

TOWN OF TIMNATH

ORDINANCE NO. 24 – SERIES 2008

AN ORDINANCE AMENDING AND READOPTING ORDINANCE NUMBER 1-1997, AN ORDINANCE VACATING MAIN STREET RIGHT-OF-WAY, TIMNATH, COLORADO

WHEREAS, the Town Council of the Town of Timnath, Colorado has authority pursuant to C.R.S. Section 43-2-01, *et seq.*, to vacate portions of rights-of-way within the Town and to allow title to such vacated rights-of-way to vest in adjoining lands abutting said rights-of-way; and

WHEREAS, the Board of Trustees of the Town of Timnath (predecessor to the current Town Council, prior to the adoption of the Home Rule Charter for the Town on November 7, 2006) has previously enacted Ordinance 1-1997, an ordinance vacating Main Street right-of-way, which ordinance was recorded in the records of the Larimer County Clerk and Recorder at Reception No. 98070216 on August 17, 1998; and

WHEREAS, said Ordinance 1-1997 attempted to vacate portions of the Main Street right-of-way within the Town, attaching thereto as Exhibit A, a legal description purporting to describe said vacated portions; and

WHEREAS, the Town Council has determined that the legal description contained in Exhibit A to Ordinance 1-1997 was in error; and

WHEREAS, the Council has caused a correct legal description of the vacated portions of the Main Street right-of-way to be prepared and attached hereto as **Exhibit A**; and

WHEREAS, the Council finds that the area described on **Exhibit A** hereto is not needed for municipal purposes other than the retention of easements for public purposes and further wishes to amend and readopt Ordinance 1-1997 to substitute the attached **Exhibit 1** in lieu of the Exhibit A attached to said Ordinance 1-1997;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Timnath, Colorado, that:

Section 1. Ordinance 1-1997 of the Town of Timnath, vacating portions of the Main Street right-of-way within the Town and recorded with the Larimer County Clerk & Recorder at Reception No. 98070216 on August 17, 1998, is hereby amended and readopted to delete the Exhibit A legal description attached to said ordinance and to replace the same with the legal description attached hereto as **Exhibit 1** and fully incorporated herein by this reference. The right-of-way in the area described on **Exhibit 1** is hereby vacated subject to the Town retaining all rights which might otherwise exist to maintain utilities within such vacated right-of-way. Pursuant to C.R.S. Section 43-2-303(3), all easements for sewer, gas, water, or similar pipelines and appurtenances, and for electric, telephone and other lines and appurtenances, are reserved.

RECEPTION#: 20080014717, 03/07/2008 at
01:23:56 PM,
1 OF 4, R \$21.00 TD Pgs: 0
Scott Doyle, Larimer County, CO

✓
TOWN OF TIMNATH
RETURN TO: 4800 GOODMAN ST.
TIMNATH, CO 80547

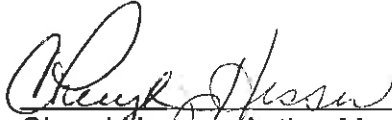
Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one or parts be declared unconstitutional or invalid.


Section 3. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 4. Effective Date. This Ordinance shall take effect upon adoption at second reading, as provided by Section 3.5.5 of the Charter.

INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH ON FIRST READING, SET FOR PUBLIC HEARING AND SECOND READING AT APPROXIMATELY 7:00 P.M. ON WEDNESDAY, FEBRUARY 20, 2008, AT THE TIMNATH TOWN HALL, 4100 MAIN STREET, TIMNATH COLORADO AND ORDERED PUBLISHED BY TITLE THIS 6TH DAY OF FEBRUARY, 2008.

MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON THE 20th DAY OF FEBRUARY, 2008.


Cheryl Flesser, Acting Mayor Pro-Tem

ATTEST:

Linda Salas, Town Clerk

LEAGJELD PROPERTY
PROPERTY DESCRIPTION
Exhibit-A
(1 of 1)

A parcel of land being part of the Northeast Quarter (NE1/4) of Section Thirty-four (34), Township Seven North (T.7N.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado, and being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 34 and assuming the East line of said NE1/4 as bearing South 00°00'00" West, with all other bearings contained herein being relative thereto;

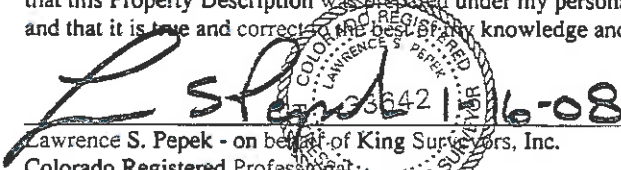
THENCE South 00°00'00" West a distance of 1092.86 feet;
THENCE North 87°54'00" West a distance of 30.02 feet to the **POINT OF BEGINNING**;

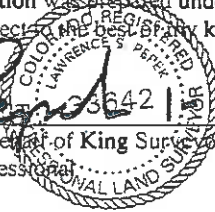
THENCE North 87°54'00" West a distance of 20.01 feet;
THENCE North 00°00'00" East a distance of 200.00 feet;
THENCE South 87°54'00" East a distance of 20.01 feet;
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Said Parcel contains 4,000 sq. ft. more or less (+/-), and is subject to any rights-of-way or other easements of record as now existing on said described parcel of land.

SURVEYORS CERTIFICATE

I, Lawrence S. Pepek, a Colorado Registered Professional Land Surveyor do hereby state that this Property Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.


Lawrence S. Pepek - on behalf of King Surveyors, Inc.
Colorado Registered Professional
Land Surveyor #33642



KING SURVEYORS, INC.
650 Garden Drive
Windsor, Colorado 80550
(970) 686-5011

4

BENSON PROPERTY

PROPERTY DESCRIPTION

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(1 of 1)

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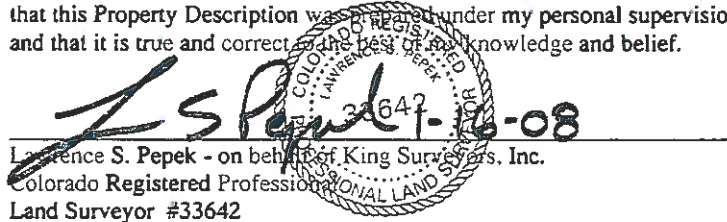
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RECEPTION#: 20080014717, 03/07/2008 at
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PURPORTED COPY-NOT COMPARED.

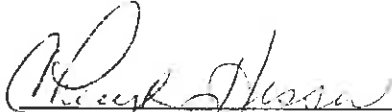
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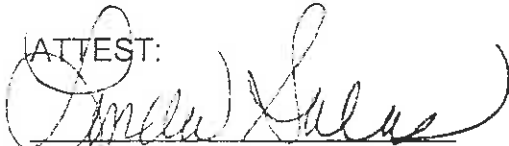
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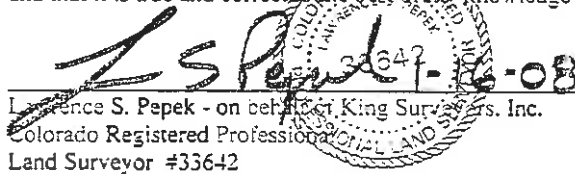
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Colorado Registered Professional
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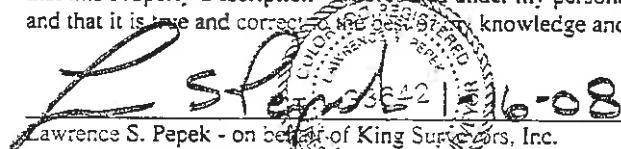
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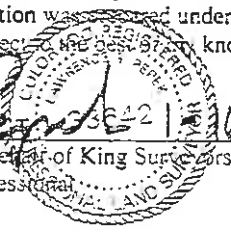
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FAX

Town of Timnath

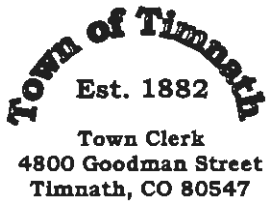
To: Micheal Maxwell **From:** Linda Salas
Fax: 970-493-9703 **Pages:** 7 including cover sheet
Phone: 970-493-5070 **Date:** 3.17.2008
Re: Vacation of ROW Ordinance **CC:**

Urgent For Review Please Comment Please Reply Please Recycle

Comments:

Attached is the certified copy of the final recorded Ordinance No. 24, Series 2008. Per my original fax message of March 13, 2008 – I am sending you the finalized copy. If you should need any additional information please contact me at 970-224-3211 or lindasalas@timnathcolorado.org.

Linda Salas
Timnath Town Clerk



CERTIFICATE OF AUTHENTICITY

STATE OF COLORADO)
)
TOWN OF TIMNATH) SS:
)
COUNTY OF LARIMER)

I, Linda N. Salas, Town Clerk, for said Town of Timnath, in the County of Larimer, in the State aforesaid, do hereby certify that the attached is a true and correct copy of the Recorded Ordinance No. 24, Series 2008 (Reception No. 20080014717, 03/07/2008) passed and adopted by the Town Council of the Town of Timnath, on the 20th day of February 2008.

In witness whereof, I have hereunto set my hand and seal of the Town of Timnath, this 17th day of March 2008.

Handwritten signature of Linda N. Salas

Linda N. Salas
Town Clerk

