

ANNEXATION PETITION

TO THE MAYOR AND BOARD OF TRUSTEES OF THE TOWN OF LYONS, COLORADO:

The undersigned, in accordance with Title 31, Article 12, Chapters 101 et.seq., Colorado Revised Statutes, hereby petition the Board of Trustees of the Town of Lyons for annexation into the Town of Lyons the territory described herein and described and shown on the map designated "Planet Bluegrass Farm, 19680 N. St. Vrain Drive". Four (4) copies of said map are submitted herewith and by this reference are incorporated herein. The description of the territory hereby petitioned for annexation into the Town is set forth in Exhibit "A" attached hereto and incorporated herein by reference (Exhibit "A" must be an original printed property description on 8-1/2 x 11 white paper.)

In support of this petition, the petitioner(s) allege(s) that:

1. It is desirable and necessary that the above-described territory be annexed to the Town of Lyons.
2. The requirements of Section 31-12-104 and 31-12-105 of the Colorado Revised Statutes exist or have been met in that:
 - A. Not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the Town of Lyons.
 - B. A community of interest exists between the territory proposed to be annexed and the Town of Lyons.
 - C. The territory sought to be annexed is urban or will be urbanized in the near future.
 - D. The territory sought to be annexed is integrated or is capable of being integrated with the Town of Lyons.
3. In establishing the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of the tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has/have been divided into separate parts of parcels of real estate without the written consent of the land owner or land owners thereof, except and unless where such tracts or parcels are already separated by a dedicated street, road, or other public way.
4. In establishing the boundaries of the territory proposed to be annexed, 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 comprising twenty (20) acres or more which, together with the building and improvements situated thereon have an assessed valuation in excess of \$200,000 for ad valorem tax purposes for the year next preceding the filing of the written petition for annexation, has/have been included within the territory proposed to be annexed without the written consent of the land owner or land owners.
5. The territory proposed to be annexed does not include any area which is the same or substantially the same area in which an election for an annexation to the Town of Lyons was held within the twelve months preceding the filing of this petition.

6. The territory proposed to be annexed does not include any area included in another annexation proceeding involving a town other than the Town of Lyons.
7. The territory proposed to be annexed is not presently a part of any incorporated town, city or city and county or if the property is part of another town or city or city and county, it will be disconnected from such municipality prior to consideration of the annexation.
8. The property owned by each petitioner (when there is more than one petitioner) is described on each separate exhibit fully describing the property.
9. If a portion of a platted street or alley is to be annexed, the entire width of said street or alley is included within the area proposed to be annexed.
10. The proposed annexation would not have the affect of extending a municipal boundary more than three (3) miles in any direction from any point of any such municipal boundary in any one year.
11. The undersigned is the owner(s) of one hundred percent (100%) of the territory included in the area proposed to be annexed exclusive of streets and alleys.

Accompanying this petition are the original and four copies of an annexation plat map containing the following information:

- A. A written legal description of the boundaries of the area proposed to be annexed.
- B. A map showing the boundary of the area proposed to be annexed.
- C. Within the annexation boundary map, an identification of the location of each ownership tract in unplatte land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks. Also within the boundary map, identification of any special districts the area proposed to be annexed may be part of.
- D. Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the annexing municipality and the contiguous boundary of any other municipality abutting the area proposed to be annexed.
- E. A surveyor's certificate prepared by a registered land surveyor that attests to the preparation of the map and certifies at least one-sixth (1/6) contiguity to the Town of Lyons.
- F. Acceptance block describing the acceptance action of the Town of Lyons and providing for the effective date and Town Clerk and Mayor attest signatures.

THEREFORE, the undersigned respectfully petition the Board of Trustees of the Town of Lyons to annex the territory described and referred to in Exhibit "A" to the Town of Lyons in accordance with and pursuant to the statutes of the State of Colorado.

LANDOWNER NAME AND SIGNATURE:

PLANET BLUEGRASS ANNEX, LLC,
a Colorado limited liability company

By:

CF, Managing Member
Craig Ferguson, Managing Member

Address: Planet Bluegrass Annex, LLC
500 W. Main Street
P.O. Box 769
Lyons, CO 80540

AFFIDAVIT OF CIRCULATOR

The undersigned, being of lawful age, who being first fully sworn upon oath, deposes and says that the undersigned was a circulator of the foregoing Petition for Annexation of lands to the Town of Lyons, Colorado, and that the signature(s) affixed to this Petition for Annexation were witnessed by affiant and is the true signature of the person(s) whose it purports to be.

By:

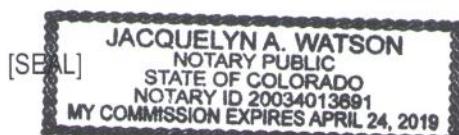
CF
Circulator

Name: Craig Ferguson
(printed)

STATE OF COLORADO)
) ss.
COUNTY OF Boulder)

The foregoing Affidavit of Circulator was subscribed and sworn to before me this 28th day of February, 2017, by Jacquelyn A. Watson

Witness my hand and official seal.
My commission expires:



By:

Jacquelyn A. Watson
Notary Public

Exhibit "A"
Description of Property Proposed for Annexation

DESCRIPTION FOR ANNEXATION PURPOSES:

CONSIDERING THE WEST LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 18 TO BEAR SOUTH 00°34' 54" EAST BETWEEN THE NORTH 1/16 CORNER SECTION 13-18, BEING A FOUND PENTAGON SHAPED SANDSTONE WITH CHISELED CROSS ON TOP "1/16" AND WEST 1/4 CORNER SECTION 13-18, BEING A FOUND 2 1/4" BRASS CAP STAMPED "US GENERAL LAND OFFICE SURVEY, PENALTY #250 FOR REMOVAL, S13-1/4-S18, 1912" AS SHOWN HEREON WITH BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO.

BEGINNING AT SAID NORTH SIXTEENTH (1/16) CORNER OF SECTION 13 AND 18, THENCE ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 18 NORTH 00°36'05" WEST, A DISTANCE OF 25.54 FEET; THENCE CONTINUING ALONG SAID WEST LINE NORTH 00°36'05" WEST, A DISTANCE OF 101.20 FEET TO A POINT ON THE SOUTH LINE OF EAGLE CANYON SUBDIVISION, RECORDED WITH BOULDER COUNTY ON MAY 23, 1985 AT RECEPTION NO. 00690040 SAID POINT ALSO BEING ON THE NORTH RIGHT OF WAY LINE OF COLORADO HIGHWAY 36; THENCE ALONG SAID NORTH RIGHT OF WAY LINE THE FOLLOWING FIVE (5) COURSES AND DISTANCES;

- 1) NORTH 72°38'31" EAST, A DISTANCE OF 169.87 FEET TO A POINT OF CURVATURE;
- 2) THENCE 408.17 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 1790.53 FEET AND AN INCLUDED ANGLE OF 13°03'41", SUBTENDED BY A CHORD BEARING NORTH 77°34'41" EAST, A DISTANCE OF 407.29 FEET TO A POINT OF CURVATURE;
- 3) THENCE 385.16 FEET ALONG THE ARC OF A COMPOUND CURVE TO THE RIGHT, HAVING A RADIUS OF 1243.25 FEET AND AN INCLUDED ANGLE OF 17°45'01", SUBTENDED BY A CHORD BEARING SOUTH 84°18'01" EAST, A DISTANCE OF 383.62 FEET TO A POINT OF CURVATURE;
- 4) THENCE 146.34 FEET ALONG THE ARC OF A COMPOUND CURVE TO THE RIGHT, HAVING A RADIUS OF 1243.00 FEET AND AN INCLUDED ANGLE OF 06°44'44", SUBTENDED BY A CHORD BEARING SOUTH 71°27'58" EAST, A DISTANCE OF 146.26 FEET TO A POINT OF CURVATURE;
- 5) THENCE 348.21 FEET ALONG THE ARC OF A COMPOUND CURVE TO THE RIGHT, HAVING A RADIUS OF 1198.30 FEET AND AN INCLUDED ANGLE OF 16°38'58" SUBTENDED BY CHORD BEARING SOUTH 59°38'35" EAST, A DISTANCE OF 346.99 FEET; THENCE LEAVING SAID NORTH RIGHT OF WAY LINE SOUTH 00°47'55" EAST, A DISTANCE OF 653.68 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF APPLE VALLEY ROAD; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE THE FOLLOWING EIGHT (8) COURSES AND DISTANCES;
 - 1) SOUTH 59°46'29" WEST, A DISTANCE OF 17.36 FEET;
 - 2) THENCE SOUTH 59°08'55" WEST, A DISTANCE OF 155.21 FEET;
 - 3) THENCE SOUTH 52°47'31" WEST, A DISTANCE OF 130.34 FEET;
 - 4) THENCE SOUTH 44°29'15" WEST, A DISTANCE OF 286.37 FEET;
 - 5) THENCE SOUTH 59°51'33" WEST, A DISTANCE OF 140.74 FEET;
 - 6) THENCE SOUTH 70°55'15" WEST, A DISTANCE OF 101.32 FEET;
 - 7) THENCE SOUTH 87°47'45" WEST, A DISTANCE OF 214.50 FEET;
 - 8) THENCE NORTH 81°32'00" WEST, A DISTANCE OF 97.07 FEET TO A POINT ON THE EAST LINE OF THAT PARCEL OF LAND DESCRIBED IN DEED RECORDED WITH BOULDER COUNTY ON AUGUST 2, 2011 AT RECEPTION NO. 3162974; THENCE ALONG SAID EAST LINE OF SAID PARCEL AND ALSO ALONG THE EAST LINES OF THOSE PARCELS OF LAND DESCRIBED IN THE RECORDS OF BOULDER COUNTY ON SEPTEMBER 5, 2012 AT RECEPTION NO. 3249309 AND JULY 7, 2000 AT RECEPTION NO. 2058729, NORTH 00°36'52" WEST, A DISTANCE OF 1096.61 FEET TO THE NORTHEAST CORNER OF SAID PARCEL DESCRIBED IN SAID RECEPTION NO. 2058729; THENCE ALONG THE SOUTH LINE OF SAID PARCEL NORTH 86°55'45" WEST, A DISTANCE OF 395.74 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 1,232,215 S.F OR 28.29 ACRES OF LAND, MORE OR LESS.

Description of Property Owned by Petitioner

A PORTION OF THAT PARCEL OF LAND DESCRIBED IN DEED RECORDED WITH BOULDER COUNTY ON MAY 22, 2015 AT RECEPTION NO. 03447520, SAID POINT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF THE NORTHWEST QUARTER, SECTION 18, TOWNSHIP 3 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID NORTHWEST QUARTER, SAID POINT BEING A STONE WITH A CROSS CHISELED ON TOP, FROM WHENCE THE WEST QUARTER CORNER OF SAID SECTION 18 BEARS SOUTH A DISTANCE OF 1313.65 FEET; THENCE SOUTH 86°20' EAST A DISTANCE OF 396.00 FEET; THENCE SOUTH A DISTANCE OF 1096.47 FEET TO A POINT ON A FENCE LINE, SAID FENCE LINE BEING THE NORTHERLY RIGHT OF WAY BOUNDARY OF THE OLD NORTH ST. VRAIN ROAD; THENCE ALONG SAID BOUNDARY FENCE LINE THE FOLLOWING COURSES AND DISTANCES: SOUTH 80°56'15" EAST A DISTANCE OF 97.07 FEET; NORTH 88°23'30" EAST A DISTANCE OF 214.50 FEET, NORTH 7°31' EAST A DISTANCE OF 101.32 FEET, NORTH 60°27'18" EAST A DISTANCE OF 140.74 FEET, NORTH 45°05' EAST A DISTANCE OF 286.37 FEET, NORTH 53°28'24" EAST A DISTANCE OF 130.58 FEET, NORTH 59°48'08" EAST A DISTANCE OF 155.21 FEET, NORTH 60°18'57" EAST A DISTANCE OF 336.15 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY BOUNDARY 0.5 FEET SOUTH OF THE RIGHT OF WAY FENCE LINE AND APPROXIMATELY PARALLEL TO SAID FENCE LINE, THE FOLLOWING COURSES AND DISTANCES; NORTH 37°38'30" WEST A DISTANCE OF 103.72 FEET TO A FENCE CORNER ON THE NORTHERLY BANK OF NORTH ST. VRAIN CREEK, NORTH 37°38'30" WEST A DISTANCE OF 203.92 FEET, NORTH 41°56'30" WEST A DISTANCE OF 121.28 FEET, NORTH 49°45' WEST A DISTANCE OF 191.84 FEET, NORTH 58°39'30" WEST A DISTANCE OF 160.58 FEET, NORTH 68°12' WEST A DISTANCE OF 190.08 FEET, NORTH 77°09'30" WEST A DISTANCE OF 137.92 FEET, NORTH 84°02' WEST A DISTANCE OF 140.29 FEET, SOUTH 89°26' WEST A DISTANCE OF 121.08 FEET, SOUTH 82°18'30" WEST A DISTANCE OF 136.02 FEET, SOUTH 76°31'10" WEST A DISTANCE OF 145.00 FEET, SOUTH 74°05'30" WEST A DISTANCE OF 268.02 FEET TO A POINT ON THE WEST LINE OF THE AFOREMENTIONED NORTHWEST QUARTER OF SECTION 18; THENCE SOUTH A DISTANCE OF 25.59 FEET TO THE POINT OF BEGINNING.
COUNTY OF BOULDER, STATE OF COLORADO.

EXCEPTING THEREFROM THAT PORTION OF SUBJECT PROPERTY DEEDED TO DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO
BY WARRANTY DEED RECORDED APRIL 7, 2006 AT RECEPTION NO. 2768625.