BEING THE SOUTHWESTERLY LINE OF THE SEARL PLACER, AND CORNER NO. 5 OF SAID PARCEL OF LAND DESCRIBED IN BOOK 51 AT PAGE 331, BOOK 66 AT PAGE 268, AND BOOK 375 AT PAGE 461, LAKE COUNTY RECORDS;
THENCE N. 05° 40' 33" E. ALONG THE EASTERLY LINE OF SAID PARCEL AS DESCRIBED IN BOOK 51 AT PAGE 331, BOOK 66 AT PAGE 268 AND BOOK 375 AT PAGE 461, A DISTANCE OF 258.91 FEET; THENCE N. 84° 19' 27" W., A DISTANCE OF 741.52 FEET TO THE POINT OF BEGINNING.
SAID PARCEL CONTAINS 19.00 ACRES, MORE OR LESS, AND HAVING A PERIMETER OF 3,950.14 FEET.

TOGETHER WITH:
THE NORTH ONE-HALF OF 12TH STREET AS INDICATED ON THE RAILROAD PROPERTY ANNEXATION MAP.

Annexation Parcel 2:

THAT PORTION OF THE SIZER PLACER U.S. SURVEY NO. 388, SEARL PLACER U.S. SURVEY NO. 436 AND THE CAPITOL PLACER U.S. SURVEY NO. 977, LOCATED WITHIN SECTION 13, 14, 23 AND 24, TOWNSHIP 9 SOUTH, RANGE 80 WEST OF THE 6TH PRINCIPAL MERIDIAN, LAKE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT CORNER NO. 4 OF SAID SEARL PLACER, U.S. SURVEY NO. 436, ALSO BEING CORNER NO. 2 OF THE JACOBSON PLACER, U.S. SURVEY NO. 380. A FOUND 2" BRASS CAP FROM WHICH CORNER NO. 1 OF SAID JACOBSON PLACER A FOUND 2" BRASS CAP BEARS N. 65° 00' 00" W., A DISTANCE OF 2,865.39 FEET AND THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 13, A FOUND STONE BEARS S. 61° 11' 22" E., A DISTANCE OF 1,265.53 FEET; THENCE S. 82° 31' 53" W., A DISTANCE OF 742.23 FEET TO CORNER NO. 2 OF A PARCEL OF LAND AS DESCRIBED IN 498 AT PAGE 6 OF LAKE COUNTY RECORDS,
THENCE N. 68° 58' 22" W. ALONG THE SOUTH LINE OF SAID PARCEL DESCRIBED IN BOOK 498 AT PAGE 6, A DISTANCE OF 486.84 FEET TO THE EASTERLY LINE OF A PARCEL OF LAND AS DESCRIBED IN BOOK 319 AT PAGE 79 OF LAKE COUNTY RECORDS; THENCE S. 20° 26' 00" W. ALONG SAID EASTERLY LINE OF PARCEL DESCRIBED IN BOOK 319 AT PAGE 79, A DISTANCE OF 377.97 FEET TO THE SOUTHEASTERLY CORNER OF SAID PARCEL DESCRIBED IN BOOK 319 AT PAGE 79, AND TO THE POINT OF BEGINNING;
THENCE N. 69° 12' 00" W. ALONG THE SOUTHERLY LINE OF SAID PARCEL DESCRIBED IN BOOK 319 AT PAGE 79, A DISTANCE OF 162.23 FEET TO THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 24 AS DESCRIBED IN 261 AT PAGE 191 OF LAKE COUNTY RECORDS;
THENCE S. 20° 20' 05" W. ALONG SAID EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 24, A DISTANCE OF 59.89 FEET TO THE NORTH LINE OF A PARCEL OF LAND AS DESCRIBED IN BOOK 377 AT PAGE 264, LAKE COUNTY RECORDS;
THENCE S. 69° 12' 00" E. ALONG SAID NORTH LINE OF A PARCEL OF LAND DESCRIBED IN BOOK 377 AT PAGE 264, A DISTANCE OF 188.13 FEET TO THE NORTHEASTERLY CORNER OF SAID PARCEL DESCRIBED IN BOOK 377 AT PAGE 264;
THENCE S. 20° 26' 00" W. ALONG THE EASTERLY LINE OF SAID PARCEL AS DESCRIBED IN BOOK 377 AT PAGE 264, A DISTANCE OF 275.00 FEET TO THE SOUTHEASTERLY CORNER OF SAID PARCEL AS DESCRIBED IN BOOK 377 AT PAGE 264;
THENCE N. 69° 12' 00" W., A DISTANCE OF 187.65 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 24 AS DESCRIBED IN BOOK 261 AT PAGE 191 OF LAKE COUNTY RECORDS; THENCE S. 20° 20' 05" W. ALONG SAID EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 24, A DISTANCE OF 363.33 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 961.10 FEET, OF WHICH THE CHORD BEARS S. 06° 40' 17" W., A DISTANCE OF 454.05 FEET;

THENCE ALONG THE ARC OF SAID CURVE AND SAID EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 24 AS DESCRIBED IN BOOK 261 AT PAGE 191, A DISTANCE OF 458.38 FEET THROUGH A CENTRAL ANGLE OF 27°19'35" TO THE 1-2 LINE OF SAID SEARL PLACE;
THENCE S. 84°19'27" E., A DISTANCE OF 741.52 FEET, TO A POINT ON THE EASTERLY LINE OF A PARCEL DESCRIBED IN BOOK 51 AT PAGE 331, AND BOOK 375 AT PAGE 461;
THENCE N. 05°40'33" E. ALONG THE EASTERLY LINE OF SAID PARCEL AS DESCRIBED IN BOOK 51 AT PAGE 331, BOOK 66 AT PAGE 268 AND BOOK 375 AT PAGE 461, A DISTANCE OF 604.42 FEET TO CORNER NO. 6 OF SAID PARCEL DESCRIBED IN BOOK 51 AT PAGE 331, BOOK 66 AT PAGE 268 AND BOOK 375 AT PAGE 461;
THENCE N. 18°33'42" E. ALONG SAID EASTERLY LINE OF PARCEL DESCRIBED IN BOOK 51 AT PAGE 331, BOOK 66 AT PAGE 268 AND BOOK 375 AT PAGE 461, A DISTANCE OF 354.31 FEET;
THENCE N. 71°26'18" W., A DISTANCE OF 498.73 FEET TO THE POINT OF BEGINNING.
SAID PARCEL CONTAINS 15.78 ACRES, MORE OR LESS, AND HAVING A PERIMETER OF 3,893.59 FEET.

Annexation Parcel 3:

THAT PORTION OF THE SIZER PLACER U.S. SURVEY NO. 388, SEARL PLACER U.S. SURVEY NO. 436 AND THE CAPITOL PLACER U.S. SURVEY NO. 977, LOCATED WITHIN SECTION 13, 14, 23 AND 24, TOWNSHIP 9 SOUTH, RANGE 80 WEST OF THE 6TH PRINCIPAL MERIDIAN, LAKE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT CORNER NO. 4 OF SAID SEARL PLACER, U.S. SURVEY NO. 436, ALSO BEING CORNER NO. 2 OF THE JACOBSON PLACER, U.S. SURVEY NO. 380. A FOUND 2" BRASS CAP FROM WHICH CORNER NO. 1 OF SAID JACOBSON PLACER A FOUND 2" BRASS CAP BEARS N. 65°00'00" W., A DISTANCE OF 2,865.39 FEET AND THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 13, A FOUND STONE BEARS S. 61°11'22" E., A DISTANCE OF 1,265.53 FEET; THENCE S. 82°31'53" W., A DISTANCE OF 742.23 FEET TO CORNER NO. 2 OF A PARCEL OF LAND AS DESCRIBED IN 498 AT PAGE 6 OF LAKE COUNTY RECORDS, THE POINT OF BEGINNING;
THENCE N. 68°58'22" W. ALONG THE SOUTH LINE OF SAID PARCEL DESCRIBED IN BOOK 498 AT PAGE 6, A DISTANCE OF 486.84 FEET TO THE EASTERLY LINE OF A PARCEL OF LAND AS DESCRIBED IN BOOK 319 AT PAGE 79 OF LAKE COUNTY RECORDS; THENCE S. 20°26'00" W. ALONG SAID EASTERLY LINE OF PARCEL DESCRIBED IN BOOK 319 AT PAGE 79, A DISTANCE OF 377.97 FEET TO THE SOUTHEASTERLY CORNER OF SAID PARCEL DESCRIBED IN BOOK 319 AT PAGE 79;
THENCE S 71°26'18" E, A DISTANCE OF 498.73 FEET TO THE EASTERLY LINE OF A PARCEL DESCRIBED IN BOOK 51 AT PAGE 331, BOOK 66 AT PAGE 268 AND BOOK 375 AT PAGE 461;
THENCE N. 18°33'42" E., ALONG SAID EASTERLY LINE OF PARCEL DESCRIBED IN BOOK 51 AT PAGE 331, BOOK 66 AT PAGE 268 AND BOOK 375 AT PAGE 461, A DISTANCE OF 356.83 FEET TO THE POINT OF BEGINNING;
SAID PARCEL CONTAINS 4.15 ACRES, MORE OR LESS, AND HAVING A PERIMETER OF 1,720.37 FEET.

TOGETHER WITH:

Annexation Parcel 4:

ALL OF THE PRESENT RIGHT-OF-WAY OF US HIGHWAY 24 (AS OF OCTOBER 25, 2016) BOUNDED ON THE SOUTH BY CENTER OF TWELFTH STREET (OF THE CITY OF LEADVILLE, COLORADO), AND ON THE NORTH BY THE SOUTH LINE OF THE HIGH COUNTRY DEVELOPMENT ANNEXATION NO. 3, (SAID LINE BEING N. 20°20'05" E., A DISTANCE OF 59.89 FEET OF THAT PARCEL OF LAND AS DECRIBED IN BOOK 380 AT PAGE 319 LAKE COUNTY CLERK AND RECORDERS'S OFFICE) EXTENDED TO THE WESTERLY RIGHT-OF -WAY OF SAID HIGHWAY 24, ALL BEING WITHIN SECTIONS 14, 23 AND 24, TOWNSHIP 9 SOUTH, RANGE 80 WEST OF THE 6TH PRINCIPAL MERIDIAN, LAKE COUNTY, COLORADO.
SAID PARCEL CONTAINS 5.19 ACRES, MORE OR LESS, AND HAVING A PERIMETER OF 5381 FEET.