

RESOLUTION 2013-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO APPROVING THE AMENDMENT OF THE ANNEXATION AGREEMENT PERTAINING TO THE WEST GLENWOOD ESTATES SUBDIVISION AND, MORE SPECIFICALLY, THE ZONING REQUIREMENTS FOR LOT 13 OF THE WEST GLENWOOD ESTATES SUBDIVISION.

WHEREAS, the City entered into an Annexation Agreement with Church of the Nazarene dated November 7, 2001, recorded in the real property records of Garfield County, Colorado on February 27, 2002 at Reception No. 598076 for certain real property described therein and more commonly known as West Glenwood Estates Subdivision (“Property”); and

WHEREAS, the owner of Lot 13 of the West Glenwood Estates Subdivision has requested that the limitation for use only for a church upon special review be eliminated and to change the zoning of Lot 13 from R/3 Multi-Family Residential to R/2 Limited Multi-Family Residential; and

WHEREAS, the City’s Planning and Zoning Commission, at its August 27, 2013 meeting, conducted a public hearing and recommended amending the Annexation Agreement to reflect the rezoning of Lot 13, West Glenwood Estates to R/2 Limited Multi-Family Residential, to rezone Lot 13 to R/2 Limited Multi-Family Residential, and record an amended subdivision plat to remove note 9 that restricts the use of Lot 13 to church use only by special review; and

WHEREAS, City Council considered the Planning and Zoning Commission’s recommendation at its regular meeting on September 19, 2013 and affirmed the findings of the Planning and Zoning Commission; and

WHEREAS, City Council found that the proposed annexation agreement amendment and rezoning are consistent with the City’s goals, policies and plans.

NOW, THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO, THAT:

Section 1. The recitals above are hereby adopted as findings.

Section 2. The City Council of the City of Glenwood Springs hereby authorizes the Mayor or Mayor Pro Tem to sign the Amendment to Annexation Agreement between the City of Glenwood Springs and The Colorado District of the Church of the Nazarene, in the form attached hereto and incorporated herein as Exhibit A.

Section 3. The City Council of the City of Glenwood Springs hereby directs that one (1) copy of the Amendment to Annexation Agreement reflecting the above changes be recorded with the Garfield County Clerk and Recorder.

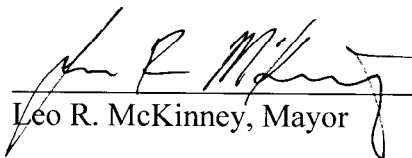
INTRODUCED, READ, AND PASSED THIS 17TH DAY OF OCTOBER, 2013.

CITY OF GLENWOOD SPRINGS, COLORADO

ATTEST:



Robin S. Unsworth, City Clerk



Leo R. McKinney, Mayor

EXHIBIT A

AMENDMENT TO ANNEXATION AGREEMENT

THIS AMENDMENT TO ANNEXATION AGREEMENT is made and entered into this _____ day of _____, 2013 by and between the CITY OF GLENWOOD SPRINGS, COLORADO, a Colorado home-rule municipality (hereinafter "City") and THE COLORADO DISTRICT OF THE CHURCH OF THE NAZARENE (hereinafter "Owner").

WITNESSETH:

WHEREAS, on November 7, 2001 the City and Church of the Nazarene entered into an Annexation Agreement recorded in the real property records of Garfield County, Colorado on February 27, 2002 at Reception No. 598076 ("Annexation Agreement") for property described therein and more commonly known as West Glenwood Estates ("Property"); and

WHEREAS, subdivision of the Property was approved by the City and a Subdivision Plat was recorded in the real property records of Garfield County, Colorado on February 27, 2002 at Reception No. 598078; and

WHEREAS, the City approved the Owner's application for annexation of the Property and adopted Ordinance No. 20, Series of 2001, recorded in the real property records of Garfield County, Colorado on February 27, 2002 at Reception No. 598078, as corrected by Ordinance No. 8, Series of 2003 recorded May 7, 2003 at Reception No. 626865 to document the annexation; and

WHEREAS, the City adopted Ordinance No. 21, Series of 2001, which approved zoning of the Property and, specifically in Section 1, zoned Lot 13 of Property as R/3 Multi-Family Residential limited development only to church use by special review; and

WHEREAS, the Owner desires to rezone Lot 13 of the Property from R/3 Multi-Family Residential to R/2 Limited Multi-Family Residential and to remove the restriction allowing no development of Lot 13 except for church purposes by special review only; and

WHEREAS, the City's Planning and Zoning Commission reviewed and recommended approval, on August 27, 2013, of the request to amend the Annexation Agreement to reflect the rezoning of Lot 13, West Glenwood Estates to R/2 Multi-Family Residential; to rezone Lot 13, West Glenwood Estates to R/2 Multi-Family Residential; and record an amended subdivision plat to remove Note 9 that restricts the use of Lot 13 to church use only by special review; and

WHEREAS, City Council held a public hearing and approved, on September 19, 2013, the findings of the Planning and Zoning Commission.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, the City and Owner reaffirm all terms included in the Annexation Agreement, with the following amendment:

1. Section 5(b) of the Annexation Agreement is hereby amended as follows:

5. Development Plan. The parties agree and acknowledge that the Owner has submitted and received approval for a fourteen (14) lot Major Subdivision known as West Glenwood Estates. The Owner has agreed to the following restrictions with regard to the subdivision approval:

- a. Development of Lot 11 shall be limited to a triplex, and shall be limited to a 27 foot maximum building height.
- b. Development of Lot 13 shall no longer be limited to Church as a special review but instead shall be in accordance with all uses as allowed in the Glenwood Springs Municipal Code as R/2 Limited Multi-Family Residential zoning.
- c. Tract A shall be dedicated to the City for public park purposes.

2. Section 15(c) of the Annexation Agreement is hereby amended as follows:

15. Zoning and Subdivision. Owner has applied to the City and received approval for the West Glenwood Estates Subdivision including zoning of the subdivision as depicted on the plat for said subdivision. The City has approved the following zoning for the subdivision.

- a. Lots 1-10 and Lot 12 – R/2
- b. Lot 11 – R/3 limited to one triplex and a building height of 27 feet
- c. Lot 13 – R/2 limited multi-family residential, as amended October 17, 2013 in Ordinance 16, Series 2013 Recorded on _____ in the records of Garfield County Colorado, Reception No. _____.
- d. Tract A – HP/HOPZ

3. Except as provided for herein, all terms and conditions of the Annexation Agreement remain unchanged.

WHEREFORE, the parties hereto have executed duplicate originals of this Agreement on the day and year first written above.

CITY OF GLENWOOD SPRINGS

ATTEST:

By: _____
Leo R. McKinney, Mayor

Robin S. Unsworth, City Clerk

THE COLORADO DISTRICT OF THE
CHURCH OF THE NAZARENE

By: _____
David Ralph, District Supervisor

STATE OF COLORADO)
) ss.
COUNTY OF _____)

Subscribed, sworn to and acknowledged before me this _____ day of _____,
2013, by David Ralph, District Supervisor of The Colorado District of the Church of the
Nazarene.

My Commission Expires: _____

Notary Public