

TOWN OF TIMNATH, COLORADO

ORDINANCE NO. 64, SERIES 2009

**AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN REAL PROPERTY
TO BE KNOWN AS THOMPSON ANNEXATION NO. 3, 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 Sec. 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 and Ordinance No. 63, 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:

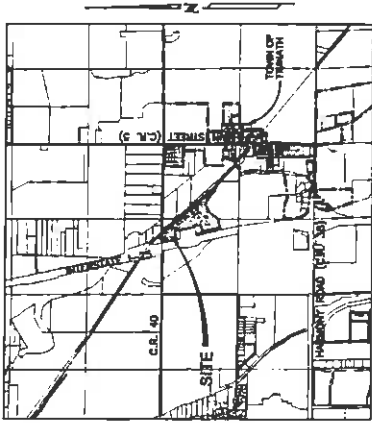
- (1) THENCE N89°46'47"E, 824.24 FEET;
- (2) THENCE S89°01'51"E, 1,873.49 FEET;

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. 3

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



VICINITY MAP
 1:2500

LEGAL DESCRIPTION OF BOUNDARY OF AREA PROPOSED TO BE ANNEXED

A PARCEL OF LAND LIES IN THE SOUTH HALF OF SECTION 27 AND IN THE NORTH HALF 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 NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF SECTION 34, AND PROCEEDING THE NORTH LINE OF SAID NORTH-NEAST QUARTER TO BEAR 88°07'51"W WITH AN BEARING OF 267.928 FEET TO THE NORTHWEST CORNER OF NORTH THAMNY, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO, 20.00 FEET TO THE POINT OF BEGINNING;

THENCE 88°07'51"W, 1,800.00 FEET;

THENCE S89°01'51"E, 1,800.00 FEET TO THE WESTERN LINE OF SAID NORTH THAMNY ANNEXATION NO. 2;

THENCE ALONG SAID WESTERN LINE S89°01'51"E, 1,800.00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF LARIMER ROAD;

THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE THE FOLLOWING TWO (2) COURSES:

(1) THENCE N07°15'17"W, 1,877.87 FEET;

(2) THENCE S89°01'51"E, 1,800.00 FEET TO THE INTERSECTION OF THE WESTERN BOUNDARY LINE OF LOT 1 OF BLOCK ONE (80-1117) AND TO THE SOUTHWEST CORNER OF SAID LOT 1;

THENCE ALONG SAID SOUTHWEST CORNER OF SAID LOT 1 THE FOLLOWING TWO (2) COURSES:

(1) THENCE S89°01'51"E, 1,800.00 FEET TO THE WESTERN BOUNDARY LINE AND ALONG SAID SOUTHWEST CORNER OF SAID LOT 1 THE FOLLOWING TWO (2) COURSES:

(1) THENCE S89°01'51"E, 1,800.00 FEET TO THE POINT OF BEGINNING;

(2) THENCE S89°01'51"E, 1,800.00 FEET TO THE WESTERN BOUNDARY LINE OF SAID LOT 1;

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

(1) THENCE S89°01'51"E, 1,800.00 FEET;

(2) THENCE N42°24'43"W, 158.80 FEET;

(3) THENCE N57°29'13"W, 445.00 FEET;

(4) THENCE S89°01'51"E, 1,800.00 FEET;

(5) THENCE S77°11'47"W, 212.27 FEET;

(6) THENCE S32°01'47"W, 208.20 FEET;

(7) THENCE N82°01'47"W, 208.20 FEET;

(8) THENCE N42°01'47"W, 158.80 FEET;

(9) THENCE N12°08'59"W, 212.85 FEET;

(10) THENCE S89°01'51"E, 1,800.00 FEET;

(11) THENCE N27°28'13"W, 500.00 FEET;

(12) THENCE N77°01'47"E, 20.00 FEET;

(13) THENCE N63°33'17"W, 594.81 FEET;

(14) THENCE N63°33'17"W, 594.81 FEET;

(15) THENCE S77°01'47"W, 212.85 FEET;

THENCE ALONG SAID SOUTHWEST CORNER OF SAID LOT 1 AND ITS SOUTHERLY EXTENSION N07°15'17"W, 508.87 FEET TO THE POINT OF BEGINNING;

THENCE ALONG SAID SOUTHWEST CORNER OF SAID LOT 1 THE FOLLOWING TWO (2) COURSES:

(1) THENCE S89°01'51"E, 1,800.00 FEET;

(2) THENCE S89°01'51"E, 1,800.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1,800.00 SQUARE FEET OR 41.184 ACRES, MORE OR LESS.

SUBSCRIBERS STATEMENT

I, Jan S. McMillan, a duly Registered Professional Land Surveyor in the State of Colorado, do hereby certify that I have examined the above described plat and find that it is a true and correct representation of the facts as shown on the field notes and that the same conform to the laws of the State of Colorado.

I further state that the same have been approved by the Board of Commissioners of the Town of Timnath, Colorado, and that the same have been approved by the Board of Commissioners of Larimer County, Colorado.

Witness my hand and official seal this 12th day of December, 2010, at Timnath, Colorado.

Jan S. McMillan
 Colorado Registered Professional Land Surveyor No. 17425



CERTIFICATE OF APPROVAL BY THE TOWN COUNCIL

Approved this 12th day of December, 2010, A.D., by the Town Council, Timnath, Colorado. The approval is conditioned upon all expenses involving necessary improvements for all utility services pending, grading, landscaping, drainage, public street rights, street signs, and pavement shall be improved by others and not the town.

Town Council
 BY: _____
 ATTEST: _____
 Town of Timnath Mayor
 Timnath Town Clerk

ANNEXED

The foregoing instrument was acknowledged before me this 12th day of December, 2010, A.D., by _____
 My commission expires: _____
 STATE OF COLORADO
 COUNTY OF LARIMER
 Larimer County Clerk & Recorder

ANNEXED

The foregoing instrument was acknowledged before me this 12th day of December, 2010, A.D., by _____
 My commission expires: _____
 STATE OF COLORADO
 COUNTY OF LARIMER
 Larimer County Clerk & Recorder

ANNEXED

The foregoing instrument was acknowledged before me this 12th day of December, 2010, A.D., by _____
 My commission expires: _____
 STATE OF COLORADO
 COUNTY OF LARIMER
 Larimer County Clerk & Recorder

THIS NUMBER OF LINEAR FEET CORRESPONDS TO THAT OF TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO.
 TOTAL NUMBER OF LINEAR FEET OF PROPERTY TO BE ANNEXED: 19,800.00
 TOTAL NUMBER OF ALLOTTABLE LINEAR FEET OF PROPERTY TO BE ANNEXED: 21,800.00

ANNEXED

The foregoing instrument was acknowledged before me this 12th day of December, 2010, A.D., by _____
 My commission expires: _____
 STATE OF COLORADO
 COUNTY OF LARIMER
 Larimer County Clerk & Recorder

ANNEXED

The foregoing instrument was acknowledged before me this 12th day of December, 2010, A.D., by _____
 My commission expires: _____
 STATE OF COLORADO
 COUNTY OF LARIMER
 Larimer County Clerk & Recorder

ANNEXED

The foregoing instrument was acknowledged before me this 12th day of December, 2010, A.D., by _____
 My commission expires: _____
 STATE OF COLORADO
 COUNTY OF LARIMER
 Larimer County Clerk & Recorder

ANNEXED

The foregoing instrument was acknowledged before me this 12th day of December, 2010, A.D., by _____
 My commission expires: _____
 STATE OF COLORADO
 COUNTY OF LARIMER
 Larimer County Clerk & Recorder

ANNEXED

The foregoing instrument was acknowledged before me this 12th day of December, 2010, A.D., by _____
 My commission expires: _____
 STATE OF COLORADO
 COUNTY OF LARIMER
 Larimer County Clerk & Recorder

ANNEXED

The foregoing instrument was acknowledged before me this 12th day of December, 2010, A.D., by _____
 My commission expires: _____
 STATE OF COLORADO
 COUNTY OF LARIMER
 Larimer County Clerk & Recorder

ANNEXED

The foregoing instrument was acknowledged before me this 12th day of December, 2010, A.D., by _____
 My commission expires: _____
 STATE OF COLORADO
 COUNTY OF LARIMER
 Larimer County Clerk & Recorder

EMK CONSULTANTS, INC.
 ENGINEERS • SURVEYORS
 7005 NORTH ALDER WAY, SUITE F
 DENVER, COLORADO 80212-2019
 (303) 444-1232



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 CALL 1-800-922-1987
 4500 SOUTH WALKER BLVD.
 DENVER, COLORADO 80231

REVISIONS	DATE	DESCRIPTION
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THOMPSON ANNEXATION NO. 3
 A PORTION OF SECTIONS 27 AND 34, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO
 DATE: 12.12.2010
 PROJ. NO.: 12121000
 1 of 3
 N/A

THOMPSON ANNEXATION NO. 3

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



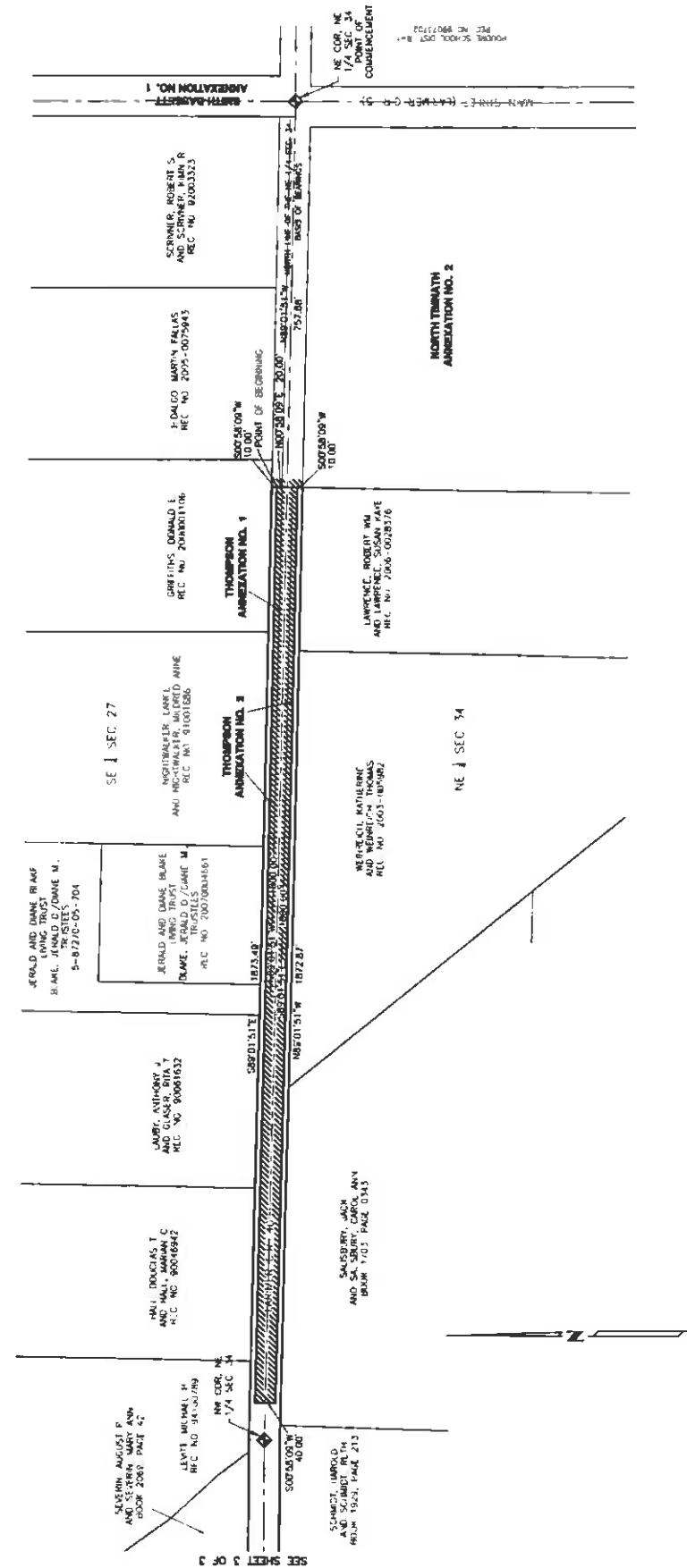
EMK CONSULTANTS, INC.
 ENGINEERS • SURVEYORS
 1000 WEST 14TH AVENUE, SUITE 1
 DENVER, COLORADO 80202-3219
 (303) 733-1111

REVISIONS

NO.	DATE	DESCRIPTION
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THOMPSON ANNEXATION NO. 3
 A PORTION OF SECTIONS 27 AND
 34, TOWNSHIP 7 NORTH, RANGE 68
 WEST OF THE 6TH P.M., COUNTY
 OF LARIMER, STATE OF COLORADO
 Date: 12-17-2008
 Proj. No. 12052500
 Scale: 1" = 100'

2 of 3



LEGEND

- ANNEXED BOUNDARY
- EXISTING PROPERTY BOUNDARY
- SECTION LINE
- COUNTYLINE BOUNDARY



