

**TOWN OF PARKER COUNCIL
MINUTES
APRIL 16, 2018**

Mayor Mike Waid called the meeting to order at 5:43 p.m. All Councilmembers were present.

Jim Maloney announced the topics for the Executive Session were four (4) items. Under C.R.S. § 24-6-402(4)(e) there were two (2) items; the first item was the proposed Bargain and Sale Deed from Douglas County concerning reversionary interest in the Parker Senior Center Property; and the second item was a request to vacate a portion of Sun Way. Under C.R.S. § 24-6-402(4)(b) there were two (2) items; the first item was the Colorado Revised Statute Section 31-12-114 concerning conflicting claims by two or more municipalities and Town of Parker Annexation Case No. ANX18-00; and the second item was the Town of Parker v. Oltmann, et al, Douglas County District Court.

EXECUTIVE SESSION

Amy Holland moved and John Diak seconded to go into Executive Session at 5:45 p.m., to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e), and to hold a conference with the Town's attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b).

The motion was approved unanimously.

Joshua Rivero moved and Renee Williams seconded to adjourn the Executive Session at 6:35 p.m.

The motion was approved unanimously.

REGULAR MEETING

Mayor Waid reconvened the meeting at 7 p.m.

The youth in the audience led the Pledge of Allegiance.

SPECIAL PRESENTATIONS – None.

PARKER CHAMBER OF COMMERCE UPDATES – None.

PUBLIC COMMENTS – None.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL – The Mayor reported that his hair color is due to the highest donor for the St. Baldricks Shave the Mayor Contest. The largest contributor gets to choose the Mayor's hair color and the Mayor wears the color for a period of time before it is shaved off.

CONSENT AGENDA

- A. *APPROVAL OF MINUTES - April 2, 2018 and April 9, 2018*
- B. *THIRD AMENDMENT TO SUBDIVISION AGREEMENT FOR PINE BLUFFS
FILING NO. 4*
 Department: Engineering/Public Works, Alex Mestdagh
- C. *HARVIE PROPERTY - Annexation and Zoning*
 Applicant: Town of Parker
 *Location: Generally located north of Mainstreet at Canterbury
Parkway*
 *Department: Community Development, Mary Munekata
Parks, Recreation and Open Space, Dennis Trapp*
 Trakit No. ANX17-003 & Z17-017
 Second Reading: May 7, 2018
- (1) *ORDINANCE NO. 2.260 - First Reading*
 *A Bill for an Ordinance Approving and Accomplishing the Annexation of
Contiguous Unincorporated Territory Known as the Town Harvie Open Space
Property*
- (2) *ORDINANCE NO. 3.334 First Reading*
 *A Bill for an Ordinance Zoning Certain Property within the Town of Parker,
Colorado, Known as the Town Harvie Open Space Property to OS-Open
Space District Pursuant to the Town of Parker Land Development Ordinance
and Amending the Zoning Ordinance and Map to Conform Therewith*
- D. *ORDINANCE NO. 1.507.2 – First Reading*
 *A Bill for an Ordinance to Adopt the 2018 Revised Budget for the Town of Parker and
to Make Appropriations for the Same*
 Department: Finance, Rhonda Willey
 Second Reading: May 7, 2018
- E. *ORDINANCE NO. 4.53.7 - First Reading*
 *A Bill for an Ordinance to Amend Subsection 10.09.010(a) of the Parker Municipal
Code Concerning the Roadway Design and Construction Criteria Manual*
 Department: Engineering/Public Works, Alex Mestdagh
 Second Reading: May 7, 2018

- F. *ORDINANCE NO. 9.275 - First Reading*
A Bill for an Ordinance to Approve the Snow Removal Intergovernmental Agreement
By and Between the Town of Parker, Colorado and the Board of County
Commissioners of the County of Douglas
Department: Engineering/Public Works, Danny Smith
Second Reading: May 7, 2018
- G. *ORDINANCE NO. 9.269.1 - First Reading*
A Bill for an Ordinance Approving the Amendment to Agreement Regarding Design
and Construction of Drainage and Flood Control Improvements for Lemon Gulch
Downstream of Crowfoot Valley Road Town of Parker (Agreement No. 17-06.08A,
Project No. 106741) By and Between Urban Drainage and Flood Control District and
the Town of Parker
Department: Engineering/Public Works, Jacob James
Second Reading: May 7, 2018
- H. *ORDINANCE NO. 1.512 - First Reading*
A Bill for an Ordinance Conveying Certain Real Property by Easement to Parker
Water and Sanitation District for Tract D, Reata West Filing No. 1
Department: Engineering/Public Works, Alex Mestdagh
Second Reading: May 7, 2018
- I. *RESOLUTION NO. 18-037*
A Resolution Accepting the Conveyance of a Drainage Easement from Lincoln Parker
Auto, LLC, for Lot 1B, Block 2, Parker Auto Plaza Filing No. 2, 3rd Amendment
Department: Engineering/Public Works, Alex Mestdagh
- J. *CONTRACTS OVER \$100,000*
1. *2018 Townwide Concrete Replacement Program (CIP-005)*
Amount: \$796,302.00
Contractor: Noraa Concrete
Department: Public Works and Engineering, John Mounier
Public Works and Engineering, Danny Smith
 2. *2018 Townwide Pavement Markings - Crosswalk/Symbols Project (CIP 18-008)*
Amount: \$169,659.85
Contractor: Colorado Barricade
Department: Public Works and Engineering, Dave Aden
- K. *PROCLAMATION - Kids to Parks Day -- May 19, 2018*
Department: Town Council

L. PROCLAMATION – NATIONAL SMALL BUSINESS WEEK – April 29 – May 5, 2018

Department: Town Council

Amy Holland moved and Renee Williams seconded to approve the Consent Agenda Items 6A through 6K. The motion was approved unanimously.

Item 6L will be ratified at the May 7, 2018 Town Council meeting.

TOWN ADMINISTRATOR

The new Town Administrator's Report for Spring 2018 was posted to the website.

PUBLIC HEARINGS

GRASSLANDS/PRAIRIE TRAIL - Annexation and Zoning

Applicant: ABMAR Grasslands, LLC
 Charter Communications Holding Company, LLC
 M&P Enterprises, LLC
 Woodspear Prairie Trail, LLC
 Town of Parker Community Development Department (as to zoning)

Location: Generally bound by the county line between Douglas County and Arapahoe County, Upland Drive, Prairie Trail Drive and Compark Boulevard

Department: Community Development, Paul Workman
 Community Development, Stacey Nerger

TRAKiT No.: ANX18-001

(A) RESOLUTION NO. 18-032

A Resolution to Set Forth Town Council's Findings of Fact and Conclusions as to the Eligibility of the Grasslands/Prairie Trail Property for Annexation into the Town of Parker

(B) ORDINANCE NO. 2.259 - Second Reading

A Bill for an Emergency Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Grasslands/Prairie Trail Property in Douglas County

(C) ORDINANCE NO. 3.333 - Second Reading

A Bill for an Emergency Ordinance Zoning Certain Property Within the Town of Parker, Colorado, Known as the Grasslands/Prairie Trail Property to PD-Planned Development District Pursuant to the Town of Parker Land Development Code and Amending the Zoning Ordinance and Map to Conform Therewith

(D) ANNEXATION AGREEMENT**7:06 PM**

The Mayor stated the period for presentations would be extended. He explained the Applicant would have 30 minutes to make a presentation and Vista South, LLC, would also have 30 minutes to make a presentation. Public comments will follow after the presentations and each person will get three minutes.

Senior Planner Paul Workman read into the record the timeline for the public noticing process and requirements for the annexation and zoning of this property.

“1. On February 22, 2018, petitions for annexation were submitted to the Town to annex the subject property.

2. On March 5, 2018, Town Council approved Resolution No. 18-021, Series of 2018, which determined that the petition was in substantial compliance with state law and set the eligibility public hearing for April 16, 2018.

3. The notice for the eligibility hearing was published in the Douglas County News-Press between the week of March 8, 2018, and the week of April 12, 2018. The Affidavit of Publication was uploaded to TRAKiT.

4. On March 8 and March 12, 2018, letters were sent to representatives of Vista South, LLC, for Lots 6A-1 and 6A-2 and Compark Business Campus Metropolitan District for Tract C, Compark Filing No.2, advising of the annexation petition, Resolution No. 18-21 and the zoning application, including the hearing dates for the Planning Commission and the Town Council, as well as providing the link to the Town's website to access the documents associated with this land use matter through TRAKiT.

5. On March 9, 2018, a copy of the published notice, together with a copy of the resolution and petition as filed was sent by registered mail to the clerk of the Douglas County Board of County Commissions, the Douglas County Attorney, the Douglas County School Districts and the special districts having territory within the area to be annexed as provided by state law.

6. The Zoning Application was submitted on March 6, 2018, and the public hearing notices for the April 12, 2018, Planning Commission meeting and the April 16, 2018, Town Council meeting, were published/mailed/posted 15 days before these public hearings, as provided by the Parker Land Development Ordinance.

7. The website notice was published on the Town website on March 21, 2018; the first class letters were mailed to abutting property owners on March 22, 2018; and the signs were posted on all seven lots that are the subject of the Zoning Application on March 23, 2018.

8. The Affidavits for these notices were uploaded to TRAKiT on April 3, 2018.

9. The three-mile area plan, which includes the area covered by the annexation map, was approved on December 11, 2017.

10. The legal description and contiguity calculation for the annexation map was prepared by Dean E. Cates, a Colorado licensed professional land surveyor. According to the annexation map prepared by Mr. Cates, "the map accurately delineates the parcel of land to be annexed to the Town of Parker, Colorado; and that at least one-sixth (1/6) of the boundary of said parcel is contiguous to the present Town of Parker, County of Douglas, State of Colorado."

11. A community of interest exists between the Property and the Town of Parker, and the Property will be urbanized in the near future.

12. The Property is integrated or is capable of being integrated within the Town of Parker.

13. The limitations of the Municipal Annexation Act and the Constitution of the State of Colorado do not prevent the annexation of the Property or any part thereof since:

a. No land in the territory to be annexed which is held in identical ownership and consists of either a single tract or parcel, or two or more contiguous tracts or parcels, has been divided or portion thereof excluded from the area to be annexed without the written consent of the owners thereof;

b. No land in the territory to be annexed which is held in identical ownership and comprises twenty (20) or more acres, having an assessed valuation for ad valorem tax purposes in excess of Two Hundred Thousand Dollars (\$200,000) in the year next preceding the annexation, has been included in the area to be annexed without the written consent of the landowners;

c. No proceedings have been commenced by another municipality for the annexation of all or part of the territory to be annexed by the Town of Parker; and

d. The annexation will not result in the detachment of the area from the school district in which it is currently located.

14. The proposed annexation will not have the effect of extending the Town boundary more than three (3) miles in any direction from any point of the Town boundary in any one year.

15. The entire width of any street or alley to be annexed is included within the annexation.

16. The Town's staff record of this matter is contained on TRAKIT, which can be accessed by any member of the public under Town of Parker Annexation Case Number ANX18-001 and Town of Parker Zoning Case Number Z18-009.

17. On April 2, 2018, the Town Council, based upon a request by legal counsel for Vista South, LLC, passed Resolution No. 18-036, which allows Vista South, LLC, and Compark Business Campus Metropolitan District to collectively have the same amount of time as the

petitioner/applicants to present their respective positions as provided by this resolution. Copies of the request by legal counsel for Vista South, LLC, and this resolution are a part of the record in this matter.”

Staff continued with the presentation. The subject property is described and depicted in the Annexation Map contained in the staff report and the applicants collectively own more than fifty percent (50%) of the subject property, which is located entirely within the “Town Urban Growth Area”. The “Town Urban Growth Area” includes certain property within unincorporated portions of the Douglas County and is defined in the “Mutually Binding and Enforceable Comprehensive Development Plan,” approved by the Town and Douglas County, pursuant to C.R.S. § 29-20-105 and through a related Intergovernmental Agreement (as amended, the “Comprehensive Development Plan”). Specifically, the Comprehensive Development Plan states that the Town Urban Growth Area is “the boundary of the Town’s potential future annexation area to the year 2022.” Stated another way, the Town Urban Growth Area includes the area that the Town desires to annex and zone over a term of years. See the November 20, 2000, Memorandum of Understanding between the Town and Douglas County “regarding Joint Planning and Growth Management.”

The Comprehensive Development Plan provides that; “all unincorporated areas located within the Town’s Urban Growth Area,” including the subject property, “are encouraged to annex into the Town” and “the County shall waive annexation impact reports for all unincorporated areas within the Town’s Urban Growth Area.” In those circumstances where a landowner application is submitted to Douglas County, instead of the Town, for an unincorporated area that is contiguous to the Town and within the Town Urban Growth Area, the Comprehensive Development Plan provides that “(i)f there is contiguity, the Town shall process a petition for annexation,” “(t)he Town Council shall apply the Standards for Review, as outlined above in Paragraph 2.3 of the (Comprehensive Development) Plan, when considering a petition for annexation,” and “(f)inal decision authority for said petitions shall be the Town Council following a public hearing, in the manner provided by the (Comprehensive Development) Plan.” In addition to being located entirely within the Town Urban Growth Area, the subject property also satisfies the contiguity requirement of C.R.S. § 31-12-104(1)(a), as reflected in the Annexation Map. Accordingly, the Town is processing the Annexation Petition, subject to the standards of review contained in the Comprehensive Development Plan, other Colorado law, and the final decision-making authority of the Town Council.

The Community Development Department applied the standards of review contained in the Comprehensive Development Plan (the “Standards”) when considering the petition to annex the subject property, and recommended the following findings to the Town Council:

- “1. The subject property is within the Town’s Urban Growth Area.
2. The annexation complies with the Town’s Land Development Ordinance and all future development proposed on the annexed properties will comply with the all applicable Town design standards.
3. The annexation request is consistent with the Town’s adopted plans, including, but not limited to, the Parker 2035 Master Plan and Open Space, Trails and Greenways Master Plan, as amended.

4. In the absence of a site plan as a part of the annexation of the subject property, Section 2.3.4 of the Standards does not apply.
5. In the absence of a site plan as a part of the annexation of the subject property, Section 2.3.5 of the Standards does not apply.
6. The subject property can be used safely for the intended purpose as described in Ordinance No. 3.333, Series of 2018, without danger to the public health, safety or welfare or peril from fire, flood, geologic hazards or other natural hazards.
7. In the absence of a pre-annexation agreement, Section 2.3.5 of the Standards does not apply.
8. The area sought to be annexed meets the requirements of the Municipal Annexation Act of 1965, as amended.
9. The petition for annexation satisfies the requirements of Article II, Section 30 of the Colorado Constitution.
10. That, upon the annexation ordinance becoming effective, all lands within the area sought to be annexed shall become subject to the ordinances, resolutions, rules and regulations of the Town, except for general property taxes which shall become effective on January 1 of the next succeeding year following passage of the annexation ordinance.
11. Section 2.3.5 of the Standards does not apply for the reason that the subject property is located within the service boundary of an existing special district that provides water and sewer service.
12. By signing the annexation petition, the petitioners agreed that no vested rights to the use or to develop their property in any particular way, as defined in Section 24-68-101, et seq., C.R.S., has been acquired by petitioners from any government entity. Petitioners waived any vested land use rights attached to their property to be annexed. There are no vested rights to the use or development of the vacant lots contained within the Property, pursuant to Section 13.01.110 of the Parker Municipal Code, as amended.
13. The petitioners acknowledged that, upon annexation of their property to the Town, this property, the owners thereof, and uses thereon will be subject to all taxes and fees imposed by the Town. The petitioners further acknowledge that their property, the owners thereof, and the uses thereon are also bound by any voter authorization under Article X, §20 of the Colorado Constitution adopted prior to annexation of their property. The petitioners waived any claims they may have under Article X, §20 of the Colorado Constitution related to such taxes and fees.”

The current zoning for the subject property is “Compark Planned Development,” which was originally approved on September 21, 1998 (as amended, the “Compark PD”), as superseded by the Comprehensive Development Plan, Section 19A of the Douglas County Zoning Resolution (Parker IGA-Overlay District), and other applicable law. The subject property is contained entirely within Planning Area 4 of the Compark PD. The current uses within the subject property and surrounding areas that are located in the Town or the Town Urban Growth Area include research and development, light industrial, commercial, businesses, higher educational campus, public charter school, personal services, residential uses, and an educational use that have a character that complements and is compatible with existing uses, but is incompatible with others that are listed in the Compark PD, specifically, general industrial uses such as a recycle/trash transfer facility, a jail/correctional facility, and the other incompatible industrial uses. Existing uses within Planning Area 4 and the surrounding area,

including portions of the Compark PD that were annexed into the Town, include a research and development center, a multinational Fortune 100 telecommunications company; a medical device manufacturer; a nationally ranked junior-Olympic-level volleyball training facility with year-round teams, clinics and camps; a medical university; a performing arts charter school for grades K-8; and single-family detached homes. The uses that are proposed in the Grasslands/Prairie Trail Development Guide and Plan are, by contrast to the Compark PD, in compliance with the Comprehensive Development Plan, Section 19A of the Douglas County Zoning Resolution (Parker IGA Overlay District), and other applicable law, are consistent with the Douglas County Comprehensive Master Plan 2035 and the Parker 2035 General Land Use Plan, and are consistent and compatible with other existing uses of the Real Property and the surrounding area.

Planning Commission held a public hearing on April 12, 2018, concerning the zoning request and recommended that Town Council approved the recommended zoning.

The proposed ordinances on second reading are proposed as emergencies within the meaning of the Town's Home Rule Charter and Colorado law. The bases for the emergency are set forth in detail in Section 12 of Ordinance No. 2.259 annexing the Real Property and Section 6 of Ordinance No. 3.333 zoning the Real Property.

Staff read into the record a letter dated April 12, 2018, from Centennial Airport's Chief Executive Officer, Robert Olislagers, opposing the waste transfer facility as it would pose several safety issues for airplanes in the area. A copy of the letter is attached.

Attorney Corey Hoffmann handed out a letter dated April 16, 2018, titled "Annexation and Zoning Hearing - Grasslands/Prairie Trail Annexation." He requested that the facts be made part of the record. A copy of the letter is attached.

The Applicants were present and spoke.

Jay Roles, CTO-Charter Technology and Engineering Center, 14810 Grasslands Drive, stated his company employs over 400 employees with 144 contractors at this state of the art facility. He stated he was in support of the annexation and zoning. He continued by explaining that the amount of traffic the proposed trash facility would impact the fiber optics use in the lab by the vibrations of the heavy trucks and increased traffic. He added he is concerned about the odor from the facility as well as the wildlife the facility would attract. He added the birds coming to the area could impact airplanes taking off and landing at Centennial airport.

Mark Lestikow, M& P Enterprises, LLC, described the businesses located on the property which are the Closet Factory, and Front Range Volleyball Club. The Closet Factory employs approximately 75 employees. There is high customer traffic with about 50 to 60 customers on-site every week to go over plans for closet equipment installations.

He stated the Front Range Volleyball Club is a facility used for training and coaching young men and women to play volleyball. He is opposed to the trash facility due to the increased traffic and the wildlife issues such a facility would bring. He is in support of the annexation and looks forward to building a relationship with the Town.

Zack Kessler - Woodspear Prairie Trail Business Park, described the as consisting of three high-image buildings with 13 tenants with a wide range of uses of the space. He stated the trash facility will have a negative impact on the value of the property and create traffic and safety issues for the area. He stated the Town's zoning for the area would be consistent with what is already in the area. He provide five letters from businesses located at the property who support the annexation and zoning to the property, which were made part of the record (attached). He stated he is excited to build a relationship with the Town of Parker.

Kent Karber (Attorney with Holland & Hart) for Abmar Grasslands, LLC, located at 14445 Grasslands Drive, described the business to Town Council. He stated Abmar Grasslands, LLC, is a biotech type of business as they make high-end sterile products.

Mr. Karber stated the trash facility has to be disclosed when working with new clients and can often times be a deal breaker. His concerns are also regarding the heavy truck traffic and the wildlife impact on the area should a bird hit a plane and cause an accident.

The attorneys for Vista South, LLC, addressed the proposed trash facility site. Bill Kyrigais, 950 17th Street, Denver (Attorney) stated his clients are Vista South and Mountain Vista. He stated that Vista South has tried to work with the Town due to the nature of this facility, he added there has been no follow up from the Town. He continued by stating that in 1998 the site allowed this type of use. It would be a regional waste facility and will be state of the art. It will have landscape for screening and will mitigate noise.

Mr. Kyrigais directed Council to the book of legal arguments which was entered into the record which is available in the Town Clerk's Office due to the size of the documents. He stated the property owner won't be going away and would file a lawsuit if the annexation and zoning are approved. He continued by explaining that annexation to Centennial would provide them with a fair hearing and that is why a petition was filed. He stated that procedures according to the Annexation Act of 1965 were not followed. He continued by stating there are defects in the zoning form as it is incomplete. Since the Zoning is a new PUD the consent must be provided by all of the landowners. He questioned the way the applications were filed at record speed. He also added that the property owner did confirm their entitlements before buying the property. The property owner will work with the Town to try to address any concerns. The owner believes the facility would be an asset to the area.

Michael McCarthy, 1700 Lincoln Street, Denver, stated his client has no other opportunity in this matter than litigation. His client has been upfront with the Town and is willing to work with the Town. He asked that the annexation not be used against his client as it will be challenged. He asked Council to not approve the annexation.

Public Comment - 8:23 p.m.

The following individuals spoke in favor of the annexation and zoning of the proposed area.

Terry Maulik, 15314 Grasslands Drive

Mitch Maulik, 15314 Grasslands Drive

Dr. Tom Toll - Chambers Road – Dean of Rocky Vista University

Bill Kurts – 15422 Coopers Hawk Way

Joanne Coffey - 1387 Grasslands Way

David Matzler - 15870 Duckward Court

Tracy Burlingame - 16046 Brookline Court

Richard Leonard - 8451 Dove Ridge Way

Rich Russo - 8489 Canyon Rim Circle

Susan Kurts - 15422 Coopers Hawk Way

Jacqueline Shaw - 8489 Canyon Rim Circle

Adrian Dargan- 15540 Canyon Gulch Lane

Normandie Fallon - 15460 Canyon Gulch Lane

Kurtis Hase - 15825 Club Rush Court

Sabrina Ruiz - 8391 Feather Grass Court

Eugene Master - 8420 Canyon Rim Trail

Jill Pitetter - 45795 Coal Creek Drive

Claudia Forde, 8527 Dove Ridge Way

Douglas Forde - 8527 Dove Ridge Way

Lori White - 15744 Crystalla Drive (Stonegate)

Cameron Olsen - 8460 Canyon Rim Circle

Brad Tombaugh - 15455 Coopers Hawk

Dallas Head - 8467 Canyon Rim Circle

Jake Miller - 8467 Canyon Rim Circle

David Chung - 16967 Blue Mist Circle

Carl Thompson - 8467 Canyon Rim Circle

Mia Nevala - 10115 South Peoria Street

Sergio Ruiz - 8391 Feather Grass Court

Amelia Sneve 10115 South Peoria Street.

There was no one else from the public to speak on the items. The Mayor closed the public comment part of the hearing at 9:12 p.m.

The Mayor recessed the meeting until 9:23 p.m., to allow for a break.

Town Attorney Jim Maloney stated, “one of the items you are considering tonight is Ordinance No. 2.259, Series of 2018. This is the ordinance concerning the annexation of the Grasslands/Prairie Trail Property that is currently located in Douglas County. If you turn to Section 3, these are findings that are contained in the ordinance. It says that more than 50% of the owners of more than 50% of the property have petitioned for annexation. Based upon the testimony and evidence that was submitted in the record, I’m suggesting that you amend that section to add some additional information. I would like to read it into the record.

Currently, it says more than 50% of the owners of more than 50% of the property have petitioned for annexation and I would add:

The Town Council specifically finds, based upon competent evidence presented during the public hearing, that the property ownership transfer between Vista South, LLC, and Mountain Waste – South Metro, LLC, was a tactic to manufacture an additional property owner in contravention of the Municipal Annexation Act of 1965. Additionally, the filing of three annexation petitions with the City of Centennial for a portion of the land area described in Exhibit A, including the filing of a lawsuit against the Town of Parker and the City of Centennial seeking to enjoin tonight's hearing, was another tactic in contravention of the Municipal Annexation Act of 1965, which tactic was rejected by the Douglas County District Court. As a result the Town Council of the Town of Parker hereby refuses to recognize this transfer or the annexation petitions that were submitted to the City of Centennial as valid."

Council stated they support this annexation and zoning.

John Diak moved to approve Resolution No. 18-032.

Amy Holland seconded the motion.

The motion was approved unanimously.

John Diak moved to approve Emergency Ordinance No. 2.259, to include the additional language to Section 3 of the Ordinance that was read into the record by the Town Attorney ("The Town Council specifically finds, based upon competent evidence presented during the public hearing, that the property ownership transfer between Vista South, LLC, and Mountain Waste – South Metro, LLC, was a tactic to manufacture an additional property owner in contravention of the Municipal Annexation Act of 1965. Additionally, the filing of three annexation petitions with the City of Centennial for a portion of the land area described in Exhibit A, including the filing of a lawsuit against the Town of Parker and the City of Centennial seeking to enjoin tonight's hearing, was another tactic in contravention of the Municipal Annexation Act of 1965, which tactic was rejected by the Douglas County District Court. As a result the Town Council of the Town of Parker hereby refuses to recognize this transfer or the annexation petitions that were submitted to the City of Centennial as valid.")

Debbie Lewis seconded the motion.

The motion was approved unanimously.

Joshua Rivero moved to approve Ordinance No. 3.333 on seconded reading.

Josh Martin seconded the motion.

The motion was approved unanimously.

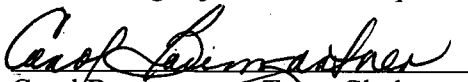
Amy Holland moved to approve the Annexation Agreement.

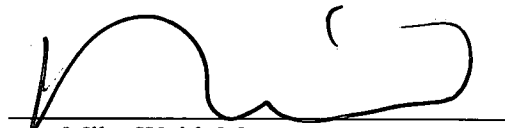
Josh Martin seconded the motion.

The motion was approved unanimously.

The Mayor stated that the Town has a partnership with area neighbors. Council does support private property rights. The Town also has an IGA with Douglas County that states the use such as a trash facility is not allowed in this area. This IGA is still in full force. He added that the attorney's client did due diligence but there was no entitlement.

The meeting adjourned at 9:40 p.m.


Carol Baumgartner, Town Clerk


Mike Waid, Mayor

Prepared by: Chris Vanderpool, Deputy Town Clerk



CENTENNIAL AIRPORT
ARAPAHOE COUNTY PUBLIC AIRPORT AUTHORITY
7800 South Peoria Street, Unit G1
Englewood, Colorado 80112
main: 303.790.0598
fax: 303.790.2129
www.centennialairport.com

April 12, 2018

Ms. Michelle Kivela
Town Administrator
Town of Parker
10120 E. Main Street
Parker, CO 80138

Dear Ms. Kivela, Mayor and Town Council and Members of the Planning Commission,

The purpose of this letter is to provide comments to the Town of Parker regarding the proposed annexation and zoning of the property known as the Grasslands/Prairie Trail Property (the "Property") on behalf of the Arapahoe County Public Airport Authority (the "Airport Authority"), owner and operator of Centennial Airport.

It is our understanding that the Property includes the area proposed as the Vista South LLC waste transfer facility (the "Waste Transfer Facility"), a use proposed in Douglas County. The Authority has previously responded on August 24, 2017, and December 19, 2017 to the Douglas County Department of Community Development regarding the concerns of the Authority related to the proposed "Waste Transfer Facility." As one of the busiest airports in the US, a waste transfer facility near the airport is a serious threat to the safety and welfare of pilots, crew and passengers arriving and departing Centennial Airport. The Federal Aviation Administration ("FAA") is deeply concerned about waste facilities becoming a wildlife attractant, and in particular birds.

Based on the concerns we have previously expressed to Douglas County about the proposed use, the Authority unequivocally supports annexation of the Property into the Town of Parker, and the zoning of the Property to prohibit the Waste Transfer Facility within the Restricted Development Area of the Centennial Airport. The development of the Property to include a Waste Transfer Facility is incompatible because of its proximity to the Centennial Airport, and the proposed Waste Transfer Facility specifically appears to be within 3,900 feet of the nearest end of the crosswind runway.

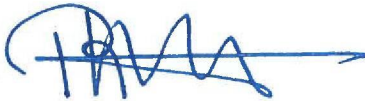
While the Authority understands that the site plan submitted to Douglas County identifies the Waste Transfer Facility as an "indoor" facility, the mere fact that trucks must enter and exit the Waste Transfer Facility means that the facility will not be permanently "sealed," and thus

will attract birds and other wildlife regardless of whether it is characterized as "indoor." As stated, waste facilities of any kind are incompatible with the Airport. The hazards created by such facilities, even if mitigated, create unacceptable risks to aircraft arriving and departing the Centennial Airport.

Accordingly, the Authority supports the annexation and zoning of the Property into the Town of Parker as a means of preventing the incompatible Waste Transfer Facility from developing in an area that will be a hazard to aircraft arriving and departing the Centennial Airport, and therefore the surrounding area.

Thank you very much for the opportunity to comment on the proposed annexation and zoning of the Property into the Town of Parker.

Respectfully Yours,

A handwritten signature in blue ink, appearing to read 'ROBERT OLISLAGERS', with a long horizontal line extending to the right.

Robert Olislagers
Chief Executive Officer

Cc: Arapahoe County Public Airport Authority Board of Commissioners
Mayor, and Parker Town Council
Commissioners, Parker Zoning Commission



**ANSWER
ENGINEERING**

April 4, 2018

Parker Town Council
20120 Main street, Parker, CO 80138

Parker Planning Commission
20120 Main street, Parker, CO 80138

Dear Members of the Parker Town Council and Planning Commission:

I am writing on behalf of Answer Engineering, LLP. to express our support for the Annexation and PD-Rezoning request for Prairie Trail Business Park and surrounding areas. We are a tenant at the Prairie Trail Business Park and fully support the annexation into the Town of Parker and associated rezoning of the property. We believe the proposed trash transfer facility does not coincide with the character of our business park or the surrounding areas. We believe the increases in traffic volume, birds/rodents, and the presence of unfavorable odors will produce a material ongoing negative impact on our business operations, and it will create increased risks to the health and safety of our employees and customers. Finally, we also think that any future proposal for a correctional facility or other heavy industrial use would create additional material negative impacts on our business, employees, and customers. We fully support removing these incompatible uses zoning for the area through the proposed Annexation and PD-Rezoning.

We respectfully ask you to support the efforts of our Landlord (Woodspear Prairie Trail, LLC) to improve the future of our business park by approving their annexation petition and associated rezoning of the property.

Sincerely,

Ashley Tulare (Signature of Officer of Tenant)

Ashley Tulare (Name)
Business Operations Coordinator (Title)



B&B Pharmaceuticals Inc.

April 4, 2018

Parker Town Council
20120 Mainstreet, Parker, CO 80138

Parker Planning Commission
20120 Mainstreet, Parker, CO 80138

Dear Members of the Parker Town Council and Planning Commission:

I am writing on behalf of B&B Pharmaceuticals, Inc. (Tenant's Business) to express our support for the Annexation and PD-Rezoning request for Prairie Trail Business Park and surrounding areas. We are a tenant at the Prairie Trail Business Park and fully support the annexation into the Town of Parker and associated rezoning of the property. We believe the proposed trash transfer facility does not coincide with the character of our business park or the surrounding areas. We believe the increases in traffic volume, birds/rodents, and the presence of unfavorable odors will produce a material ongoing negative impact on our business operations, and it will create increased risks to the health and safety of our employees and customers. Finally, we also think that any future proposal for a correctional facility or other heavy industrial use would create additional material negative impacts on our business, employees, and customers. We fully support removing these incompatible uses zoning for the area through the proposed Annexation and PD-Rezoning.

We respectfully ask you to support the efforts of our Landlord (Woodspear Prairie Trail, LLC) to improve the future of our business park by approving their annexation petition and associated rezoning of the property.

Sincerely,

Thomas Johnson (Signature of Officer of Tenant)

__Thomas Johnson__ (Name)

__Finance Manager__ (Title)



April 4, 2018

Parker Town Council
20120 Mainstreet, Parker, CO 80138

Parker Planning Commission
20120 Mainstreet, Parker, CO 80138

Dear Members of the Parker Town Council and Planning Commission:

I am writing on behalf of MTN Inc. (Tenant's Business) to express our support for the Annexation and PD-Rezoning request for Prairie Trail Business Park and surrounding areas. We are a tenant at the Prairie Trail Business Park and fully support the annexation into the Town of Parker and associated rezoning of the property. We believe the proposed trash transfer facility does not coincide with the character of our business park or the surrounding areas. We believe the increases in traffic volume, birds/rodents, and the presence of unfavorable odors will produce a material ongoing negative impact on our business operations, and it will create increased risks to the health and safety of our employees and customers. Finally, we also think that any future proposal for a correctional facility or other heavy industrial use would create additional material negative impacts on our business, employees, and customers. We fully support removing these incompatible uses zoning for the area through the proposed Annexation and PD-Rezoning.

We respectfully ask you to support the efforts of our Landlord (Woodspear Prairie Trail, LLC) to improve the future of our business park by approving their annexation petition and associated rezoning of the property.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Steel", written over a horizontal line.

(Signature of Officer of Tenant)

Mike Steel (Name)
Director (Title)



April 6, 2018

Parker Town Council
20120 Mainstreet, Parker, CO 80138

Parker Planning Commission
20120 Mainstreet, Parker, CO 80138

Dear Members of the Parker Town Council and Planning Commission:

I am writing on behalf of SFI Compliance, Inc. to express our support for the Annexation and PD-Rezoning request for Prairie Trail Business Park and surrounding areas. We are a tenant at the Prairie Trail Business Park and fully support the annexation into the Town of Parker and associated rezoning of the property. We believe the proposed trash transfer facility does not coincide with the character of our business park or the surrounding areas. We believe the increases in traffic volume, birds/rodents, and the presence of unfavorable odors will produce a material ongoing negative impact on our business operations, and it will create increased risks to the health and safety of our employees and customers. Finally, we also think that any future proposal for a correctional facility or other heavy industrial use would create additional material negative impacts on our business, employees, and customers. We fully support removing these incompatible uses zoning for the area through the proposed Annexation and PD-Rezoning.

We respectfully ask you to support the efforts of our Landlord (Woodspear Prairie Trail, LLC) to improve the future of our business park by approving their annexation petition and associated rezoning of the property.

Sincerely,

Sincerely,

Dan Johnson, CSP
Managing Partner / President



April 4, 2018

Parker Town Council
20120 Mainstreet, Parker, CO 80138

Parker Planning Commission
20120 Mainstreet, Parker, CO 80138

Dear Members of the Parker Town Council and Planning Commission:

I am writing on behalf of TriStar Drywall, Inc. to express our support for the Annexation and PD-Rezoning request for Prairie Trail Business Park and surrounding areas. We are a tenant at the Prairie Trail Business Park and fully support the annexation into the Town of Parker and associated rezoning of the property. We believe the proposed trash transfer facility does not coincide with the character of our business park or the surrounding areas. We believe the increases in traffic volume, birds/rodents, and the presence of unfavorable odors will produce a material ongoing negative impact on our business operations, and it will create increased risks to the health and safety of our employees and customers. Finally, we also think that any future proposal for a correctional facility or other heavy industrial use would create additional material negative impacts on our business, employees, and customers. We fully support removing these incompatible uses zoning for the area through the proposed Annexation and PD-Rezoning.

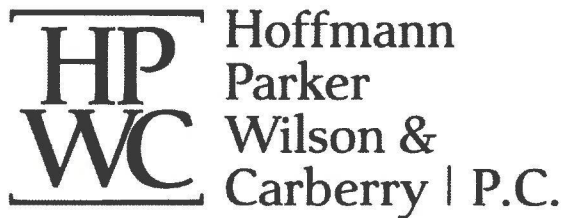
We respectfully ask you to support the efforts of our Landlord (Woodspear Prairie Trail, LLC) to improve the future of our business park by approving their annexation petition and associated rezoning of the property.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith M. Calleder", written over a horizontal line.

KEITH M. CALLEDER
Keith M. Calleder

PRESIDENT



Corey Y. Hoffmann
Kendra L. Carberry
Jefferson H. Parker
M. Patrick Wilson

Of Counsel
J. Matthew Mire
Hilary M. Graham
Kathryn M. Sellars

Denver Office
511 16th Street, Suite 610
Denver, CO 80202-4260
(303) 825-6444

Vail Office
P.O. Box 2616
Vail, CO 81658
(970) 390-4941

Daniel P. Harvey
Ruthanne H. Goff

April 16, 2018

Mayor and Town Council
Town of Parker
20120 E. Mainstreet
Parker, Colorado

**Re: Annexation and Zoning Hearing
Grasslands-Prairie Trail Annexation**

Dear Mayor and Town Council,

On behalf of the staff of the Town of Parker, the purpose of this correspondence is to request that the following facts be made a part of the record of the public hearing in this matter.

1. On February 22, 2018, petitions for annexation were submitted to the Town to annex the subject property. Included with the annexation application were title reports for each of the seven lots that are part of the subject property to be annexed. According to the February 13, 2018, title report for Lots 6A-1 and 6A-2 (the "Vista South Lots"), these lots are owned by Vista South, LLC a Colorado limited liability company. The title report for the Vista South Lots were updated on several occasions. As of an April 12, 2018, update with an effective date of April 4, 2018, the Vista South Lots continued to be owned by Vista South, LLC, a Colorado limited liability company. However, on April 13, 2018, the Title Company notified the Town that Vista South, LLC, had conveyed by Bargain and Sale Deed to Mountain Waste - South Metro, LLC, for \$10 an undivided 50% interest in Lot 6A-2, as a tenant-in-common. The title reports and Bargain and Sale Deed were downloaded to TRAKIT and are part of the record in this matter.

2. On March 5, 2018, Town Council approved Resolution No. 18-021, Series of 2018, which determined that the petition was in substantial compliance with state law and set the eligibility public hearing for April 16, 2018. As of March 5, 2018, Vista South, LLC was the only owner of the Vista South Lots.

April 16, 2018

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3. On March 8 and March 12, 2018, the Town Attorney sent letters to legal counsel for Vista South, LLC, for Lots 6A-1 and 6A-2, advising of the annexation petition, Resolution No. 18-21 and the zoning application, including the hearing dates for the Planning Commission and the Town Council, as well as providing the link to the Town's website to access the documents associated with this land use matter through TRAKIT.

4. As recently as March 2, 2018, W. Scott Eden, as "president" of Vista South, LLC, represented in writing to the Community Development Director of Douglas County that Vista South, LLC, was the owner of the Vista South Lots and that the lawyers of Faegre Baker, Daniels LLP, and Otten Johnson Robinson Neff & Ragonetti, P.C., were authorized to serve as its agents and representatives concerning Douglas County Case File No. ZR2018-001. Faegre Baker, Daniels LLP, as agent and representative of Vista South, LLC, filed a written request on March 5, 2018, to the Director of Community Development for Douglas County that Vista South, LLC, as the owner of the Vista South Lots, should have party status in Douglas County Case File No. ZR2018-001. Similarly, as recently as March 16, 2018, another attorney with the law firm of Faegre Baker, Daniels LLP, represented in writing to the Parker Town Attorney that she was representing Vista South, LLC, as the owner of the Vista South Lots. A copy of these written communications were downloaded to TRAKIT and made a part of the record in this matter.

5. On April 3, 2018, legal counsel for Vista South, LLC, sent an e-mail to the City Attorney for City of Centennial, advising that the next day he would hand deliver three petitions to the City Clerk of Centennial to annex the Vista South Lots into the City of Centennial. According to legal counsel for Vista South, LLC, "...the receipt by Centennial of our client's petitions during the statutory notice period will **require both Parker and Centennial to hold in abeyance any proceedings on the annexation of the properties until an election of the landowners** can be held to determine which municipality can continue such proceedings." (emphasis added.) This was also the date that W. Scott Eden signed the Bargain and Sale Deed conveying a 50% undivided interest in Lot 6-A to Mountain Waste – South Metro, LLC. A copy of the e-mail was downloaded to TRAKIT, and is made a part of the record in this matter.

6. On April 4, 2018, legal counsel for Vista South, LLC, sent a letter to the Town Attorney requesting that the Town stop processing Town of Parker Annexation Case No. 18-001 (the "Demand Letter"). From a review of the Demand Letter, the Town learned for the first time, that there had apparently been a change of ownership in one of the Vista South Lots from Vista South, LLC, being the 100% sole owner of Lot 6A-2, to Vista South, LLC, only owning an undivided 50% interest in Lot 6A-2 and Mountain Waste – South Metro, LLC, owning the other 50% of Lot 6A-2. This was also the same date that the Bargain and Sale Deed was recorded with the Douglas County Clerk and Recorder. The Demand Letter was downloaded to TRAKIT, and is made a part of the record in this matter.

April 16, 2018

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7. Mountain Waste – South Metro, LLC, was created on March 23, 2018. According to the Secretary of State, the "person" that created Mountain Waste – South Metro, LLC, was Mountain Waste & Recycling, Inc., which is also the registered agent of Mountain Waste – South Metro, LLC. The person that caused the filing of the Articles of Incorporation for Mountain Waste – South Metro, LLC, is W. Scott Eden. A copy of these Secretary of State records were downloaded to TRAKIT, and are a part of the record in this matter.

8. Vista South, LLC, was formed on October 12, 2016, approximately two months before Vista South, LLC, acquired a 100% fee simple ownership in the Vista South Lots, which was December 29, 2016. According to the Secretary of State, Mountain Waste & Recycling, Inc., is also the registered agent for Vista South, LLC, and W. Scott Eden is the person that filed the most recent periodic report for Vista South, LLC. A copy of the vesting deed into Vista South, LLC, and the referenced Secretary of State records were downloaded to TRAKIT, and are a part of the record in this matter.

9. According to the Secretary of State, the address for W. Scott Eden, Mountain Waste – South Metro, LLC, Vista South, LLC and Mountain Waste & Recycling, Inc., is 10100 East 102nd Avenue, Henderson, Colorado, 80640. As with Mountain Waste – South Metro, LLC and Vista South, LLC, W. Scott Eden filed the last periodic statement for both. A copy of the referenced Secretary of State records were downloaded to TRAKIT, and are a part of the record in this matter.

10. According to the most recently updated information on the Douglas County website regarding the application seeking land use approval for the Vista South Lots, Douglas County Site Improvement Plan Case No. SP2017-056 (the "Douglas County Application"), the "Owner" is still listed as "Vista South, LLC." Mountain Waste – South Metro, LLC is not listed as an "Owner" for purposes of the Douglas County Application.

11. There is little doubt that the recent change in ownership of Lot 6A-2 from just Vista South, LLC, being the sole owner, to Vista South, LLC and Mountain Waste – South Metro, LLC, each owning an undivided 50% interest, is a tactic to prevent the Town from processing the annexation petitions that were submitted to the Town.

12. The tactic of conveying an undivided 50% interest in ownership of Lot 6A-2 to a limited liability company following the Town Attorney's notification to legal counsel for Vista South, LLC, of the Town Councils adoption of Resolution No. 18-021 and the setting of the public hearing to annex and zone the Vista South Lots, was a tactic to manufacture an additional property owner in contravention of the Municipal Annexation Act of 1965, and as such, the Town Council should refuse to recognize this transfer as valid.

13. As previously discussed, the April 4, 2018, Demand Letter that was sent to the Town Attorney requested that the Town stop processing Town of Parker Annexation Case No. ANX18-001, which would include tonight's hearing, because petitions to annex the Vista South Lots had been submitted to the City of Centennial on April 3, 2018. These petitions were signed by W. Scott Eden as the Manager and Chief Executive Officer for both Vista South, LLC and Mountain Water – South Metro, LLC, which had been created just nine days before these petitions were filed with the City of Centennial.

14. Town representatives contacted the City of Centennial and quickly learned that the City of Centennial had not requested these petitions, had no desire to annex any portion of Douglas County, let alone the Vista South Lots, and had absolutely no intension of participation in this annexation proceeding, despite the demands made by legal counsel for Vista South, LLC. There is no doubt that the filing of these petitions was another tactic to prevent the Town from processing the annexation petitions that were submitted to the Town in contravention of the Municipal Annexation Act of 1965.

15. On April 9, 2018, the City Council of the City of Centennial passed "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CENTENNIAL LEGISLATIVELY DECLARING A LACK OF INTENT TO ANNEX PROPERTY LOCATED WITHIN DOUGLAS COUNTY AND ELECTING NOT TO RECEIVE ANNEXATION PETITIONS FILED WITH THE CITY CLERK ON APRIL 4, 2018, PURSUANT TO THE DISCRETION AFFORDED BY C.R.S. § 31-12-114(1)." The passage of this Resolution rejected the annexation petitions that were filed with Centennial, thereby terminating one of the two tactics used to prevent the Town from processing the annexation petitions that were submitted to the Town, in contravention of the Municipal Annexation Act of 1965. A copy of the Resolution is attached hereto, was downloaded to TRAKIT, and is made a part of the record in this matter.

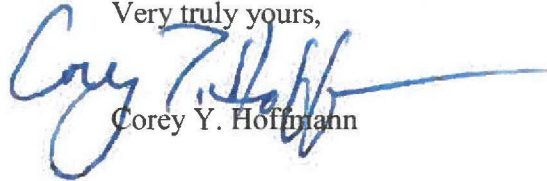
16. On April 12, 2018, Vista South, LLC, and the barely three-week-old Mountain Waste – South Metro, LLC, in furtherance of these tactic, filed a lawsuit against the Town of Parker and the City of Centennial to enjoin the Town Council of the Town of Parker from holding tonight's hearing and to require the City of Centennial to process an annexation petition for lots it has no interest in annexing.

17. On April 16, 2018, Douglas County District Court Judge Paul A. King issued a final ruling denying the request from Vista South, LLC and Mountain Waste – South Metro, LLC to stop tonight's hearing, and finding that the City of Centennial's determination to legislatively reject the annexation petitions, and the Town of Parker's determination to proceed with tonight's legislative proceedings are consistent with the provisions of C.R.S. § 31-12-114 of the Annexation Act.

April 16, 2018
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On behalf of the Town staff, thank you for considering this information.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Corey Y. Hoffmann", with a long horizontal flourish extending to the right.

Corey Y. Hoffmann

**CITY OF CENTENNIAL,
COLORADO**

RESOLUTION NO. 2018-R-36

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CENTENNIAL,
COLORADO, LEGISLATIVELY DECLARING A LACK OF INTENT TO CONSIDER
FOR ANNEXATION OR TO ANNEX PROPERTY LOCATED WITHIN DOUGLAS
COUNTY AND ELECTING NOT TO RECEIVE ANNEXATION PETITIONS FILED
WITH THE CITY CLERK ON APRIL 4, 2018, PURSUANT TO THE DISCRETION
AFFORDED BY C.R.S. § 31-12-114(1)**

WHEREAS, the City of Centennial is a home rule municipality located entirely within Arapahoe County, Colorado; and

WHEREAS, on April 4, 2018, petitions were filed with the City Clerk for the City of Centennial by Vista South LLC and Mountain Waste – South Metro LLC (the “Petitioners”) seeking annexation of Lots 6A-1 and 6A-2 of Compark Filing No. 2 (the “Petitions”); and

WHEREAS, Lots 6A-1 and 6A-2 of Compark Filing No. 2 are entirely located in Douglas County, Colorado; and

WHEREAS, Lots 6A-1 and 6A-2 of Compark Filing No. 2 are also subject to a presently pending petition for annexation under consideration by the Town of Parker, Colorado; and

WHEREAS, the exercise of the power of annexation is legislative in nature. *Board of Co. Comm’rs v. City & County of Denver*, 548 P.2d 922 (Colo. App. 1976); and

WHEREAS, “[a] municipality is under no legal obligation in the first instance to annex contiguous territory, and may reject a petition for annexation for no reason at all.” *City of Colorado Springs v. Kitty Hawk Development Company*, 392 P.2d 467 (Colo. 1964); and

WHEREAS, section 31-12-114 of the Colorado Revised Statutes provides a municipality the discretion to receive an annexation petition for property that is also subject to a petition for annexation filed in another municipality; and, moreover, only if the municipality exercises its discretion to receive the petition, will the provisions of section 31-12-114, C.R.S., become effective:

- (1) At any time during a period of notice given by a municipality pursuant to section 31-12-108, any other municipality may, subject to compliance with section 30 of article II of the state constitution, receive a petition for annexation or a petition for an annexation election pursuant to section 31-12-107 with the area partly or wholly overlapping the area proposed for annexation by the first municipality. If this occurs, the respective rights of the several municipalities shall be determined in accordance with an election as provided in this section. (*emphasis added*)

WHEREAS, section 31-12-114(3) of the Colorado Revised Statutes references both an "intent to annex" and a "*resolution of intent*" to annex as pre-requisites for the provisions of the statute to apply. Absent such intent, no conflicting claims between two municipalities exist and conducting the election contemplated by section 31-12-114 would be a meaningless gesture and a waste of taxpayer funds; and

WHEREAS, the City of Centennial has no intention to consider for annexation or to annex property located within Douglas County or, specifically, Lots 6A-1 and 6A-2 of Compark Filing No. 2 located in Douglas County, based on the following findings:

- A. The City of Centennial has no "plan in place" as required by the Section 31-12-105(1)(e)(I), C.R.S., which would establish an intent to annex property located in Douglas County and such "plan in place" is a pre-requisite to annexation pursuant to the Colorado Municipal Annexation Act; and
- B. The City of Centennial obtains law enforcement services for property within the City through a contract with the Arapahoe County Sheriff's Office and, due to current contractual and statutory limitations on the ability to extend such services outside of Arapahoe County, the City is presently unable to provide law enforcement services to property within Douglas County or to Lots 6A-1 and 6A-2 of Compark Filing No. 2; and
- C. Due to currently pending annexations by the Town of Parker of property immediately adjacent to Lots 6A-1 and 6A-2 of Compark Filing No. 2, Centennial's annexation of Lots 6A-1 and 6A-2 of Compark Filing No. 2 would create a satellite or island under Centennial's jurisdiction that is wholly disconnected from, and not contiguous with, the municipal boundaries of the City of Centennial and the satellite would be largely embedded within the municipal boundaries of the Town of Parker.
- D. It is the established annexation policy of the City of Centennial to pursue annexations that will create uniform, consistent, and logical municipal boundaries and the creation of a satellite or island disconnected from the City's municipal boundaries is in direct contravention of the City's established policy.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Centennial, as follows:

Section 1. The City Council for the City of Centennial declares that the City has no intent to consider for annexation or to annex the property within Douglas County described in the Petitions filed with the City Clerk for the City of Centennial on April 4, 2018, by Vista South LLC and Mountain Waste – South Metro LLC.

Section 2. The City Council hereby exercises its legislative discretion and the discretion afforded by Colorado law and by section 31-12-114 of the Colorado Revised Statutes to elect to not receive the Petitions for annexation submitted by the Petitioners.

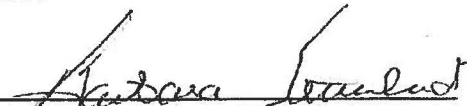
Section 3. Due to the absence of intent to annex the property described in the Petitions filed with the City Clerk for the City of Centennial on April 4, 2018, the City shall not petition the district court for an election as referenced in section 31-12-114 of the Colorado Revised Statutes because such election would be an empty gesture and a waste of taxpayer funds.

Section 4. This resolution and its declaration as to the lack of intent to consider for annexation or to annex Lots 6A-1 and 6A-2 of Compark Filing No. 2 located in Douglas County shall be effective immediately and shall remain applicable as to such property until August 1, 2018, unless otherwise repealed.

Adopted by a vote of 9 in favor and 0 against, this 9th day of April, 2018.

By: 
Stephanie Piko, Mayor

ATTEST:

By: 
City Clerk or Deputy City Clerk

Approved as to Form:

By: 
For City Attorney's Office