

TOWN OF TIMNATH, COLORADO

ORDINANCE NO. 26 - 2008

**AN ORDINANCE APPROVING THE ZONING OF
PROPERTY KNOWN AS FLATIRON
ANNEXATIONS # 1 AND #2 AS C-2: COMMUNITY
COMMERCIAL AND A: AGRICULTURAL
DISTRICTS, IN THE TOWN OF TIMNATH,
COLORADO**

WHEREAS, the Town has received an application to zone those properties known as Flatiron Annexations #1 and #2 to the Town of Timnath, Colorado, more particularly described on **Exhibit A**, attached hereto and incorporated herein by this reference (the "Property"), to the Community Commercial (C-2) and Agricultural (A) Zone Districts; and

WHEREAS, such application is in compliance with the requirements of the Timnath Municipal Code applicable to zoning petitions; and

WHEREAS, after due and proper notice, in accordance with Section 16-3-10(C) of the Timnath Municipal Code, the Planning Commission conducted a public hearing on the proposed zoning, at which all interested parties were afforded the opportunity to be heard, and forwarded its recommendation to the Town Council; and

WHEREAS, after reviewing the recommendation of the Planning Commission, conducting a public hearing and reviewing the proposed zoning, the Town Council finds that the use of the Property in accordance with the Community Commercial (C-2) and Agricultural (A) Zone District regulations is a logical and desirable use of the Property from the Town's perspective and that zoning the Property to the Community Commercial (C-2) and Agricultural (A) Zone District is in conformance with the Town Comprehensive Plan.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF TIMNATH, LARIMER COUNTY, COLORADO:

Section 1. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Town Council.

Section 2. The Town Council of the Town of Timnath finds and declares that the property described in **Exhibit A** to this Ordinance (the "Property") is eligible is hereby zoned as Community Commercial (C-2) and Agricultural (A) Zone Districts and shall hereafter be governed by Article 3 of Chapter 16 of the Timnath Municipal Code. The Zoning District Map maintained pursuant to Article 16.3.10.F of the Timnath Municipal Code shall be amended accordingly.

Section 3. Severability. If any article, section, paragraph, sentence, clause, or phrase of

*Town of Timnath
4000 Goodman St.
Timnath, Co 80547*

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 4. 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 5. Effective Date. This Ordinance shall take effect thirty (30) days after publication by title, as provided by Chapter 1, Article 3, Section 1.45 of the Timnath Municipal Code.

INTRODUCED, READ, PASSED AND ADOPTED BY A VOTE OF THE TOWN COUNCIL OF THE TOWN OF TIMNATH AS AN ORDINANCE AND ORDERED PUBLISHED BY TITLE THIS 7TH DAY OF FEBRUARY, 2007.

TOWN OF TIMNATH, COLORADO


Donna Benson, Mayor

ATTEST:


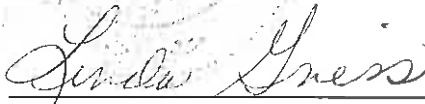


Linda Griess, Acting Town Clerk

EXHIBIT A

PROPERTY DESCRIPTION

(A) Agricultural Zoning

A parcel of land being part of the Southeast Quarter (SE1/4) of Section Thirty-four (34), Township Seven North (T.7N.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), Town of Timnath, County of Larimer, State of Colorado, and being more particularly described as follows:

BEGINNING at the South Quarter Corner of said Section 34 and assuming the West Line of said SE1/4 as bearing North 00°06'15" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2642.70 feet with all other bearings contained herein relative thereto. From said South Quarter Corner the Southeast Corner of said Section 34 bears South 89°47'25" East a distance of 2634.70 feet;

THENCE North 00°06'15" East along the West line of said SE1/4 a distance of 1593.54 feet to the **TRUE POINT OF BEGINNING**;

THENCE continuing North 00°06'15" West along said West line a distance of 1049.16 feet to the Center Quarter Corner (C1/4) of said Section 34;

THENCE South 89°41'32" East along the North line of said SE1/4 a distance of 1608.60 feet to the centerline of the Cache La Poudre River as described by James M. Nichols, PLS 4414 in a survey completed February 4, 1970;

Thence along said centerline by the following Ten (10) courses and distances:

THENCE South 38°13'59" East a distance of 33.57 feet;

THENCE South 11°21'08" East a distance of 237.30 feet;

THENCE South 05°13'47" East a distance of 409.91 feet;

THENCE South 09°30'07" West a distance of 312.19 feet;

THENCE South 00°12'58" East a distance of 339.58 feet;

THENCE South 15°08'00" East a distance of 191.74 feet;

THENCE South 09°57'22" West a distance of 381.87 feet;

THENCE South 19°48'53" West a distance of 204.45 feet;

THENCE South 05°30'07" West a distance of 251.94 feet;

THENCE South 02°04'17" East a distance of 141.71 feet;

THENCE North 58°55'44" West a distance of 115.20 feet to a Point of Curve (PC) being non-tangent to the aforesaid line;

THENCE along the arc of a curve being concave to the Southeast a distance of 206.14 feet, whose radius is 280.26 feet, whose Delta is 42°08'31" and whose Long Chord bears South 29°00'46" West a distance of 201.52 feet to the Northerly right-of-way line of Interstate 25;

THENCE North 80°54'06" West along said Northerly right-of-way a distance of 30.01 feet to a PC;

THENCE along the arc of a curve being concave to the Southeast a distance of 271.35 feet, whose radius is 310.26 feet, whose Delta is 50°06'36" and whose Long Chord bears North 33°06'31" East a distance of 262.79 feet;

THENCE South 58°55'44" East non-tangent from said curve a distance of 34.08 feet;

THENCE North 02°04'17" West a distance of 52.66 feet;

THENCE North 05°30'07" East a distance of 319.11 feet;

THENCE South 90°00'00" West a distance of 679.63 feet;

THENCE North 03°38'33" East a distance of 220.66 feet;

THENCE North 05°19'01" West a distance of 211.52 feet;
THENCE North 04°16'39" West a distance of 493.11 feet to a PC;
THENCE along the arc of a curve being concave to the southwest a distance of 46.11 feet, whose radius is 31.00 feet, whose Delta is 85°13'50" and whose Long Chord bears North 46°47'24" West a distance of 41.98 feet to a Point of Tangent (PT);
THENCE North 89°24'19" West a distance of 779.80 feet to the **TRUE POINT OF BEGINNING**.

Said parcel of land contains 59.275 Acres, more or less (±), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

PROPERTY DESCRIPTION
(C-2) Community Commercial Zoning

A parcel of land being part of the Southeast Quarter (SE1/4) of Section Thirty-four (34), Township Seven North (T.7N.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), Town of Timnath, County of Larimer, State of Colorado, and being more particularly described as follows:

BEGINNING at the South Quarter Corner of said Section 34 and assuming the West Line of said SE1/4 as bearing North 00°06'15" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2642.70 feet with all other bearings contained herein relative thereto. From said South Quarter Corner the Southeast Corner of said Section 34 bears South 89°47'25" East a distance of 2634.70 feet;

THENCE North 00°06'15" East along the West line of said SE1/4 a distance of 753.40 feet to the **TRUE POINT OF BEGINNING**;

THENCE continuing North 00°06'15" West along said West line a distance of 846.14 feet;
THENCE South 89°24'19" East a distance of 779.80 feet to a Point of Curvature (PC), said curve being tangent to aforesaid line;
THENCE along the arc of a curve being concave to the southwest a distance of 46.11 feet, whose radius is 31.00 feet, whose Delta is 85°13'53" and whose Long Chord bears South 46°47'23" East a distance of 41.98 feet to a Point of Tangent (PT);
THENCE South 04°16'39" East a distance of 493.11 feet;
THENCE South 05°19'01" East a distance of 211.52 feet;
THENCE South 03°38'33" West a distance of 220.66 feet;
THENCE North 90°00'00" East a distance of 679.63 feet;
THENCE South 05°30'07" West a distance of 319.11 feet;
THENCE South 02°04'17" East a distance of 52.66 feet;
THENCE North 58°55'44" West a distance of 34.08 feet to a point of curve being non-tangent to the aforesaid line;
THENCE along the arc of a curve being concave to the Southeast a distance of 271.35 feet, whose radius is 310.26 feet, whose Delta is 50°06'36" and whose Long Chord bears South 33°06'31" West a distance of 262.79 feet to the Northerly right-of-way line of Interstate 25;
Thence along said Northerly right-of-way by the following Three (3) courses and distances;
THENCE North 80°54'06" West a distance of 1125.04 feet;
THENCE North 36°12'47" West a distance of 175.92 feet;

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THENCE North 17°06'35 West a distance of 389.44 feet to the West line of said SE1/4 and the **TRUE POINT OF BEGINNING**.

Said parcel of land contains 33.462 Acres, more or less (±), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.