

**TOWN OF TIMNATH**

**ORDINANCE NO. 5-2006**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF  
THE TOWN OF TIMNATH, COLORADO  
APPROVING ANNEXATION OF A PORTION OF  
LARIMER COUNTY ROAD #38**

**WHEREAS**, the Board of Trustees of the Town of Timnath, Colorado (the "Town"), finds that the Annexation Map filed with the Town Clerk of the Town, for the annexation of a portion of Larimer County Road #38 described on "Exhibit A" ("Harmony Road Annexation") attached, complies with the Municipal Annexation Act of 1965 and the Timnath Land Use Code; and

**WHEREAS**, Larimer County's policy is to encourage annexation of county roads adjacent to new development in municipalities by refusing new access to said roads; and

**WHEREAS**, developments within the Town as proposed will access Larimer County Road #38; and

**WHEREAS**, the property is eligible for annexation under C.R.S. §31-12-104 in that:

- a. At least one-sixth of the perimeter of the area proposed to be annexed is contiguous with the boundaries of the Town; and
- b. A community of interest exists between the area proposed to be annexed and the annexing municipality; and
- c. The area to be annexed is urban or will be urbanized in the near future and will be integrated with, or are capable of being integrated with, the annexing municipality; and

**WHEREAS**, the annexation will not result in the detachment of the area to be annexed from the Poudre R-1 School District [C.R.S. §31-12-105(d)]; and

**WHEREAS**, the area to be annexed is within three (3) miles of the municipal boundaries of the Town as they existed one (1) year previous to the date of this Ordinance, and the Town's Comprehensive Plan describes the infrastructure necessary to serve the proposed uses for the annexed area [C.R.S. §31-12-105(d)I]; and

**WHEREAS**, the annexation will not result in the division of any property into two (2) or more separate parcels [C.R.S. §31 -1 2-105(a) and (b) I]; and

**WHEREAS**, no election is required by C.R.S. §31-12-110(b) to annex the Harmony Road (LCR #38) property; and

**WHEREAS**, no terms and conditions are to be imposed in conjunction with the annexation.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF TIMNATH, COLORADO, AS FOLLOWS:**

**Section 1. Annexation.**

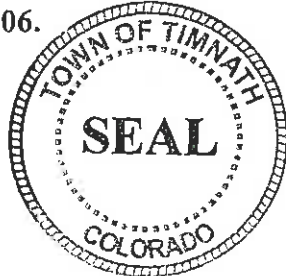
- 1) The Harmony Road Annexation meets the requirements of C.R.S. §31-12-110 and applicable sections of the Municipal Annexation Act of 1965, and
- 2) The Harmony Road Annexation property is eligible to be annexed to the Town of Timnath, and
- 3) The Harmony Road Annexation Property is annexed to the Town of Timnath, Colorado; and
- 4) The Town Clerk is instructed to file one (1) copy of the annexation map with the original of the annexation ordinance in the clerk's records and to file for recording three (3) certified copies of the annexation ordinance and map of the area annexed containing a legal description of such area with the Larimer County Clerk and Recorder, in accordance with C.R.S. 31-12-113.

**Section 2. Repeal.** All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portions thereof are hereby repealed to the extent of such inconsistency or conflict.

**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 Board of Trustees 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.

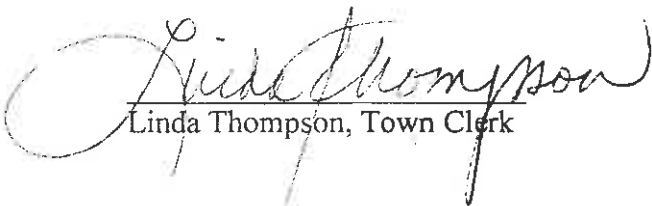
**Section 4. Safety.** This Ordinance is deemed necessary for the immediate preservation of the public peace, health or safety of the community.

**INTRODUCED, READ, PASSED AND ADOPTED THE MEMBERS OF THE BOARD OF TRUSTEES OF THE TOWN OF TIMNATH AND ORDERED PUBLISHED THIS 22nd DAY OF MARCH, 2006.**



  
Donna Benson, Mayor

ATTEST:

  
Linda Thompson, Town Clerk

## EXHIBIT A

### Harmony Road (Larimer County Road #38) Annexation

#### PROPERTY DESCRIPTION

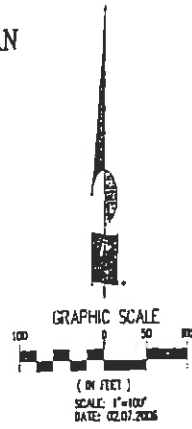
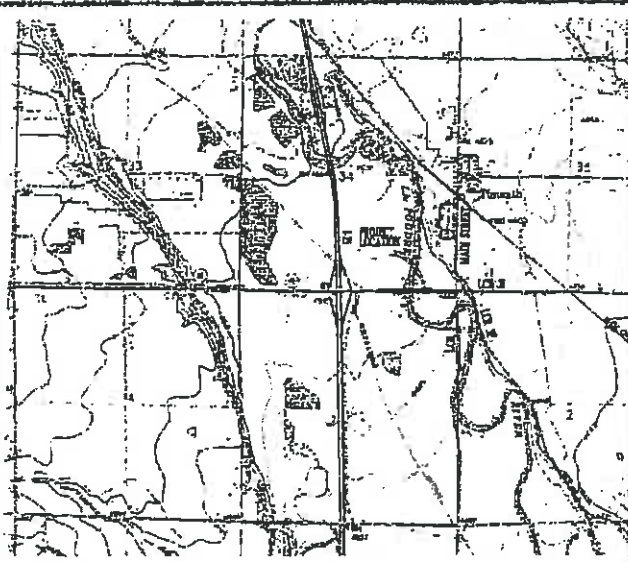
A tract of land located within the northeast  $\frac{1}{4}$  of Section 3, Township 6 North, Range 68 West, of the Sixth principal Meridian; and in the southeast  $\frac{1}{4}$  of Section 34, Township 7 North, Range 68 West of the Sixth principal Meridian, in Larimer County Colorado, being more particularly described as follows:

Beginning at the northeast corner of said Section 3, whence the common line between Sections 3 and 34 is assumed to bear N 89°34'00" W, with all bearings contained herein relative thereto, thence S 02°18'13" E, 30.03 feet along the east line of said Section 3 to a point along the southerly right-of-way of Larimer County Road No. 38, thence along said southerly right-of-way N 89°30'00" W, 1875.85 feet to a point along the easterly right-of-way of Colorado State Highway; thence along said easterly right-of-way N 00°26'00" E, 30.00 feet to a point along the common line of said Sections 3 and 34; thence continuing along said easterly right-of-way N 00°26'00" E, 30.00 feet to a point along the northerly right-of-way of said Larimer County Road No. 38; thence along said northerly right-of-way the following three (3) courses:

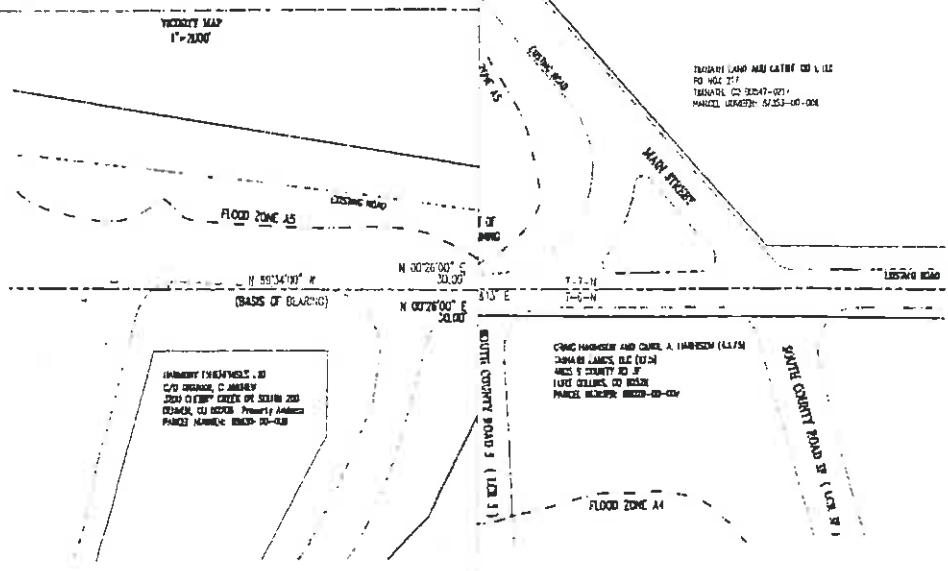
1. S 89°34'00" E, 1,024.59 feet;
2. Thence N 00°26'00" E, 20.00 feet;
3. Thence S 89°34'00" E, 219.86 feet;

Thence S 00°26'00" W, 50.00 feet to a point along the common line of said Sections; thence along said Section line S 89°34'00" E, 630.00 feet to the point of beginning, containing 2.25 acres more or less.

RANGE 68 WEST  
T10N  
R68W  
CENTRAL MERIDIAN



VICINITY MAP  
1"=200'



TRUSTEES LAND AND WATER CO. L.L.C.  
PO BOX 211  
DENVER, CO 80247-0211  
PARCEL NUMBER: 57153-00-004

**CERTIFICATE OF OWNERSHIP:**

I/WE CERTIFY THAT \_\_\_\_\_ IS/ARE THE OWNER(S) OF THE FFR PLANNING AND ZONING COMMISSION, DENVER, COLORADO, AND HOLDERS OF LIENS UPON THE PROPERTY, AND EACH AND EVERY OF THEM IN THE CONVEYANCE AND DEDICATION OF ALL STREETS, ROAD SHOWN HEREON. \_\_\_\_\_

**DESCRIPTION:**

A TRACT OF LAND LOCATED WITHIN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 7 NORTH, RANGE 68 WEST OF MERIDIAN, DENVER, COLORADO, THIS COUNTY OF LAWRER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS: \_\_\_\_\_

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 34, THENCE BY COURSE TO BEAR N 89°34'00" W, WITH ALL BEARINGS CONTAINED HERE 30.00 FEET ALONG THE EAST LINE OF SAID SECTION 34 TO A POINT ALONG COUNTY ROAD NO. 30, THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY TO THE EASTERLY RIGHT-OF-WAY OF COLORADO STATE HIGHWAY, THENCE S 00°00'00" E, 30.00 FEET TO A POINT ALONG THE COMMON LINE OF SAID SECTIONS 34 AND 35, THENCE S 00°26'00" E, 30.00 FEET TO A POINT ALONG THE COMMON LINE OF SAID SECTIONS 34 AND 35, THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY THE FOLLOWING:

1. S 89°34'00" E, 102.69 FEET;
2. THENCE N 00°26'00" E, 30.00 FEET;
3. THENCE S 89°34'00" E, 21.00 FEET;

THENCE S 00°26'00" E, 30.00 FEET TO A POINT ALONG THE COMMON LINE OF SAID SECTIONS 34 AND 35, THENCE N 89°34'00" E, 63.00 FEET TO THE POINT OF BEGINNING, CONTAINING \_\_\_\_\_ ACRES, MORE OR LESS.

**FLOOD PLANE**

FLOOD ZONE DESIGNATION IS BASED UPON THE FEDERAL INSURANCE MAP (FIM) FOR DENVER, COLORADO, PANEL 208 OF 278, COUNTY-PANEL 101 AND IS BASED ON SCALED MAP LOCATION AND GRAPHIC PLOTTING ONLY.

NOT TO BE USED FOR ANY PURPOSE OTHER THAN THAT SPECIFICALLY STATED HEREON. THIS MAP IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN THAT SPECIFICALLY STATED HEREON. THIS MAP IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN THAT SPECIFICALLY STATED HEREON.

DRAWN:  
  
DEVELOPER:  
  
SURVEYOR: C.C.S. CONSULTANTS, INC.  
P.O. BOX 1405  
BONHOMME, COLORADO 80513  
970.532.4778

**C.C.S. CONSULTANTS, INC.**  
1645 West 170 Frontage Road North  
Suite 102, Wheat Ridge, Colorado 80056  
303-405-4700 Fax 303-405-4883