

**TOWN OF RIDGWAY, COLORADO
ORDINANCE NO. 06-2024**

**AN ORDINANCE OF THE TOWN OF RIDGWAY, COLORADO,
APPROVING THE ANNEXATION OF CERTAIN REAL
PROPERTY TO BE KNOWN AS DALWHINNIE RIDGWAY
ATHLETIC PARK ANNEXATION, GENERALLY LOCATED
ALONG COUNTY ROAD 23**

WHEREAS, the Town of Ridgway, Colorado (“Town”) is a home rule municipality existing pursuant to the laws of the Colorado Constitution, the Colorado Revised Statutes and the Town’s Home Rule Charter; and

WHEREAS, a petition (the “Petition”) for Annexation was filed with the Town by Dalwhinnie Group and Town of Ridgway (together referred to as “Petitioners”), requesting the Town of Ridgway to annex that property more particularly described in **EXHIBIT A**, attached hereto and incorporated herein by this reference (the “Property”); and

WHEREAS, *Resolution No. 24-09 Initiating Annexation Proceedings for Property known as Dalwhinnie-Ridgway Athletic Park Annexation and Giving Notice of a Public Hearing Thereon* was approved on September 11, 2024, and declared the Petition to be in substantial compliance with C.R.S. § 31-12-108, and all persons interested in such Petition were provided an opportunity to be heard; and

WHEREAS, over 50% of the property owners owning more than 50% of the Property, exclusive of streets and alleys have signed the Petition and requested the Property be annexed; and

WHEREAS, the Town Council finds the Property is eligible for annexation and should be annexed to the Town of Ridgway; and

WHEREAS, the contiguity required by C.R.S. § 31-12-104(1)(a) exists in that the property annexed hereby has at least one-sixth boundary contiguity with a present municipal boundary of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF RIDGWAY, COLORADO the following:

Section 1. Findings. The Town Council makes the following findings:

1. The Council hereby finds that a Petition for Annexation (**Exhibit A**), together with the annexation map as required by law, was filed with the Town Council on July 23, 2024, by the owners of over fifty percent (50%) of the area of the property, and comprising more than fifty percent (50%) of the landowners of the property to be annexed, exclusive of public streets and alleys.

2. *Resolution No. 24-09 Initiating Annexation Proceedings for Property known as Dalwhinne-Ridgway Athletic Park Annexation and Giving Notice of a Public Hearing Thereon* was approved on September 11, 2024, and declared the Petition to be in substantial compliance with C.R.S. § 31-12-108, and all persons interested in such Petition were provided an opportunity to be heard.
3. The Town Council, by resolution, accepted said Petition and found and determined that the applicable parts of the Municipal Annexation Act of 1965, as amended, have been met and further determined that an election was not required under the Act and that no additional terms and conditions were to be imposed upon said annexation.
4. The contiguity required by CRS Sec. 31-12-104(1)(a) exists in that the property annexed hereby has at least one-sixth boundary contiguity with a present municipal boundary of the Town.
5. The Property is eligible for annexation and should be annexed to the Town of Ridgway.

Section 2. Annexation Approved. The annexation to the Town of real property, which is further described in **Exhibit B**, is hereby approved.

Section 3. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Town Council hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

Section 4. Effective Date. This Ordinance shall take effect thirty (30) days after the date of final passage in accordance with Article 3-7 of the Ridgway Charter.

Section 5. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Ridgway, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 6. No Existing Violation Affected. Nothing in this Ordinance shall be construed to release, extinguish, alter, modify, or change in whole or in part any penalty, liability or right or affect any audit, suit, or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing which may have been incurred or obtained under any ordinance or provision hereby repealed or amended by this Ordinance. Any such ordinance or provision thereof so amended, repealed, or superseded by this Ordinance shall be treated and held as remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions, for the enforcement of such penalty, liability, or right, and for

the purpose of sustaining any judgment, decree or order which can or may be rendered, entered, or made in such actions, suits or proceedings, or prosecutions imposing, inflicting, or declaring such penalty or liability or enforcing such right, and shall be treated and held as remaining in force for the purpose of sustaining any and all proceedings, actions, hearings, and appeals pending before any court or administrative tribunal.

Section 7. Publication. The Town Clerk is ordered to publish this Ordinance in accordance with Article 3-7 of the Ridgway Charter.

INTRODUCED AND REFERRED TO PUBLIC HEARING on November 13, 2024, and setting such public hearing for December 11, 2024, at Ridgway Town Hall, located at 201 N. Railroad Street, Ridgway, Colorado.

BY:

ATTEST:

John Clark, Mayor

Pam Kraft, Town Clerk

ADOPTED on December 11, 2024.

BY:

ATTEST:

John Clark, Mayor

Pam Kraft, Town Clerk

APPROVED AS TO FORM:

Bo James Nerlin, Town Attorney

EXHIBIT A
Annexation Petition
[attached]

EXHIBIT B
Legal Description of Property Annexed
[attached]

Town of Ridgway Petition for Annexation

We, the undersigned landowners, in accordance with Colorado Revised Statutes (C.R.S.) Title 31, Article 12, as amended, hereby petition the Town Council of the Town of Ridgway, Colorado, for annexation to the Town of Ridgway the unincorporated property, the legal description of which is attached hereto as Exhibit A and incorporated herein by this reference, located in the County of Ouray and the State of Colorado, and to be known as the Dalwhinnie – Ridgway Athletic Park Annexation to the Town of Ridgway.

In support of said Petition, the petitioners state that:

1. It is desirable and necessary that the property described in Exhibit A (“**Property**”) be annexed into the Town of Ridgway.
2. The requirements of C.R.S. 31-12-104, as amended, exist or have been met in that:
 - a) Not less than one-sixth (1/6) of the perimeter of the Property to be annexed is contiguous with the Town of Ridgway.
 - b) A community of interest exists between the Property proposed to be annexed and the Town of Ridgway.
 - c) The Property proposed to be annexed is urban or will be urbanized in the near future.
 - d) The Property proposed to be annexed is integrated or is capable of being integrated with the Town of Ridgway.
3. The limitations of C.R.S. 31-12-105, as amended, exist or have been met in that:
 - a) 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 has been divided into separate parts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels are separated by a dedicated street, road or other public way.
 - b) No annexation proceedings have been commenced for any portion of the territory proposed to be annexed by another municipality.
 - c) The annexation will not result in the detachment of area from any school district and attachment to another unless accompanied by a resolution of the board of directors of the school district to which such area will be attached approving such annexation.
 - d) The annexation will not have the result of extending the boundary of the Town of Ridgway more than three miles in any direction from any point in any one year.

- e) A plan is in place which specifically shows the proposed location, character, and extent of streets, other public ways, grounds, open spaces, public utilities, water, light, sanitation, transportation, power and land uses for the Property.
 - f) In establishing the boundaries of the proposed annexation, if a portion of a platted street or alley is annexed, the entire width of the streets and alleys have been included within the area to be annexed. Reasonable access will not be denied to any landowners, owners of any easement, or the owners of any franchise adjoining any platted street or alley which is to be annexed but is not bounded on both sides by the Town of Ridgway.
 - g) The territory proposed to be annexed is 40.294 acres in total area with 3.53 acres, with Parcel A to be zoned to the Residential Zone District and Parcel B and Parcel C to be zoned to the General Commercial Zone District.
4. The petition requirements of C.R.S. 31-12-107, as amended, exist or have been met in that:
- a) More than fifty percent of the landowners in the area owning more than fifty percent of the area proposed to be annexed, exclusive of dedicated streets or alleys have signed this petition and hereby petition for annexation of such territory.
 - b) The signatures of the petition comprise one hundred percent (100%) of the landowners of the private property area proposed to be annexed and said landowners agree that this negates the necessity of an annexation election.
 - c) Accompanying this petition are four (4) copies of an annexation map containing the following information:
 - i. A written legal description of the boundaries of the area proposed to be annexed as shown in Exhibit A.
 - ii. A map showing the boundary of the area proposed to be annexed as shown in Exhibit B showing of the location of each ownership tract in unplatted land.
 - iii. Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the Town of Ridgway and the contiguous boundary of any other municipality abutting the area proposed to be annexed.
5. The Town of Ridgway has waived the preparation and submittal of an annexation impact report as may be required by C.R.S. 31-12-108.5 because the annexation does not have any residential density, and the infrastructure being annexed by the Town and associated residential density was already approved by the Town with the Preserve PUD Preliminary Plat.
6. Upon the annexation ordinance becoming effective, all lands within the area proposed to be annexed will become subject to all ordinances, resolutions, rules and regulations of the Town of Ridgway, except for general property taxes of the Town of Ridgway, which shall become effective as of the January 1 next ensuing.

7. The petitioners agree that said annexed land shall be brought under the provisions of the Ridgway Municipal Code, including but not limited to the Property's zoning requirements, within ninety (90) days after the effective date of the annexation ordinance.
8. An annexation agreement has been or will be executed by the petitioners and the Town of Ridgway relating to this annexation and the petitioner hereby expressly consents to the terms and conditions set forth in the annexation agreement.

WHEREFORE, the petitioners, whose signatures are set forth below, respectfully request that the Town of Ridgway, acting through its Town Council, approve the annexation of the Property.

Parcel A Owner: Dalwhinnie Group, LLC, a Colorado limited liability company

By 

Robert Dow, Manager of Dalwhinnie Group, LLC

Date July 17th 2024

State of NY)

County of Orange

The foregoing instrument was acknowledged before me this 17 day of July, 2024, by Robert Dow as Manager of Dalwhinnie Group, LLC.

My commission expires 8/22/2026

Notary Public 

Witness my hand and official seal.

KASEY N SIKORSKY
 NOTARY PUBLIC-STATE OF NEW YORK
 No. 01SI6438780
 Qualified in Orange County
 My Commission Expires 08-22-2026



Parcel C Owner: Town of Ridgway, Colorado, a Colorado home rule municipality

By *John Clark*

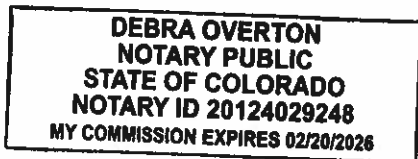
John Clark, Mayor

Date November 4, 2024

State of Colorado)
)
County of Ouray)

The foregoing instrument was acknowledged before me this 4 day of November, 2024, by John Clark as Mayor of the Town of Ridgway, Colorado

My commission expires 2/20/2026
Notary Public *Debra Overton*



Witness my hand and official seal.

Exhibit A
Legal Description



DEL-MONT CONSULTANTS, INC.
ENGINEERING ▼ SURVEYING

125 Colorado Ave. ▼ Montrose, CO 81401 ▼ (970) 249-2251 ▼ (970) 249-2342 FAX
www.del-mont.com ▼ service@del-mont.com

PARCEL A:

A parcel of land situated in Section 21, Township 45 North, Range 8 West, New Mexico Principal Meridian, County of Ouray, State of Colorado being better described as:

Beginning at a point on the North line of said Section 21, said point being S89°28'23"E 193.29 feet from the West 1/16 corner common to said Sections 16 and 21;

Thence along said North line S89°28'23"E 496.08 feet;

Thence S38°52'07"E 107.23 feet;

Thence S11°45'17"E 119.88 feet;

Thence N89°28'23"W 583.64 feet to a point on the East Right of Way of County Road 23;

Thence the following two courses along said Right of Way:

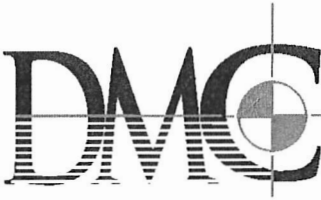
Thence N01°06'16"E 133.81 feet;

Thence N05°48'09"W 66.61 feet to the Point of Beginning.

Containing 2.53 Acres more or less as described.

County of Ouray, State of Colorado





DEL-MONT CONSULTANTS, INC.
ENGINEERING ▼ SURVEYING

125 Colorado Ave. ▼ Montrose, CO 81401 ▼ (970) 249-2251 ▼ (970) 249-2342 FAX
www.del-mont.com ▼ service@del-mont.com

PARCEL B:

A parcel of land situated in Sections 16 & 21, Township 45 North, Range 8 West, New Mexico Principal Meridian, County of Ouray, State of Colorado being better described as:

Beginning at a point on the West line of the SE1/4SW1/4 said Section 16 being N00°54'18"E 205.89 feet from the West 1/16 corner common to said Sections 16 and 21;

Thence along said West line N00°54'18"E 156.55 feet;

Thence the following five courses along the East Right of Way of County Road 23:

Thence 325.87 feet along the arc of a curve to the left with a radius of 1203.42 feet, an interior angle of 15°30'54" and a chord of S25°59'13"E 324.88 feet;

Thence S33°44'41"E 88.70 feet;

Thence N89°28'23"W 4.10 feet;

Thence S05°48'09"E 66.61 feet;

Thence S01°06'16"W 133.81 feet;

Thence N89°28'23"W 60.00 feet to a point on the West Right of Way of County Road 23;

Thence the following three courses along said Right of Way:

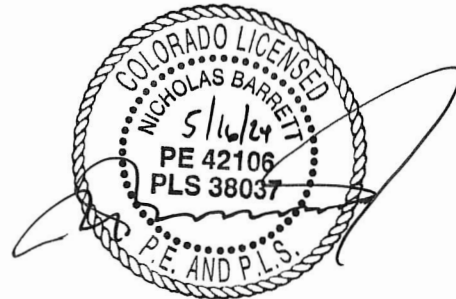
Thence N01°06'16"E 130.79 feet;

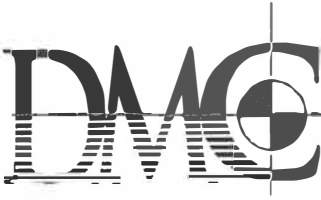
Thence. N05°48'09"W 58.55 feet;

Thence 256.11 feet along the arc of a curve to the right with a radius of 1263.42 feet, an interior angle of 10°57'28" and a chord of N30°45'33"E 255.67 feet to the Point of Beginning.

Containing 0.72 Acres more or less as described.

County of Ouray, State of Colorado





DEL-MONT CONSULTANTS, I N C.
E N G I N E E R I N G ▼ S U R V E Y I N G

125 Colorado Ave. ▼ Montrose, CO 81401 ▼ (970) 249-2251 ▼ (970) 249-2342 FAX
www.del-mont.com ▼ service@del-mont.com

PARCEL C:

A parcel of land situated in Section 16, Township 45 North, Range 8 West, New Mexico Principal Meridian, County of Ouray, State of Colorado being better described as:

Beginning at the W 1/16 corner common to said Sections 16 and 21;

Thence along the West line of the SE1/4SW1/4 said Section 16 N00°54'18"E 207.47 feet to a point on the West Right of Way of County Road 23;

Thence 241.63 feet along the arc of a curve to the left with a radius of 1263.42 feet, an interior angle of 10°57'28" and a chord of S30°25'51"E 241.26 feet to the South line of said SE1/4SW1/4;

Thence along said South line N89°28'23"W 125.90 feet to the Point of Beginning.

Containing 0.28 Acres more or less as described.

County of Montrose, State of Colorado

