

TOWN OF TIMNATH, COLORADO

ORDINANCE NO. 42

**AN ORDINANCE APPROVING THE ANNEXATION AND ZONING
OF
PROPERTY KNOWN AS RIVERBEND TO THE TOWN OF
TIMNATH, COLORADO**

WHEREAS, the Town Council desires to annex property known as "Riverbend"; and

WHEREAS, the Town Council wishes to zone the Property simultaneously with the annexation of the Property; and

WHEREAS, the Council further finds and determines that the zoning designation should be changed to C-2, Community Commercial and MU, Mixed Use.

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

Section 1. A Petition for Annexation, together with four (4) copies of the annexation map as required by law, was filed with the Town Council on April 8, 2008, by the owners of over fifty percent (50%) of the area of the property hereinafter described, exclusive of public streets and alleys, and comprising more than fifty percent (50%) of the landowners of the property to be annexed. The Council, by resolution at a properly noticed meeting on September 17, 2008, accepted said Petition and found and determined that the applicable parts of the Municipal Annexation Act of 1965, as amended, have been met and further determined that an election was not required under the Act and that no additional terms and conditions were to be imposed upon said annexation other than as set forth in the Annexation Agreement.

Section 2. That the annexation to the Town of the following described property is hereby approved:

See, attached **Exhibit A**

Section 3. That in accordance with Chapter 16, Articles 3 and 13 of the Timnath Town Code, the following property annexed into the Town of Timnath, Colorado, on this date shall be included within the boundaries of the zone districts designated as C-2, Community Commercial and MU, Mixed Use and as shown as follows:

See, attached **Exhibit B**

RECEPTION#: 20080070313, 11/12/2008 at
11:05:41 AM,
1 OF 8, R \$41.00 TD Pgs: 0
Scott Doyle, Larimer County, CO

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



Section 4. Severability. If any article, section, paragraph, sentence, clause, or phrase of the 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 5. 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 7:00 P.M. ON NOVEMBER 5, 2008, AT THE TIMNATH TOWN HALL, 4100 MAIN STREET, TIMNATH, COLORADO AND ORDERED PUBLISHED THIS 17TH DAY OF SEPTEMBER, 2008.

MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON THE 5th DAY OF November, 2008.

TOWN OF TIMNATH, COLORADO



Donna Benson, Mayor

ATTEST:



Milissa McGuire, Town Clerk



degrees 11 minutes 30 seconds West 1424.43 feet to the POINT OF BEGINNING, County of Larimer, State of Colorado.

TOGETHER WITH all water, water rights, ditches, ditch rights, laterals, lateral rights, wells, well rights, sumps, return water systems, decrees, lakes, and reservoir rights, belonging to or in any way appertaining to the above-described property, including, but not limited to, all rights, title, and interest of Grantor in and to the Akin Lateral, two and one-half (2½) shares of the capital stock of The Lake Canal Company, eight (8) shares of the capital stock of The Cache La Poudre Irrigation Company, and two (2) domestic water taps in the Fort Collins-Loveland Water District.

EXHIBIT "A"

Legal Description of the Property

Parcel 1:

A tract of land situate in the Northwest quarter of Section 2, Township 6 North, Range 68 West of the 6th P.M., which considering the North line of said Northwest Quarter as bearing East and West and with all bearings contained herein relative thereto, is contained within the boundary lines which BEGIN at a point which bears East 424.04 feet from the Northwest corner of said Section 2, and runs thence East 1410.70 feet; thence South 09 degrees 58 minutes East 1340.56 feet; thence South 88 degrees 18 minutes West 1195.25 feet; thence North 39 degrees 11 minutes 30 seconds West 31.31 feet; thence North 33 degrees 25 minutes West 29.39 feet; thence North 88 degrees 18 minutes East 296.22 feet; thence North 09 degrees 58 minutes West 1070.74 feet; thence West 465.73 feet; thence North 13 degrees 11 minutes West 250.22 feet to the POINT OF BEGINNING, County of Larimer, State of Colorado.

Parcel 2:

A tract of land situate in the Northwest Quarter of Section 2, Township 6 North, Range 68 West of the 6th P.M., which considering the North line of said Northwest Quarter as bearing East and West and with all bearings contained herein relative thereto, is contained within boundary lines which BEGIN in at a point which bears East 424.04 feet and again South 13 degrees 11 minutes East 550.22 feet; and again South 15 degrees 53 minutes East 220.00 feet; and again South 18 degrees 33 minutes East 465.00 feet; and again South 33 degrees 25 minutes East 171.75 feet, and again South 39 degrees 11 minutes 30 seconds East 31.31 feet from the Northwest corner of said Section 2, and run thence North 88 degrees 18 minutes East 1195.25 feet; thence South 10 degrees 13 minutes East 1258.41 feet to the East-West centerline of said Section 2; thence along said centerline South 89 degrees 02 minutes 54 seconds West 445.04 feet; thence North 34 degrees 23 minutes 30 seconds West 128.95 feet; thence North 39

THE RIVERBEND ZONE

LOCATED IN THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 6 NORTH TOWN OF TIMNATH, COUNTY OF LARIME

PROPERTY DESCRIPTION:

Tracts of land located in the Northwest Quarter of Section 2, 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 North line of the Northwest Quarter of said Section 2 as bearing South 89°39'06" East from a found 3 1/4" aluminum cap at the Northwest corner of said Section 2 to a found 2 1/2" aluminum cap at the North Quarter corner of said Section 2 and with all bearings contained herein relative thereto.

PARCEL 1:

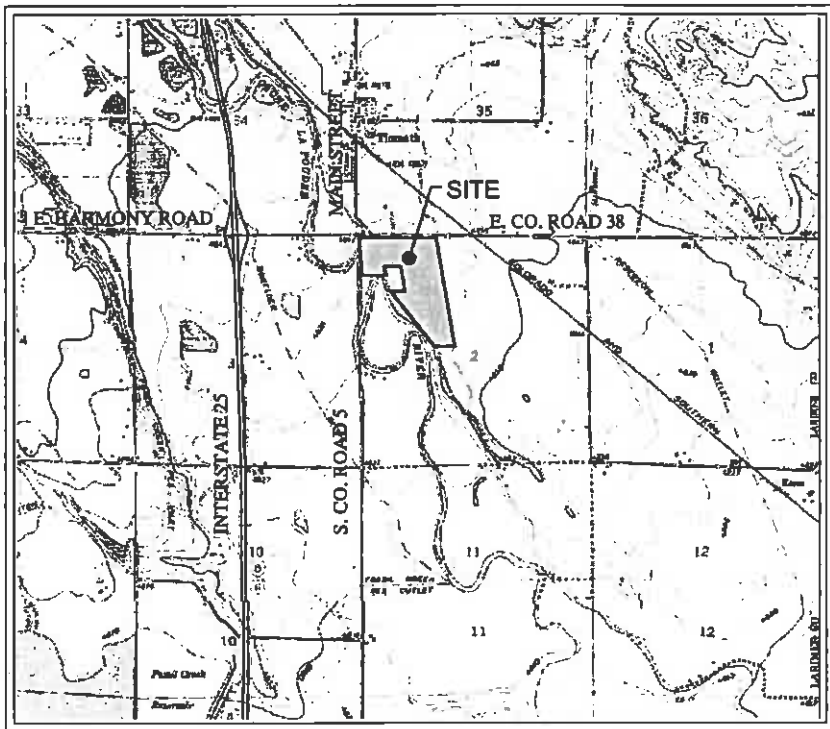
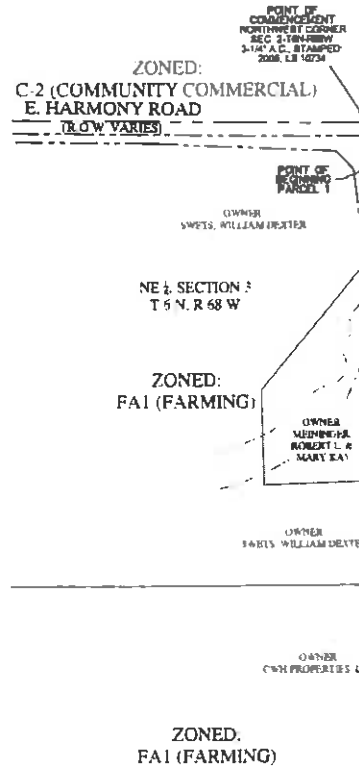
Commencing at the Northwest corner of said Section 2, thence, South 45°20'22" East, 100.20 feet to the proposed South right-of-way line of E. County Road 38, said point being the POINT OF BEGINNING, thence along said South line, South 89°39'06" East, 1775.35 feet to a point on the West line of a tract of land described at Reception No. 93033424; thence, along said West line, South 09°37'06" East, 1080.10 feet to POINT "A", thence, South 80°01'00" West, 916.69 feet to the East line of Lot 2 of RAE M.R.D. No. 97-EX1013; thence, along said East line, North 09°37'06" West, 578.93 feet to the North line of said Lot 2; thence, along said North line, North 89°39'06" West, 391.31 feet to the Easterly right-of-way line of S. County Road 3F; thence, along said Easterly right-of-way line by the following two (2) courses and distances, South 15°32'06" East, 9.29 feet; thence, South 18°12'06" East, 213.81 feet to a point on the North line of a tract of land recorded at Reception No. 99066794, thence, along said North line, North 89°58'06" West, 583.57 feet to a point on the East line of S. County Road 5; thence along said East line, North 03°19'10" West, 874.67 feet to the Point of Beginning

The above described tract of land contains 1,764,971 square feet or 40.518 acres more or less and is subject to all easements and rights-of-way now on record or existing.

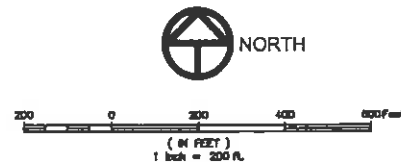
PARCEL 2:

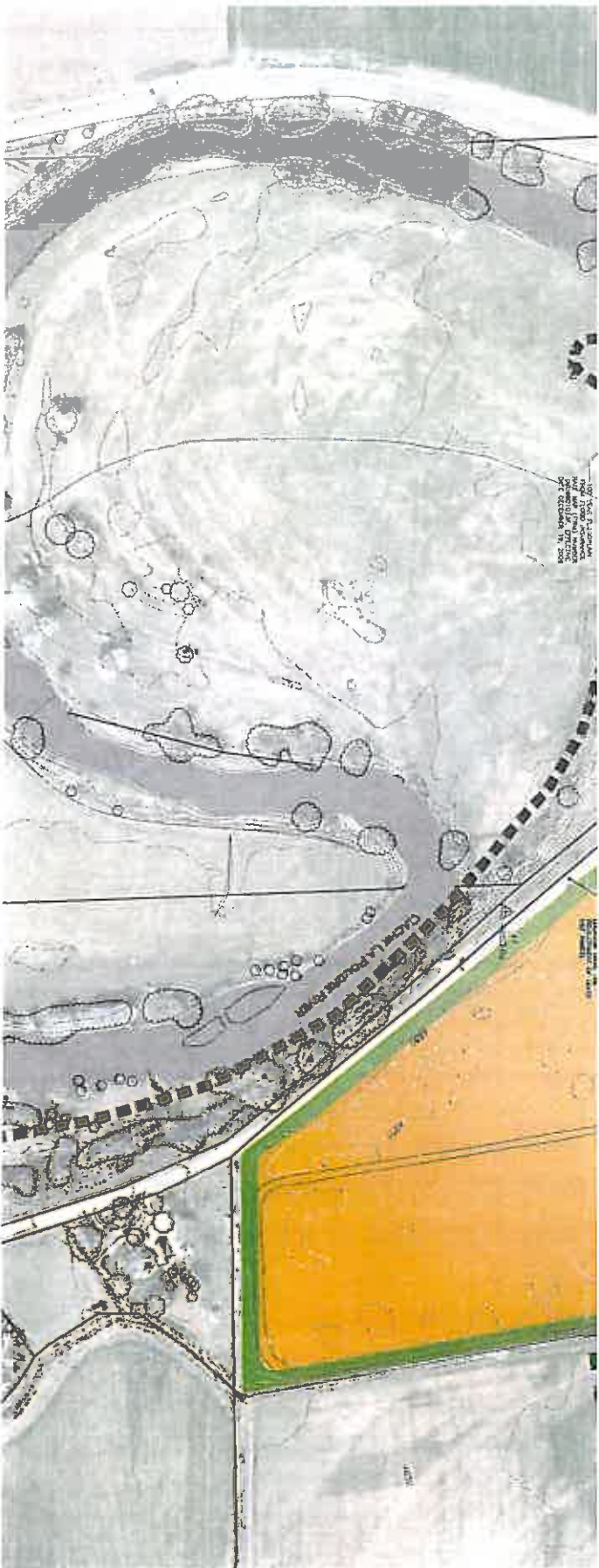
Beginning at aforementioned POINT "A", said point being on the West line of a tract of land described at Reception No. 93033424; thence, along said West line the following two (2) courses and distances, South 09°37'06" East, 189.39 feet; thence, South 09°52'06" East, 1258.41 feet to a point on the North line of Lot 1 of Barnhart MLD 97-X1146, thence along said North line, South 89°23'48" West, 469.01 feet to the Westerly right-of-way line of S. County Road 3F; thence along said Westerly right-of-way line by the following three (3) courses and distances, North 34°02'36" West, 114.90 feet; thence, North 38°50'36" West, 1455.87 feet; thence, North 33°04'51" West, 42.79 feet; thence along the South line of Lot 2 of RAE M.R.D. No. 97-EX1013, North 88°38'54" East, 319.73 feet; thence, North 80°01'00" East, 916.69 feet to the Point of Beginning.

The above described tract of land contains 1,165,263 square feet or 26.751 acres more or less and is subject to all easements and rights-of-way now on record or existing.

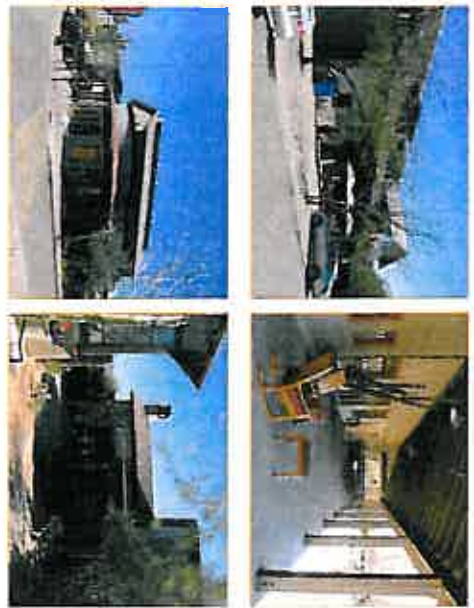


VICINITY MAP
1" = 2000'

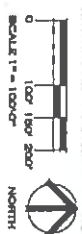




PROJECT PRECEDENTS



SKETCH PLAN
JUNE 24, 2008

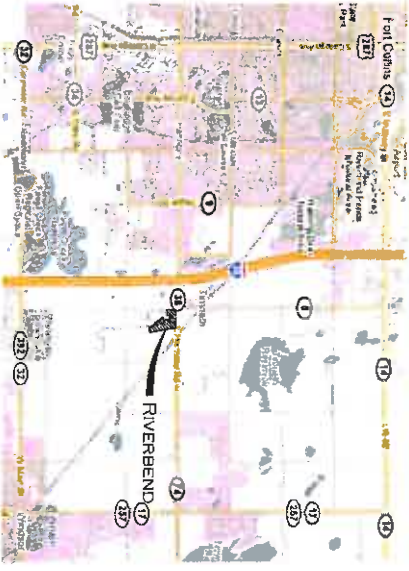


DESIGNED BY
TUMATH LANDS, LLC &
ANSON HOLDINGS, LLC
2725 ROCKY MOUNTAIN AVENUE, SUITE 400
LOVELAND, CO 80538

PROJECT PRECEDENTS



VICINITY MAP



LEGEND:

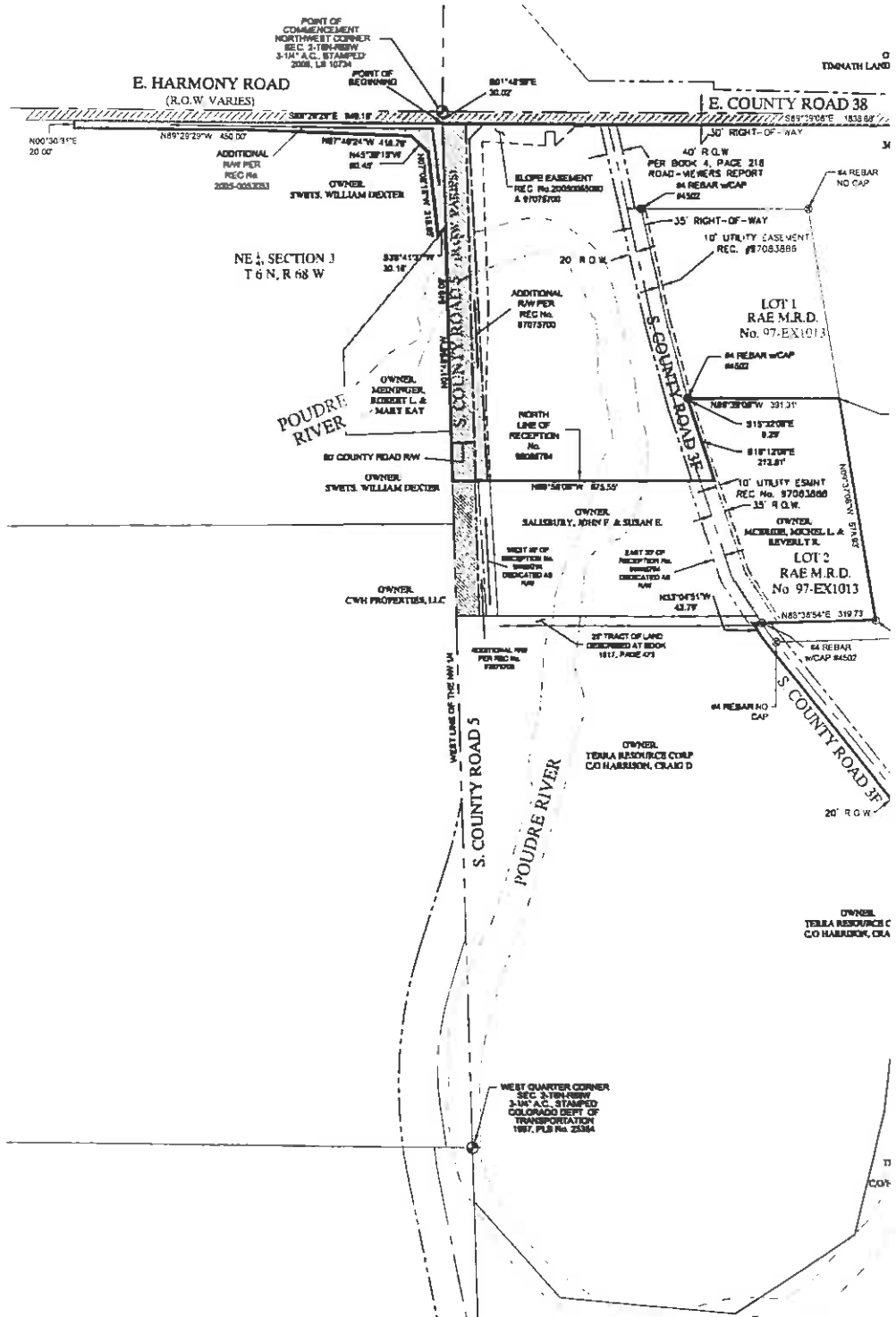
	COMMERCIAL	ACREAGE	+/- 30.2 ACRES
	AGED USE	ACREAGE	+/- 28.6 ACRES
	OPEN SPACE / DETENTION	ACREAGE	+/- 10.3 ACRES
TOTAL		ACREAGE	+/- 67.3 ACRES

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THE RIVERBEND A

TO THE TOWN OF TIMNATH

LOCATED IN THE NORTHWEST QUARTER OF SECTION 2 AND THE N
RANGE 68 WEST OF THE 6th PRINCIPAL MERIDIAN, C



LEGEND:

-  ANNEXED BOUNDARY
-  SECTION LINE
-  EASEMENT
-  RIGHT-OF-WAY
-  EXISTING PROPERTY BOUNDARY
-  CONTIGUOUS BOUNDARY
-  CENTERLINE ROAD