

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 35
Series of 2011

TITLE: A RESOLUTION APPROVING A PETITION TO INCLUDE THE PUBLIC RIGHTS-OF-WAY WITHIN CLEAR CREEK CROSSING SUBDIVISION FILING NO. 1 IN THE APPLEWOOD SANITATION DISTRICT

WHEREAS, the City of Wheat Ridge, Colorado ("City") previously approved that subdivision of land known as Clear Creek Crossing Subdivision Filing No. 1, recorded at Reception No. 2011072532 in the records of the Jefferson County Clerk and Recorder (the "Subdivision"); and

WHEREAS, the entirety of the Subdivision is currently included within the boundaries of the Applewood Sanitation District (the "District") except for the public rights-of-way within the Subdivision; and

WHEREAS, the Wheat Ridge City Council ("Council") finds and determines that it serves the public health, safety and welfare to include the Subdivision rights-of-way within the District; and

WHEREAS, C.R.S. § 32-1-401 governs the process by which lands may be included in an existing special district; and

WHEREAS, said statute requires the owner of the lands to be included to file a petition for inclusion with the District Board of Directors; and

WHEREAS, as the owner of the public rights-of-way within the Subdivision, the City, acting by and through the Council, wishes to approve a petition to include said rights-of-way within the District, in accordance with C.R.S. § 32-1-401.

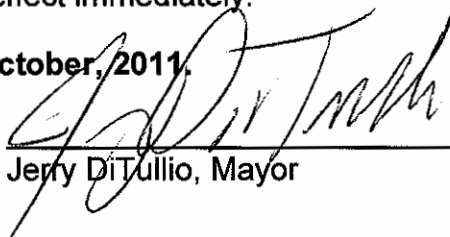
NOW THEREFORE, BE IT RESOLVED by the Wheat Ridge City Council that:

Section 1. The Petition for Inclusion of Lands to include the public rights-of-way within Clear Creek Crossing Subdivision Filing No. 1 in the Applewood Sanitation District, attached hereto and incorporated herein by this reference, is hereby approved.

Section 2. The Mayor of the City of Wheat Ridge is authorized to execute the Petition approved hereby and to file the Petition with the District in accordance with C.R.S. § 32-1-401.


Section 3. This Resolution shall take effect immediately.

DONE AND RESOLVED THIS 10th day of October, 2011.



Jerry DiTullio, Mayor

ATTEST:



Michael Snow, City Clerk



DISTRICT COURT, JEFFERSON COUNTY, COLORADO 100 Jefferson County Parkway Golden, CO 80401	
IN THE MATTER OF THE APPLEWOOD SANITATION DISTRICT	▲ COURT USE ONLY ▲
Attorney: Richard J. Scheurer, #2371 684 Rainbow Glen Road Evergreen, CO 80439 Phone Number: 303-985-2390 FAX Number: 303-957-5475 E-Mail: dick@rjlawpc.com	Case Number: 58-CV-12371 Div.:
PETITION FOR INCLUSION OF LANDS	

TO THE BOARD OF DIRECTORS OF SAID DISTRICT:

The undersigned fee owner(s) of real property described below does hereby pray that the said property owned by Petitioner(s) be included within the Applewood Sanitation District as provided by law and for cause state:

1. That said real property is capable of being served with sewer facilities by the Applewood Sanitation District.
2. That assent to the inclusion of the property of Petitioner(s) hereto in the Applewood Sanitation District is hereby given.
3. That there shall be no withdrawal from this Petition nor any objections filed thereto by the Petitioner(s).

LEGAL DESCRIPTION:

See Exhibit A attached hereto and incorporated herein.

Exhibit A

Legal Description

Those rights-of way as dedicated pursuant to the Clear Creek Crossing Subdivision Filing No. 1, a replat of a portion of Cabelas/Coors Subdivision Filing No. 1 - Amended (Rec. 2006148911), a portion of Cabelas/Coors Subdivision Filing No. 2 (Rec. 2006148912), and a portion of Roxbury Gardens (Rec. 09337790) situated in Sections 19, 20, 29, & 30, Township 3 South, Range 69 West of the Sixth Principal Meridian, City of Wheat Ridge, County of Jefferson, State of Colorado, as such Plat is recorded at Rec. 2011072532 in the records of the Clerk and Recorder of Jefferson County, State of Colorado.

