

Ordinance 95-2 Town of Ophir

AN ORDINANCE ANNEXING FOUR SEPARATE PARCELS CONTAINING LOT 4 OF THE SARA PLACER AND THE MONTEZUMA MILLSITE

WHEREAS, the General Assembly of the Town of Ophir adopted Ordinance 94-12 entering into the "Town of Ophir - Williams/Bristol Pre-Annexation Agreement" which was duly recorded with the San Miguel County Clerk and Recorder, Book: 531 Pages: 779 to 797;

WHEREAS, one hundred percent of the owners of Lot 4 of the Sara Placer and the Montezuma Millsite filed a petition for annexation with the Town Clerk of the Town of Ophir in accordance with the "Town of Ophir - Williams/Bristol Pre-Annexation Agreement";

WHEREAS, the General Assembly held a public hearing on November 15th, 1994, and considered all comments regarding the proposed annexation of Lot 4 of the Sara Placer and the Montezuma Millsite;

WHEREAS, after holding the public hearing on November 15th, 1994, the General Assembly found that the proposed annexation meets the requirements of Colorado Revised Statutes section 31-12-104 and section 31-12-105 and thus is eligible for annexation, and further found that an election on the proposed annexation is not required pursuant to Colorado Revised Statute section 31-12-107(2);

WHEREAS, the General Assembly finds that each proposed annexation parcels, in series, meets the 1/6 contiguity requirement of Colorado Revised Statutes section 31-12-104;

WHEREAS, the General Assembly finds that the land petitioning for annexation can be adequately served by Town facilities; and,

WHEREAS, the General Assembly finds that annexing Lot 4 of the Sara Placer and the Montezuma Millsite will promote and preserve the Health, Safety and Welfare of the Ophir community;

**NOW, THEREFORE, BE IT ORDAINED BY THE GENERAL ASSEMBLY OF THE
TOWN OF OPHIR, COLORADO, the following:**

SECTION 1: ANNEXATION OF PARCEL 1

The Town of Ophir hereby annexes parcel 1 as such parcel and property is more particularly described in the annexation plat map entitled "**ANNEXATION MAP OF LOT 4 SARA PLACER SUBDIVISION & THE MONTEZUMA MILLSITE MS 347B, TOWN OF OPHIR, COLORADO**" and signed by Robert A. Bristol, Jr., Keith Williams, Paul Machado as Town Manager, and Lawrence Van Hoey as Town Clerk.

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SECTION 2: ANNEXATION OF PARCEL 2

The Town of Ophir hereby annexes parcel 2 as such parcel and property is more particularly described in the annexation plat map entitled "**ANNEXATION MAP OF LOT 4 SARA PLACER SUBDIVISION & THE MONTEZUMA MILLSITE MS 347B, TOWN OF OPHIR, COLORADO**" and signed by Robert A. Bristol, Jr., Keith Williams, Paul Machado as Town Manager, and Lawrence Van Hoey as Town Clerk.

SECTION 3: ANNEXATION OF PARCEL 3

The Town of Ophir hereby annexes parcel 3 as such parcel and property is more particularly described in the annexation plat map entitled "**ANNEXATION MAP OF LOT 4 SARA PLACER SUBDIVISION & THE MONTEZUMA MILLSITE MS 347B, TOWN OF OPHIR, COLORADO**" and signed by Robert A. Bristol, Jr., Keith Williams, Paul Machado as Town Manager, and Lawrence Van Hoey as Town Clerk.

SECTION 4: ANNEXATION OF PARCEL 4

The Town of Ophir hereby annexes parcel 4 as such parcel and property is more particularly described in the annexation plat map entitled "**ANNEXATION MAP OF LOT 4 SARA PLACER SUBDIVISION & THE MONTEZUMA MILLSITE MS 347B, TOWN OF OPHIR, COLORADO**" and signed by Robert A. Bristol, Jr., Keith Williams, Paul Machado as Town Manager, and Lawrence Van Hoey as Town Clerk.

SECTION 5: NO ADDITIONAL TERMS AND CONDITIONS

No Additional terms or conditions are to be imposed upon the annexed parcel except as provided by the Town of Ophir - Williams Bristol Pre-Annexation Agreement.

SECTION 6: ANNEXATION ORDINANCE AND ANNEXATION PLAT RECORDED

The Town Clerk is hereby directed to file one copy of the Annexation Map with the original annexation ordinance in the office of the Town Clerk and to file two certified copies of the Annexation Map and Annexation Ordinance with the San Miguel County Clerk and Recorder. The San Miguel County Clerk and Recorder shall file one certified copy of the Annexation Map and Annexation Ordinance with the Division of Local Government of the Department of Local Affairs.

SECTION 7: CONFLICT WITH OTHER LAWS

This Ordinance supersedes any existing laws of the Town of Ophir or existing or future laws of the State of Colorado or of the United States of America, to the maximum extent permissible by home rule communities, that are in conflict with the express provisions of this Ordinance.

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SECTION 8: EFFECTIVE DATE

This Ordinance shall take effect immediately upon publication of notice of final adoption of this Ordinance.

**FIRST READING OF THIS ORDINANCE READ, HEARD, APPROVED AND
ADOPTED BY THE OPHIR GENERAL ASSEMBLY this 21st Day of February, 1995.**

**SECOND READING OF THIS ORDINANCE HEARD, APPROVED AND ADOPTED AS
AMENDED BY THE OPHIR GENERAL ASSEMBLY this 18th Day of July, 1995.**

By: Meeting Moderator

Attest: Lawrence Van Hoey, Town Clerk

/ /
Date

8/13/95
Date (Town Seal)