

TOWN OF TIMNATH, COLORADO

ORDINANCE NO. 63, SERIES 2009

**AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN REAL PROPERTY
TO BE KNOWN AS THOMPSON ANNEXATION NO. 2, TO THE TOWN OF TIMNATH,
COLORADO**

WHEREAS, a petition (the "Petition") for Annexation was filed with the Town by the Town of Timnath ("Petitioner"), requesting the Town of Timnath annex that property more particularly described in **EXHIBIT A**, attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, the portion of the Property annexed by this Ordinance is described in **EXHIBIT B**, attached hereto and incorporated herein by this reference; and

WHEREAS, a properly noticed public hearing was held on April 1, 2009, regarding said Petition in accordance with C.R.S. § 31-12-108, and all persons interested in such Petition were provided an opportunity to be heard; and

WHEREAS, over 50% of the property owners owning more than 50% of the Property, exclusive of streets and alleys have signed the Petition and requested the Property be annexed; and

WHEREAS, the Town Council finds the Property is eligible for annexation and should be annexed to the Town of Timnath; and

WHEREAS, the contiguity required by CRS 31-12-104(1)(a) exists in that the property annexed hereby has at least one-sixth boundary contiguity with a present municipal boundary of the Town, as established by the annexation of the real property accomplished by the adoption of Ordinance No. 62, Series 2009.

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

Section 1. Findings

The Council hereby finds that a Petition for Annexation, together with four (4) copies of the annexation map as required by law, was filed with the Town Council on February 25, 2009, by the owners of over fifty percent (50%) of the area of the property hereinafter described in **EXHIBIT A**, and comprising more than fifty percent (50%) of the landowners of the property to be annexed, exclusive of public streets and alleys. The Council, by resolution at a properly noticed meeting on February 25, 2009, 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.

Section 2. Annexation Approved

The annexation to the Town of the following described real property is hereby approved:

See, attached **Exhibit B**

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. 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 APRIL 1, 2009, AT THE TIMNATH TOWN HALL, 4100 MAIN STREET, TIMNATH, COLORADO AND ORDERED PUBLISHED BY TITLE THIS 25TH DAY OF FEBRUARY, 2009.

MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON THE 1 DAY OF April, 2009.

TOWN OF TIMNATH


Donna Benson, Mayor

ATTEST:


Milissa McGuire, Town Clerk



EXHIBIT A
Legal description of property petitioned for annexation

A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER OF SECTION 27 AND IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF SECTION 34, AND CONSIDERING THE NORTH LINE OF SAID NORTHEAST QUARTER TO BEAR N89°01'51"E WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE ALONG SAID NORTH LINE N89°01'51"W, 30.01 FEET TO THE WESTERLY RIGHT OF WAY LINE OF LARIMER COUNTY ROAD NO. 5 AND THE POINT OF BEGINNING;
THENCE CONTINUING ALONG SAID NORTH LINE AND ALONG THE NORTHERLY LINE OF THE NORTH TIMNATH ANNEXATION NO. 2 AS SHOWN UNDER RECEPTION NO. 592988 OF THE LARIMER COUNTY RECORDS N89°01'51"W, 727.87 FEET;
THENCE ALONG THE WESTERLY LINE OF SAID NORTH TIMNATH ANNEXATION NO. 2 S00°58'09"W, 10.00 FEET;
THENCE N89°01'51"W, 1,000.00 FEET;
THENCE N00°58'09"W, 20.00 FEET;
THENCE N89°01'51"E, 1,727.69 FEET TO SAID WESTERLY RIGHT OF WAY LINE OF THE LARIMER COUNTY ROAD NO. 5;
THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE S00°05'11"E, 10.00 FEET TO THE POINT OF BEGINNING, CONTAINING 27,278 SQUARE FEET OR 0.626 ACRES, MORE OR LESS

AND

A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER OF SECTION 27 AND IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF SECTION 34, AND CONSIDERING THE NORTH LINE OF SAID NORTHEAST QUARTER TO BEAR N89°01'51"W WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;
THENCE ALONG SAID NORTH LINE N89°01'51"W, 30.01 FEET TO THE WESTERLY RIGHT OF WAY LINE OF LARIMER COUNTY ROAD NO. 5; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE N00°05'11"W, 10.00 FEET TO THE POINT OF BEGINNING;
THENCE N89°01'51"W, 1,727.69 FEET;
THENCE S00°58'09"W, 20.00 FEET;
THENCE N89°01'51"E, 1,000.00 FEET TO THE WESTERLY LINE OF THE NORTH TIMNATH ANNEXATION NO. 2 AS SHOWN UNDER RECEPTION NO. 592988 OF THE LARIMER COUNTY RECORDS;

THENCE ALONG SAID WESTERLY LINE S00°58'09"W, 10.00 FEET;
THENCE N89°01'51"W, 1,800.00 FEET;
THENCE N00°58'09"E, 40.00 FEET;
THENCE S89°01'51"E, 1,800.00 FEET;
THENCE N00°58'09"E, 10.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF
LARIMER COUNTY ROAD NO. 40;
THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE S89°01'51"E, 727.32
FEET TO SAID WESTERLY RIGHT OF WAY LINE OF THE LARIMER COUNTY
ROAD NO. 5;
THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE S00°05'11"E, 20.00 FEET
TO THE POINT OF BEGINNING, CONTAINING 66,550 SQUARE FEET OR 1.528
ACRES, MORE OR LESS

AND

A PARCEL OF LAND LYING IN THE SOUTH HALF OF SECTION 27 AND IN THE
NORTH HALF OF SECTION 34, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE
6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO, MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER
OF SECTION 34, AND CONSIDERING THE NORTH LINE OF SAID NORTHEAST
QUARTER TO BEAR N89°01'51"W WITH ALL BEARINGS CONTAINED HEREIN
RELATIVE THERETO;
THENCE ALONG SAID NORTH LINE N89°01'51"W, 757.88 FEET TO THE
NORTHWESTERLY CORNER OF NORTH TIMNATH ANNEXATION NO. 2 AS
SHOWN UNDER RECEPTION NO. 592988 OPF THE LARIMER COUNTY RECORDS;
THENCE N00°58'09"E, 20.00 FEET TO THE POINT OF BEGINNING;
THENCE N89°01'51"W, 1,800.00 FEET;
THENCE S00°58'09"W, 40.00 FEET;
THENCE S89°01'51"E, 1,800.00 FEET TO THE WESTERLY LINE OF SAID NORTH
TIMNATH ANNEXATION NO. 2;
THENCE ALONG SAID WESTERLY LINE S00°58'09"W, 10.00 FEET TO THE
SOUTHERLY RIGHT OF WAY LINE OF LARIMER COUNTY ROAD NO. 40;
THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE THE FOLLOWING TWO
(2) COURSES:

- (1) THENCE N89°01'51"W, 1,872.87 FEET;
- (2) THENCE S89°46'47"W, 500.50 FEET TO THE NORTHEASTERLY BOUNDRY LONE
OF LOT 1 OF ELLIOT MLD #98-S1327 AND THE SOUTHWESTERLY RIGHT OF WAY
LINE OF THE GREAT WESTERN RAILWAY, AS SHOWN UNDER RECEPTION NO.
99010997 OF LARIMER COUNTY RECORDS;
THENCE ALONG SAID NORTHEASTERLY BOUNDRY LINE AND ALONG SAID
SOUTHWESTERLY RIGHT OF WAY LINE THE FOLLOWING TWO (2) COURSES:
 - (1) THENCE S41°37'51"E, 1,992.61 FEET TO A POINT OF CURVE;
 - (2) THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF
11,509.20 FEET AND A CENTRAL ANGLE OF 02°40'46", 538.25 FEET;

THENCE CONTINUING ALONG THE BOUNDARY LINE OF SAID LOT 1 THE FOLLOWING FIFTEEN (15) COURSES:

- (1) THENCE N70°15'13"W, 202.22 FEET;
- (2) THENCE N44°24'43"W, 138.80 FEET;
- (3) THENCE N57°26'13"W, 445.00 FEET;
- (4) THENCE S61°18'47"W, 368.63 FEET;
- (5) THENCE S32°01'47"W, 286.20 FEET;
- (6) THENCE S72°11'47"W, 372.37 FEET;
- (7) THENCE N13°08'59"W, 661.09 FEET;
- (8) THENCE N76°51'01"E, 250.69 FEET;
- (9) THENCE N13°08'59"W, 212.85 FEET;
- (10) THENCE S77°01'47"W, 27.59 FEET;
- (11) THENCE N12°58'13"W, 550.00 FEET;
- (12) THENCE N77°01'47"E, 30.00 FEET;
- (13) THENCE N12°58'13"W, 0.94 FEET;
- (14) THENCE N16°33'21"W, 149.31 FEET;
- (15) THENCE S77°01'47"W, 315.91 FEET;

THENCE CONTINUING ALONG SAID BOUNDARY LINE OF SAID LOT 1 AND ITS NORTHERLY EXTENSION N09°49'13"W, 558.87 FEET TO THE NORTHERLY RIGHT OF WAY LINE THE FOLLOWING TWO (2) COURSES:

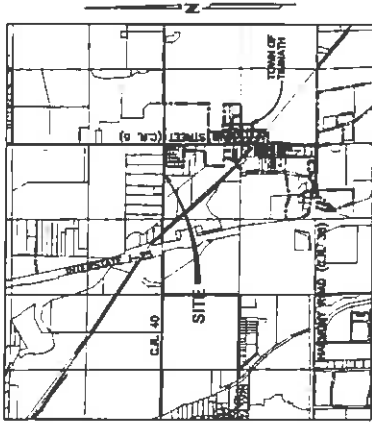
- (1) THENCE N89°46'47"E, 824.24 FEET;
- (2) THENCE S89°01'51"E, 1,873.49 FEET;

THENCE S00°58'09"W, 10.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1,358,382 SQUARE FEET OR 31.184 ACRES, MORE OR LESS

EXHIBIT B
Legal description of annexed property
[Attached]

THOMPSON ANNEXATION NO. 2

TO THE TOWN OF TIMNATH, COLORADO
 A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 27
 AND IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 7 NORTH, RANGE
 68 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO



VICINITY MAP
 1:50,000

CERTIFICATE OF APPROVAL BY THE TOWN COUNCIL

Approved this _____ day of _____, 20____ A.D. by the Town Council, Timnath, Colorado. This approval is a condition of the annexation of the parcel of land described in the foregoing plat and is subject to the conditions, covenants, restrictions, easements, and other matters set forth in the plat and the plat is subject to the conditions, covenants, restrictions, easements, and other matters set forth in the plat.

By: _____
 Town Clerk

LEGAL DESCRIPTION OF BOUNDARY OF AREA PROPOSED TO BE ANNEXED
 A PARCEL OF LAND LIES IN THE SOUTHEAST QUARTER OF SECTION 27 AND THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF SECTION 34, AND CONSIDERING THE NORTH LINE OF SAID NORTHEAST QUARTER TO BEAN IMPROVEMENT WITH ALL BEASING ENDORSED THEREON, THENCE NORTH 89°51'57" WEST 1,000.00 FEET TO THE POINT OF BEGINNING; THENCE WEST 21°11'N, 1,271.66 FEET;
 THENCE S89°51'57" W, 250.00 FEET;
 THENCE S89°51'57" W, 1,000.00 FEET TO THE WESTERN LINE OF THE NORTH TOWNSHIP ANNEXATION NO. 2 AS SHOWN ON THE PLAT OF SAID ANNEXATION, BEING THE WESTERN LINE OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO;
 THENCE ALONG SAID WESTERN LINE, S20°28'00" W, 1,000.00 FEET;
 THENCE S20°28'00" W, 800.00 FEET;
 THENCE S89°51'57" W, 1,600.00 FEET;
 THENCE S89°51'57" W, 1,000.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF LARIMER COUNTY ROAD NO. 4A;
 THENCE ALONG THE NORTHERLY RIGHT OF WAY LINE, S89°51'57" W, 727.32 FEET TO SAID WESTERN RIGHT OF WAY LINE OF LARIMER COUNTY ROAD NO. 2;
 THENCE ALONG SAID WESTERN RIGHT OF WAY LINE, S89°51'57" W, 1,000.00 FEET TO THE POINT OF BEGINNING, CONTAINING 60,500 SQUARE FEET OR 1.368 ACRES, MORE OR LESS.

SURVEYORS STATEMENT
 I, John S. McQuinn, a duly Licensed Professional Land Surveyor in the State of Colorado, do hereby certify that the foregoing plat was prepared by me and that the same is a true and correct representation of the land shown on the attached field survey. The legal description and map on this plat were prepared by me and I certify that they are true and correct. I am a duly Licensed Professional Land Surveyor in the State of Colorado, and I am not aware of any other person who has been licensed to practice the profession of land surveying in the State of Colorado. My commission expires on _____, 20____.

John S. McQuinn
 Colorado Registered Professional
 Land Surveyor L.S. 12485

NOTES
 1. NOTE: According to Colorado law, any deed, contract, or other instrument that is not recorded in this office within three years after the date of its execution is void. In the event of any action based upon any deed or other instrument which is not recorded in this office within three years after the date of its execution, the burden of proof shall be upon the party claiming its validity.

OWNER: _____
 By: _____
 STATE OF COLORADO)
 COUNTY OF LARIMER)
 To: _____ A.D., by _____
 The foregoing instrument was acknowledged before me this _____ day of _____, 20____, at _____, Colorado.
 My commission expires _____.

DEED: _____
 By: _____
 STATE OF COLORADO)
 COUNTY OF LARIMER)
 The foregoing instrument was acknowledged before me this _____ day of _____, 20____, at _____, Colorado.
 My commission expires _____.

Notary Public

Notary Public

RECORDS: _____
 By: _____
 STATE OF COLORADO)
 COUNTY OF LARIMER)
 The foregoing instrument was acknowledged before me this _____ day of _____, 20____, at _____, Colorado.
 My commission expires _____.

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 AND IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 7 NORTH, RANGE
 68 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO

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NOTES
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OWNER: _____
 By: _____
 STATE OF COLORADO)
 COUNTY OF LARIMER)
 To: _____ A.D., by _____
 The foregoing instrument was acknowledged before me this _____ day of _____, 20____, at _____, Colorado.
 My commission expires _____.

DEED: _____
 By: _____
 STATE OF COLORADO)
 COUNTY OF LARIMER)
 The foregoing instrument was acknowledged before me this _____ day of _____, 20____, at _____, Colorado.
 My commission expires _____.

Notary Public

Notary Public

RECORDS: _____
 By: _____
 STATE OF COLORADO)
 COUNTY OF LARIMER)
 The foregoing instrument was acknowledged before me this _____ day of _____, 20____, at _____, Colorado.
 My commission expires _____.

RECORDS: _____
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 COUNTY OF LARIMER)
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 STATE OF COLORADO)
 COUNTY OF LARIMER)
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 My commission expires _____.

RECORDS: _____
 By: _____
 STATE OF COLORADO)
 COUNTY OF LARIMER)
 The foregoing instrument was acknowledged before me this _____ day of _____, 20____, at _____, Colorado.
 My commission expires _____.

EMK CONSULTANTS, INC.
 ENGINEERS & SURVEYORS
 7008 SOUTH ALPINE WAY, SUITE 7
 DENVER, COLORADO 80231-1018
 (303) 441-1212



REUSE OF DOCUMENT
 THIS DOCUMENT IS THE PROPERTY OF EMK CONSULTANTS, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF EMK CONSULTANTS, INC.
 EMK CONSULTANTS, INC.
 7008 SOUTH ALPINE WAY, SUITE 7
 DENVER, COLORADO 80231-1018
 (303) 441-1212

THOMPSON ANNEXATION NO. 2
 OF LARIMER, STATE OF COLORADO
 A PORTION OF TOWNSHIP 7 NORTH,
 RANGE 68 WEST OF THE 6TH P.M., COUNTY
 OF LARIMER, STATE OF COLORADO

Date: 12.12.2008
 Prof. No. 12325.00
 Scale: N/A
 1 of 2

NO.	DESCRIPTION	DATE	BY
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10

REUSE OF DOCUMENT
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 EMK CONSULTANTS, INC.
 7008 SOUTH ALPINE WAY, SUITE 7
 DENVER, COLORADO 80231-1018
 (303) 441-1212

THOMPSON ANNEXATION NO. 2
 OF LARIMER, STATE OF COLORADO
 A PORTION OF TOWNSHIP 7 NORTH,
 RANGE 68 WEST OF THE 6TH P.M., COUNTY
 OF LARIMER, STATE OF COLORADO

Date: 12.12.2008
 Prof. No. 12325.00
 Scale: N/A
 1 of 2

NO.	DESCRIPTION	DATE	BY
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2
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7
8
9
10

THOMPSON ANNEXATION NO. 2

TO THE TOWN OF TIMNATH, COLORADO
 A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 27
 AND IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 7 NORTH, RANGE
 68 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO

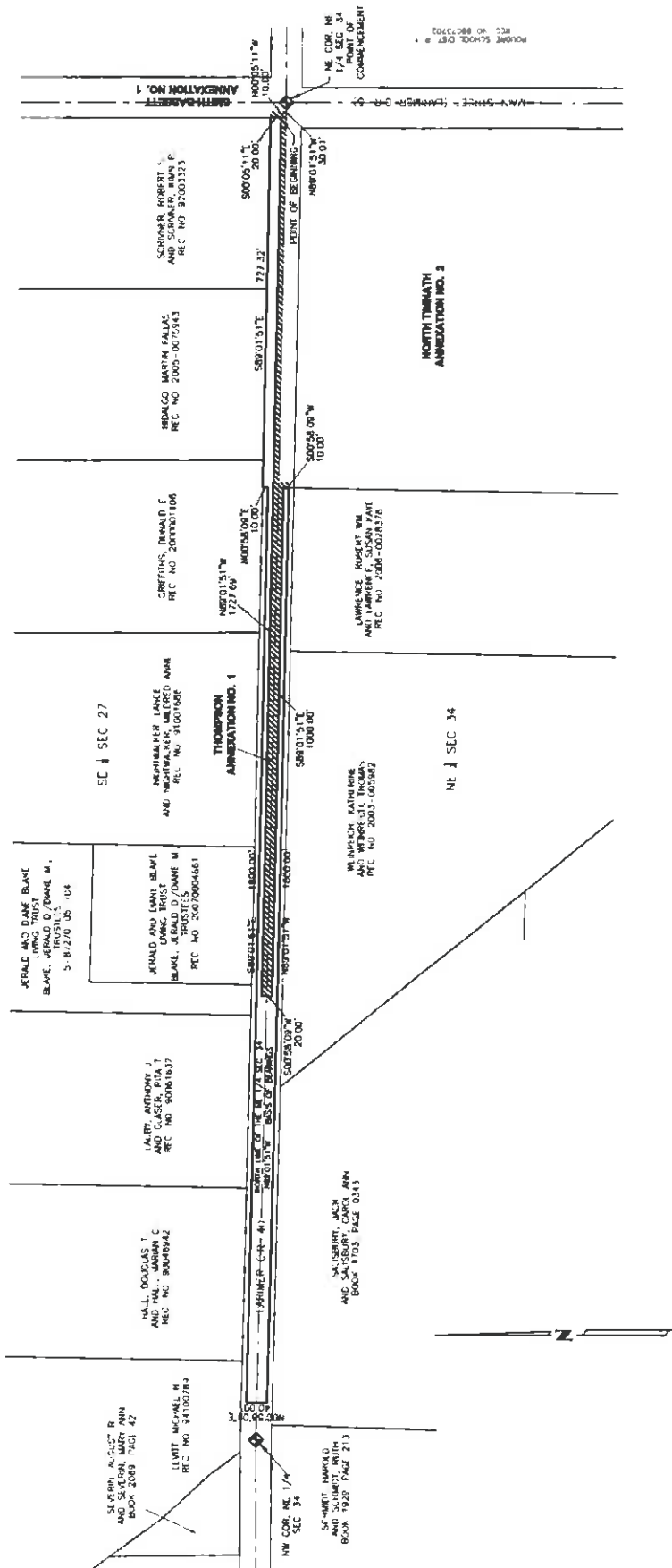


EMK CONSULTANTS, INC.
 ENGINEERS • SURVEYORS
 700 SOUTH ALTON WAY, SUITE 7
 FORT COLLINS, COLORADO 80511-2018
 (970) 441-1422

REUSE OF DOCUMENT
 THIS DOCUMENT IS THE PROPERTY OF EMK CONSULTANTS, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF EMK CONSULTANTS, INC.
 CALL 1-800-223-1987
 SCALE: 1" = 100'

NO.	REVISIONS
1	ISSUE FOR PERMITTING
2	ISSUE FOR RECORDING
3	ISSUE FOR RECORDING
4	ISSUE FOR RECORDING
5	ISSUE FOR RECORDING
6	ISSUE FOR RECORDING
7	ISSUE FOR RECORDING
8	ISSUE FOR RECORDING
9	ISSUE FOR RECORDING
10	ISSUE FOR RECORDING

THOMPSON ANNEXATION NO. 2
 PORTION OF SECTIONS 27 AND
 34 - TOWNSHIP 7 NORTH, RANGE 68
 WEST OF THE 6TH P.M., COUNTY
 OF LARIMER, STATE OF COLORADO
 Date: 12.12.2008
 Plot No. 12035000
 Scale:
 1" = 100'



LEGEND

- ANNEXED BOUNDARY
- EXISTING PROPERTY BOUNDARY
- SECTION LINE
- CONTIGUOUS BOUNDARY

