

PETITION FOR ANNEXATION OF UNINCORPORATED TERRITORY IN THE COUNTY OF BOULDER, STATE OF COLORADO TO THE CITY OF LAFAYETTE, COLORADO

To: The Mayor and City Council of Lafayette, Colorado

The undersigned (“**Petitioner**”), in accordance with the Municipal Annexation Act of 1965, Article 12, Title 31, Part 1, Colorado Revised Statutes, as amended (the “**Act**”), hereby petitions (this “**Petition**”) the City Council of the City of Lafayette, Colorado (the “**Council**”) for the annexation to the City of Lafayette (the “**City**”) of the land located in the County of Boulder, State of Colorado, as more particularly described by its legal description in Exhibit A, which is attached hereto and incorporated herein by this reference (the “**Property**”).

In support of this Petition, Petitioner alleges as follows:

1. It is desirable and necessary that the Property be annexed to the City.

2. The condition set forth in Section 30(1)(b) of Article II of the Colorado Constitution has been met, the provisions of Section 30 of Article II of the Colorado Constitution have been complied with, and the requirements of Sections 31-12-104 and 31-12-105 of the Act exist or have been met in that:

(a) Not less than one-sixth of the perimeter of the Property is contiguous with the existing boundaries of the City.

(b) Contiguity with the City is not established by use of any boundary:

(i) of an area previously annexed to the City that, at the time of its annexation, was not contiguous at any point with the boundary of the City, was not otherwise in compliance with Section 31-12-104(1)(a) of the Act, and was located more than three miles from the nearest boundary of the City (“**Non-Contiguous Area**”); or

(ii) of territory subsequently annexed directly to, or indirectly connected through subsequent annexations to, a Non-Contiguous Area.

(c) A community of interest exists between the Property and the City.

(d) The Property is urban or will be urbanized in the near future.

(e) The Property is integrated or is capable of being integrated with the City.

(f) In establishing the boundaries of the Property, 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:

(i) has been divided into separate parts or parcels without the written consent of the landowners thereof unless such tracts or parcels are separated by a dedicated street, road or other public way; or

(ii) comprising twenty acres or more (which, together with the buildings and improvements situated thereon, has a valuation for assessment in excess of two hundred thousand dollars for ad valorem tax purposes for the year next preceding the annexation) is included without the written consent of the landowners.

(g) The Property is not presently a part of any incorporated city, city and county, or town; no proceedings have been commenced for incorporation or annexation of part or all of the Property to another municipality; nor has any election for annexation of the Property or substantially the same territory to the City been held within the twelve months immediately preceding the filing of this Petition.

(h) Annexation of the Property will not result in the detachment of area from any school district and the attachment of the same to another school district.

(i) Except to the extent necessary to avoid dividing parcels within the Property held in identical ownership, at least fifty percent of which are within the three mile limit, annexation of the Property will not have the effect of extending a municipal boundary more than three miles in any direction from any point of the City boundary in any one year.

(j) In establishing the boundaries of the Property, if a portion of a platted street or alley is annexed, the entire width of said street or alley is included, and annexation of the Property will not result in the denial of reasonable access to any landowner, owner of an easement, or owner of a franchise adjoining a platted street or alley which has been annexed by the City but is not bounded on both sides by the City.

3. Petitioner comprises more than fifty percent of the landowners of the Property and owns more than fifty percent of the Property, excluding public streets and alleys and any land owned by the City.

4. The mailing address of Petitioner and the date of signing of Petitioner's signature are all shown on this Petition.

5. The legal description of the land owned by Petitioner is set forth in Exhibit A attached to this Petition.

6. Accompanying this Petition are four prints each of an annexation boundary map in the form required by Section 31-12-107(1)(d) of the Act and containing the following information:

(a) A written legal description of the boundaries of the Property.

(b) A map showing the boundary of the Property.

(c) Within the annexation boundary map there is shown the location of each ownership tract in unplatted land, and if part or all of the area to be platted, then the boundaries and the plat number of plots and blocks are shown.

(d) Next to the boundary of the Property is drawn the contiguous boundary of the City and the contiguous boundary of any other municipalities abutting the Property.

7. Petitioner has filed this Petition subject to, and Petitioner's consent to annexation of the Property to the City is conditioned upon satisfaction of, the following conditions, any one or more of which may be waived by KENSINGTON DEVELOPMENT GROUP LLC, an Illinois limited liability company (together with its successors and assigns, "**Purchaser**"), in its sole discretion:

(a) Concurrently with its approval of annexation of the Property, the City approves, in form and substance satisfactory to Purchaser, the following (the "**Approvals**"):

(i) zoning for the Property to the PUD overlay for High Density Residential (R4) District and Regional Business District (C1), which is substantially consistent with the application for zoning which Purchaser submits in connection with this Petition;

(ii) a sketch plan for the Property;

(iii) a preliminary plan for the Property;

(iv) a final plan for the Property;

(v) a subdivision plat for the Property;

(vi) a site plan for the Property;

(vii) approval and execution of an agreement ("**Incentive Agreement**"), which addresses, among other matters, the revenue sharing and public finance structure for the Property, on terms and conditions mutually acceptable to Purchaser and the City;

(viii) approval and execution of an annexation agreement ("**Annexation Agreement**") which addresses, among other matters: (i) the general plan of development for the Property; and (ii) the establishment of vested property rights for a term greater than three years pursuant to Article 68, Title 24, C.R.S, on terms and conditions mutually acceptable to Purchaser and the City; and

(ix) such ordinances and/or resolutions, if any, as may be required to implement provisions of the Incentive Agreement and Annexation Agreement.

(b) Petitioner hereby reserves the sole, exclusive and unilateral right, for the benefit of, and to be exercised solely by Purchaser, to withdraw this Petition by Purchaser so notifying the Clerk of the City in writing at any point prior to the latest to occur of:

(i) Purchaser acquiring fee simple title to the Property;

(ii) the latest final, non-appealable approval of the final ordinance(s) or other final approval(s) approving the Approvals;

(iii) final, non-appealable resolution of any "Legal Challenge." For purposes of this Petition, "Legal Challenge" means either: (i) any third party commences any legal proceeding or other action that directly or indirectly challenges the annexation of the Property, any of the Approvals, or any of the City's ordinances, resolutions or other approvals approving the annexation of the Property or any of the Approvals; or (ii) any third party submits a petition for a referendum seeking to reverse or nullify any of such ordinances.

(c) Prior to expiration of the period described in the foregoing Paragraph 7(b) without Purchaser having withdrawn this Petition, neither Petitioner, Purchaser, nor the City shall cause or permit the occurrence of the conditions to effectiveness of the annexation as set forth in Section 31-12-113(2)(b) of the Act.

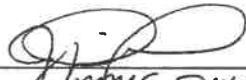
8. Except for the terms and conditions of this Petition, and of the Annexation Agreement, which terms and conditions Petitioner expressly approves and therefore do not constitute an imposition of additional terms and conditions within the meaning of Sections 31-12-107(4), 110(2), 111 or 112(1) of the Act, Petitioner requests that no additional terms and conditions be imposed upon annexation of the Property to the City.

THEREFORE, Petitioner hereby requests that the Council approve the annexation of the Property.

[Signature pages and Exhibits follow this page]

PROPERTY OWNER/PETITIONER

TEBO PARTNERSHIP LLLP,
a Colorado limited liability limited partnership

By: 
Name: JAMES DIXON
Title: CEO - TEBO PROPERTIES
Date: JULY 3, 2023

Petitioner's mailing address: PO Box T, Boulder, CO 80306

Is Petitioner a resident of the Property?: No.

Legal description of land owned by Petitioner: See Exhibit A, Legal Description of Property

EXHIBIT A

Legal Description of Property and Land Owned by Petitioner

PARCEL OF LAND AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT RECEPTION NO. 2762855, RECORDED MARCH 15, 2006 LOCATED IN THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 34 TO BEAR N00°19'59"W, A DISTANCE OF 2633.85 FEET BETWEEN MONUMENTS AS SHOWN AND DESCRIBED HEREON, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

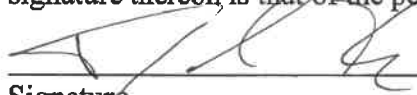
COMMENCING AT THE CENTER QUARTER CORNER OF SECTION 34, THENCE NORTH 00°19'59" WEST, A DISTANCE OF 1200.00 FEET; THENCE SOUTH 89°41'26" WEST A DISTANCE OF 109.75 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING THE NORTHEAST CORNER OF WEST RIDGE FILING NO. 1 REPLAT B AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT RECEPTION NO. 03606243, RECORDED JULY 31, 2017;
THENCE ALONG THE NORTH LINE OF SAID SUBDIVISION, SOUTH 89°41'26" WEST, A DISTANCE OF 1217.89 FEET TO THE EAST LINE OF SILO SUBDIVISION FILING NO. 1 AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT RECEPTION NO. 03710490, RECORDED MAY 3, 2019;
THENCE ALONG SAID EAST LINE, NORTH 00°25'17" WEST, A DISTANCE OF 1411.27 FEET TO THE NORTHWEST CORNER OF SAID SUBDIVISION, AND THE SOUTH RIGHT-OF-WAY LINE OF ARAPAHOE ROAD (STATE HIGHWAY 7);
THENCE ALONG SAID RIGHT-OF-WAY LINE, SOUTH 89°59'25" EAST, A DISTANCE OF 788.37 FEET;
THENCE SOUTH 06°16'30" WEST, A DISTANCE OF 22.53 FEET TO THE NORTHWEST CORNER OF THE PARCEL OF LAND AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT RECEPTION NO. 583830, RECORDED NOVEMBER 2, 1956;
THENCE ALONG THE WEST LINE OF SAID PARCEL, SOUTH 06°16'30" WEST, A DISTANCE OF 201.29 FEET;
THENCE ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL, SOUTH 54°28'30" EAST, A DISTANCE OF 543.20 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF STATE HIGHWAY 287;
THENCE ALONG SAID RIGHT-OF-WAY LINE, SOUTH 00°23'13" EAST, A DISTANCE OF 702.42 FEET;
THENCE SOUTH 06°05'48" EAST, A DISTANCE OF 164.93 FEET, MORE OR LESS, TO THE POINT OF BEGINNING;


SAID PARCEL CONTAINING 1,529,120 SQUARE FEET OR 35.10 ACRES, MORE OR LESS.


EXHIBIT B

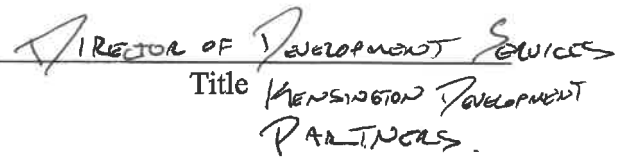
Affidavit of Circulator

This Petition has been circulated by the undersigned (the circulator) who attest that each signature thereon is that of the person whose name it purports to be.


Signature _____


Initials


Print Name


Title