

TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 33, SERIES 2008

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF TIMNATH FOR THE PURPOSE OF ZONING CERTAIN REAL PROPERTY KNOWN AS THE TIMNATH SOUTH SUBDIVISION FILING #3

WHEREAS, the Town Council of the Town of Timnath desires to amend the Zoning Map of the Town to accommodate additional types of housing in the Timnath South Subdivision; and

WHEREAS, the Town Council finds the location of the zoning to be appropriate and in conformance with the Town Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH, COLORADO:

Section 1. Property Zoned. That Article 3 of the Timnath Land Use Codes and the map referred to therein as the "Official Zoning Map of the Town of Timnath", said map being part of said Zoning Codes and showing the boundaries of the districts specified, shall be and the same is hereby amended in the following particulars, to wit:

- A – Agriculture - See, attached **Exhibit A**
- R-E Estate Residential – See, attached **Exhibit B**
- R-2 Single Family Residential – See, attached **Exhibit C**
- R-3 Two Family/Multi-Family Residential – See, attached **Exhibit D**

Section 2. Public Hearing. The Town Council held a public hearing on July 16, 2008 (continued to August 27, 2008) regarding the Rezoning of the property.

Section 3. 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 than 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 All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.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 upon adoption at second reading, as provided by Section 3.5.5 of the Charter.

RECEPTION#: 20080070320, 11/12/2008 at
11:05:48 AM,
1 OF 13, R \$66.00 TD Pgs: 0
Scott Doyle, Larimer County, CO

Please Return to:
Town of Timnath
4800 Goodman Street
Timnath, CO 80547

INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH ON FIRST READING, ON JUNE 11, 2008, AND SET FOR PUBLIC HEARING AND SECOND READING AT 7:00 P.M. ON JULY 16, 2008 (CONTINUED TO AUGUST 27, 2008), AT THE TIMNATH TOWN HALL, 4100 MAIN STREET, TIMNATH, COLORADO, AND ORDERED PUBLISHED THIS 17TH DAY OF JULY, 2008.

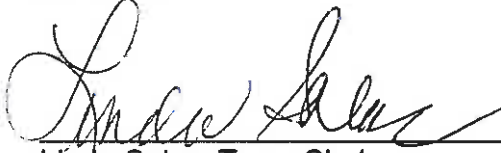
MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON THE 27th DAY OF AUGUST, 2008.

Town of Timnath



Donna Benson, Mayor

ATTEST:



Linda Salas, Town Clerk

EXHIBIT A
Legal Description of Property Rezoned A – Agriculture

DESCRIPTION (ZONE A-AGRICUTURAL)

A tract of land located in a portion of Section 11, Section 12 and Section 13, Township 6 North, Range 68 West of the 6th Principal Meridian, County of Larimer, State of Colorado being more particularly described as follows:

Considering the East line of the Southeast Quarter of said Section 11 as bearing North $00^{\circ}17'33''$ West and with all bearings contained herein relative thereto:

Beginning at the East Quarter Corner of said Section 11; thence along the North line of the Southwest Quarter of said Section 12, South $88^{\circ}03'04''$ East, 30.58 feet to a point on the East line of a 45 foot ingress/egress easement recorded at Reception No. 88002768, 87054961 and 90016517; thence along said East line, South $00^{\circ}17'33''$ East, 21.02 feet to a point on the Southerly line of a tract of land recorded at Reception No. 20050084548, Ochsner MRD S-18-91; thence along said Southerly line the following two (2) courses and distances, South $88^{\circ}16'14''$ East, 346.93 feet; thence, South $29^{\circ}03'42''$ East, 137.59 feet; thence departing said Southerly line, South $22^{\circ}05'24''$ West, 717.31 feet; thence, North $56^{\circ}08'03''$ West, 120.64 feet; thence, North $72^{\circ}30'47''$ West, 348.60 feet; thence, North $48^{\circ}07'52''$ West, 696.47 feet; thence, North $40^{\circ}00'14''$ West, 215.70 feet; thence, North $89^{\circ}02'10''$ East, 915.57 feet to the Point of Beginning.

The above described tract of land contains 646,502 square feet or 14.842 acres more or less and is subject to all easements and rights-of-way now on record or existing.

ALSO:

Beginning at the Southwest corner of the SE1/4 SE1/4 of said Section 12; thence, South $00^{\circ}08'06''$ West, 601.94 feet; thence, North $48^{\circ}39'37''$ West, 400.37 feet; thence, North $58^{\circ}19'45''$ West, 187.76 feet; thence, North $41^{\circ}10'45''$ West, 133.22 feet; thence, North $08^{\circ}35'18''$ West, 35.65 feet; thence, North $22^{\circ}03'49''$ East, 70.32 feet; thence, North $37^{\circ}28'55''$ 404.88 feet; thence, North $31^{\circ}56'39''$ East, 239.70 feet; thence, North $14^{\circ}52'18''$ East, 191.08 feet; thence, North $33^{\circ}33'34''$ East, 180.97 feet; thence, South $00^{\circ}25'45''$ East, 821.99 feet to the Point of Beginning.

The above described tract of land contains 387,578 square feet or 8.898 acres more or less and is subject to all easements and rights-of-way now on record or existing.

EXHIBIT B

Legal Description of Property Rezoned R-E Estate Residential

DESCRIPTION (R-E ESTATE RESIDENTIAL)

A tract of land located in a portion of Section 12 and Section 13, Township 6 North, Range 68 West of the 6th Principal Meridian, County of Larimer, State of Colorado being more particularly described as follows:

Considering the East line of the Southeast Quarter of said Section 11 as bearing North $00^{\circ}17'33''$ West and with all bearings contained herein relative thereto:

Beginning at the East Quarter Corner of said Section 11; thence, South $88^{\circ}03'04''$ East, 30.58 feet to a point on the East line of a 45 foot ingress/egress easement recorded at Reception No. 88002768, 87054961 and 90016517; thence along said East line, South $00^{\circ}17'33''$ East, 21.02 feet to a point on the Southerly line of a tract of land recorded at Reception No. 20050084548, Ochsner MRD S-18-91; thence along said Southerly line the following two (2) courses and distances, South $88^{\circ}16'14''$ East, 346.93 feet; thence, South $29^{\circ}03'42''$ East, 137.59 feet; thence departing said Southerly line, South $22^{\circ}05'24''$ West, 287.46 feet to the POINT OF BEGINNING; thence, South $50^{\circ}22'36''$ East, 193.40 feet; thence, South $04^{\circ}38'23''$ East, 83.97 feet; thence, along a tangent curve concave to the northeast having a central angle of $61^{\circ}07'37''$, a radius of 500.00 feet, an arc length of 533.43 feet and the chord of which bears South $35^{\circ}12'12''$ East, 508.49 feet; thence, South $65^{\circ}46'00''$ East, 127.26 feet; thence, along a tangent curve concave to the southwest having a central angle of $31^{\circ}08'47''$, a radius of 800.00 feet, an arc length of 434.88 feet and the chord of which bears South $50^{\circ}11'37''$ East, 429.55 feet; thence, South $34^{\circ}37'14''$ East, 938.39 feet; thence, along a tangent curve concave to the north having a central angle of $84^{\circ}44'00''$, a radius of 300.00 feet, an arc length of 443.66 feet and the chord of which bears South $76^{\circ}59'14''$ East, 404.32 feet; thence, North $60^{\circ}38'46''$ East, 172.24 feet; thence, along a tangent curve concave to the south having a central angle of $29^{\circ}50'14''$, a radius of 300.00 feet, an arc length of 156.23 feet and the chord of which bears North $75^{\circ}33'53''$ East, 154.47 feet; thence, South $89^{\circ}31'00''$ East, 145.14 feet; thence, North $00^{\circ}28'33''$ East, 94.51 feet; thence, along a tangent curve concave to the southeast having a central angle of $62^{\circ}16'07''$, a radius of 220.00 feet, an arc length of 239.09 feet and the chord of which bears North $31^{\circ}36'37''$ East, 227.50 feet; thence, South $89^{\circ}31'43''$ East, 1,194.11 feet; thence, South $00^{\circ}25'45''$ East, 98.84 feet; thence, South $33^{\circ}33'34''$ West, 180.97 feet; thence, South $14^{\circ}52'18''$ West, 191.08 feet; thence, South $31^{\circ}56'39''$ West, 239.70 feet; thence, South $37^{\circ}28'55''$ West, 404.88 feet; thence, South $22^{\circ}03'49''$ West, 70.32 feet; thence, South $08^{\circ}35'18''$ East, 35.65 feet; thence, South $41^{\circ}10'45''$ East, 133.22 feet; thence, South $58^{\circ}19'45''$ East, 187.76 feet; thence, South $48^{\circ}39'37''$ East, 400.37 feet; thence, South $00^{\circ}08'06''$ West, 189.61 feet; thence, North $89^{\circ}43'12''$ West, 1,319.83 feet; thence, North $00^{\circ}08'02''$ East, 720.25 feet; thence, North $89^{\circ}42'21''$ West, 1,299.32 feet; thence, North

02°15'52" West, 246.60 feet; thence, North 34°33'17" West, 853.23 feet; thence, North 43°40'43" West, 1,166.26 feet; thence, North 50°41'12" West, 1,445.48 feet; thence, North 20°13'30" East, 90.00 feet; thence, North 89°02'10" East, 166.24 feet; thence, South 40°00'14" East, 215.70 feet; thence, South 48°07'52" East, 696.47 feet; thence, South 72°30'47" East, 348.60 feet; thence, South 56°08'03" East, 120.64 feet; thence, North 22°05'24" East, 429.85 feet to the POINT OF BEGINNING.

The above described tract of land contains 4,124,504 square feet or 94.686 acres more or less and is subject to all easements and right-of-way now on record or existing.

EXIHIBIT C

Legal Description of Property Rezoned R-2 Single Family Residential

DESCRIPTION (ZONE R-2 SINGLE FAMILY RESIDENTIAL)

A tract of land located in a portion of Section 12, Township 6 North, Range 68 West of the 6th Principal Meridian, County of Larimer, State of Colorado being more particularly described as follows:

Considering the East line of the Southeast Quarter of said Section 11 as bearing North $00^{\circ}17'33''$ West and with all bearings contained herein relative thereto:

Commencing at the East Quarter corner of said Section 11; thence, along the North line of the Southwest Quarter of Section 12, South $88^{\circ}03'04''$ East, 30.58 feet to a point on the East line of a 45 foot ingress/egress easement recorded at Reception No. 88002768, 87054961 and 90016517; thence along said East line, South $00^{\circ}17'33''$ East, 21.02 feet to a point on the Southerly line of a tract of land recorded at Reception No. 20050084548, Ochsner MRD S-18-9; thence, South $88^{\circ}16'14''$ East, 346.93 feet; thence South $29^{\circ}03'42''$ East, 137.59 feet to the POINT OF BEGINNING; thence, South $29^{\circ}03'42''$ East, 137.59 feet; thence, South $39^{\circ}35'31''$ East, 77.69 feet; thence, South $59^{\circ}42'31''$ East, 121.40 feet; thence, South $65^{\circ}35'06''$ East, 218.98 feet; thence, South $75^{\circ}47'42''$ East, 105.45 feet; thence, South $82^{\circ}57'12''$ East, 176.08 feet; thence, continuing along line, South $82^{\circ}57'12''$ East, 56.97 feet; thence, South $49^{\circ}23'11''$ East, 715.43 feet; thence, South $51^{\circ}46'04''$ East, 141.46 feet; thence, along a curve concave to the northwest having a central angle of $28^{\circ}19'00''$, a radius of 700.00 feet, an arc length of 345.95 feet and the chord of which bears South $23^{\circ}05'28''$ West, 342.44 feet; thence, South $66^{\circ}00'55''$ East, 183.71 feet; thence, South $69^{\circ}29'41''$ East, 81.81 feet; thence, South $72^{\circ}55'09''$ East, 81.81 feet; thence, South $76^{\circ}20'37''$ East, 81.81 feet; thence, South $79^{\circ}48'57''$ East, 84.09 feet; thence, South $82^{\circ}12'13''$ East, 30.00 feet; thence, South $84^{\circ}34'30''$ East, 83.31 feet; thence, South $88^{\circ}03'58''$ East, 83.50 feet; thence, North $88^{\circ}29'49''$ East, 82.48 feet; thence, North $87^{\circ}14'22''$ East, 154.12 feet; thence, North $86^{\circ}59'33''$ East, 79.42 feet; thence, North $84^{\circ}00'00''$ East, 122.73 feet; thence, along a curve concave to the west having a central angle of $06^{\circ}09'43''$, a radius of 550.00 feet, an arc length of 59.15 feet and the chord of which bears North $06^{\circ}13'45''$ West, 59.12 feet; thence, North $09^{\circ}18'37''$ West, 199.10 feet; thence, along a tangent curve concave to the east having a central angle of $25^{\circ}50'14''$, a radius of 850.00 feet, an arc length of 383.30 feet and the chord of which bears North $03^{\circ}36'30''$ East, 380.06 feet; thence, along a reverse curve concave to the west having a central angle of $24^{\circ}48'01''$, a radius of 850.00 feet, an arc length of 367.92 feet and the chord of which bears North $04^{\circ}07'36''$ East, 365.06 feet; thence, along a reverse curve concave to the east having a central angle of $10^{\circ}12'33''$, a radius of 850.00 feet, an arc length of 151.45 feet and the chord of which bears North $03^{\circ}10'08''$ West, 151.25 feet; thence, North $01^{\circ}56'09''$ East, 350.67 feet; thence, South $88^{\circ}03'48''$ East, 797.47 feet; thence, North $01^{\circ}55'49''$ East, 148.67 feet; thence, along a tangent curve concave to the east having a central angle of $19^{\circ}42'18''$, a radius of 600.00 feet, an arc length of 206.35 feet and the chord of which bears North $11^{\circ}46'58''$ East, 205.33 feet; thence, North $21^{\circ}38'07''$ East, 439.01 feet; thence, East, 458.32 feet; thence, South $22^{\circ}04'31''$ East, 897.45 feet; thence, North $88^{\circ}03'48''$ West, 749.44 feet; thence, South $00^{\circ}25'25''$ East, 1,699.51 feet; thence, North $89^{\circ}31'43''$ West, 1,194.11 feet; thence, along a curve concave to the southeast having a central angle of $62^{\circ}16'07''$, a radius of 220.00 feet, an arc length of 239.09 feet and the chord of which bears South $31^{\circ}36'37''$ West, 227.50 feet; thence, South $00^{\circ}28'33''$ West, 94.51 feet; thence, North $89^{\circ}31'00''$ West, 145.14 feet; thence, along a tangent curve concave to the south having a central angle of $29^{\circ}50'14''$, a radius of 300.00 feet, an arc length

of 156.23 feet and the chord of which bears South 75°33'53" West. 154.47 feet: thence. South 60°38'46" West. 172.24 feet: thence. along a tangent curve concave to the north having a central angle of 84°44'00", a radius of 300.00 feet. an arc length of 443.66 feet and the chord of which bears North 76°59'14" West. 404.32 feet: thence. North 34°37'14" West. 938.39 feet: thence. along a tangent curve concave to the southwest having a central angle of 31°08'47", a radius of 800.00 feet. an arc length of 434.88 feet and the chord of which bears North 50°11'37" West. 429.55 feet: thence. North 65°46'00" West. 127.26 feet: thence. along a tangent curve concave to the northeast having a central angle of 61°07'37", a radius of 500.00 feet. an arc length of 533.43 feet and the chord of which bears North 35°12'11" West. 508.49 feet: thence. North 04°38'23" West. 83.97 feet: thence. North 50°22'36" West. 193.40 feet: thence. North 22°05'24" East. 287.46 feet to the POINT OF BEGINNING.

The above described tract of land contains 4,127,601 square feet or 94.757 acres more or less and is subject to all easements and right-of-way now on record or existing.

EXHIBIT D

**Legal Description of Property Rezoned R-2 Two Family/Multi-Family
Residential**

DESCRIPTION (ZONE R-3 TWO FAMILY/MULTI-FAMILY RESIDENTIAL)

A tract of land located in a portion of Section 12, Township 6 North, Range 68 West of the 6th Principal Meridian, County of Larimer, State of Colorado being more particularly described as follows:

Considering the East line of the Southeast Quarter of said Section 11 as bearing North $00^{\circ}17'33''$ West and with all bearings contained herein relative thereto:

Commencing at the East Quarter corner of said Section 11: thence, South $88^{\circ}03'04''$ East, 33.03 feet to the POINT OF BEGINNING; thence, North $00^{\circ}34'57''$ West, 378.44 feet; thence, North $89^{\circ}25'03''$ East, 477.82 feet; thence, along a tangent curve concave to the south having a central angle of $11^{\circ}52'40''$, a radius of 1,000.00 feet, an arc length of 207.31 feet and the chord of which bears South $84^{\circ}38'37''$ East, 206.94 feet; thence, South $78^{\circ}42'17''$ East, 467.78 feet; thence, along a tangent curve concave to the north having a central angle of $41^{\circ}15'53''$, a radius of 1,000.00 feet, an arc length of 720.20 feet and the chord of which bears North $80^{\circ}39'47''$ East, 704.74 feet; thence, South $29^{\circ}35'49''$ East, 144.06 feet; thence, along a tangent curve concave to the northeast having a central angle of $58^{\circ}27'59''$, a radius of 600.00 feet, an arc length of 612.26 feet and the chord of which bears South $58^{\circ}49'48''$ East, 586.04 feet; thence, South $88^{\circ}03'48''$ East, 412.68 feet; thence, South $01^{\circ}56'09''$ West, 350.67 feet; thence, along a tangent curve concave to the east having a central angle of $10^{\circ}12'33''$, a radius of 850.00 feet, an arc length of 151.45 feet and the chord of which bears South $03^{\circ}10'08''$ East, 151.25 feet; thence, along a reverse curve concave to the west having a central angle of $24^{\circ}48'01''$, a radius of 850.00 feet, an arc length of 367.92 feet and the chord of which bears South $04^{\circ}07'37''$ West, 365.06 feet; thence, along a reverse curve concave to the east having a central angle of $25^{\circ}50'14''$, a radius of 850.00 feet, an arc length of 383.30 feet and the chord of which bears South $03^{\circ}36'30''$ West, 380.06 feet; thence, South $09^{\circ}18'37''$ East, 199.10 feet; thence, along a tangent curve concave to the west having a central angle of $06^{\circ}09'43''$, a radius of 550.00 feet, an arc length of 59.15 feet and the chord of which bears South $06^{\circ}13'45''$ East, 59.12 feet; thence, South $84^{\circ}00'00''$ West, 122.73 feet; thence, South $86^{\circ}59'33''$ West, 79.42 feet; thence, South $87^{\circ}14'22''$ West, 154.12 feet; thence, South $88^{\circ}29'49''$ West, 82.48 feet; thence, North $88^{\circ}03'58''$ West, 83.50 feet; thence, North $84^{\circ}34'30''$ West, 83.31 feet; thence, North $82^{\circ}12'13''$ West, 30.00 feet; thence, North $79^{\circ}48'57''$ West, 84.09 feet; thence, North $76^{\circ}20'37''$ West, 81.81 feet; thence, North $72^{\circ}55'09''$ West, 81.81 feet; thence, North $69^{\circ}29'41''$ West, 81.81 feet; thence, North $66^{\circ}00'55''$ West, 183.71 feet; thence, along a curve concave to the northwest having a central angle of $28^{\circ}19'00''$, a radius of 700.00 feet, an arc length of 345.95 feet and the chord of which bears North $23^{\circ}05'28''$ East, 342.44 feet; thence, North $51^{\circ}46'04''$ West, 141.46 feet; thence, North $49^{\circ}23'11''$ West, 715.43 feet; thence, North $82^{\circ}57'12''$ West, 56.97 feet; thence, North $02^{\circ}56'32''$ East, 493.09 feet; thence, North $88^{\circ}03'04''$ West, 1,134.79 feet to the POINT OF BEGINNING.

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The above described tract of land contains 2,753,113 square feet or 63.203 acres more or less and is subject to all easements and right-of-way now on record or existing.

TOWN OF TIMNATH, COLORADO

NOTICE OF PUBLIC HEARINGS

PUBLIC NOTICE IS HEREBY GIVEN of a public hearing before the Timnath Planning Commission at the following date, time and place:

July 8, 2008
7:00 P.M.
Timnath Town hall
4100 Main Street
Timnath, Colorado

PUBLIC NOTICE IS ALSO HEREBY GIVEN that the public hearing before the Timnath Town Council at the following date, time and place:

July 16, 2008
7:00 P.M.
TIMNATH TOWN HALL
4100 Main Street
Timnath, Colorado

HAS BEEN CONTINUED UNTIL AUGUST 6, 2008, the hearing is for the purpose of taking public comment on proposed ordinance:

ORDINANCE NO. 33, Series 2008

AN AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF TIMNATH FOR THE PURPOSE OF ZONING CERTAIN REAL PROPERTY KNOWN AS THE TIMNATH SOUTH SUBDIVISION FILING #3

Materials pertaining to the above mentioned Ordinance are available at the Timnath Public Works Facility located at 4800 Goodman Street for review.

GIVEN AND POSTED THIS 21TH DAY OF JULY, 2008

\s\Linda Salas _____
Linda Salas, Town Clerk

TOWN OF TIMNATH
NOTICE OF PUBLIC HEARING
ORDINANCE 33, SERIES 2008

Notice is hereby given that the Timnath Town Council will hold a public hearing at 2nd and final reading for consideration of possible adoption of Ordinance No. 33, Series 2008 - an ordinance amending the official zoning map of the Town of Timnath for the purpose of zoning certain real property known as the Timnath South Subdivison Filing #3

Any person may appear at the hearing and present evidence upon any matter to be considered by the Town Council.

Council will consider the ordinance at its regularly scheduled meeting of July 16, 2008 at 7:00 P.M. at the Timnath Town Hall, 4100 Main Street, Timnath, Colorado.

Copies of the full text of the Ordinance will be available at the Town Clerk's Office located at 4800 Goodman Street, Timnath, CO 80547 during normal business hours.

/s/ Linda N. Salas
Timnath Town Clerk



4800 Goodman St.
Timnath, CO 80547

Referral Mailing Affidavit

I, Linda Griess, Community Development Coordinator, for the Town of Timnath's Planning Commission did hear by mail referral packets to the adjacent property owners per the Timnath's Land Use Code, on June 12, 2008 for Timnath South Filing #3 Rezoning.

Linda K. Griess, Community Development Coordinator
Town of Timnath

Sign Posting Affidavit

Graves Annexation and Timnath South Subdivision Rezoning



I, Dino D'Atullio hereby acknowledge that the aforementioned property was posted in accordance with Town Codes. Said public hearing notice was posted on this 13th day of June, 2008.

Dino D'Atullio

Signature of Owner or Owner's Representative

The foregoing instrument was acknowledged before me by Dino D'Atullio, this 13th day of June, 2008. Witness my hand and seal.

My commission expires Dec 2, 2009.

Linda K. Griess

Notary Public

