

TOWN OF TIMNATH, COLORADO

ORDINANCE NO. 85, SERIES 2009

AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN REAL PROPERTY TO BE KNOWN AS HARMONY ROAD SECOND ANNEXATION, TO THE TOWN OF TIMNATH, COLORADO, GENERALLY LOCATED NORTH OF AND ADJACENT TO HARMONY ROAD, WEST OF MAIN STREET (CR 5), EAST OF INTERSTATE 25

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, a properly noticed public hearing was held on January 6, 2010, 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 C.R.S. § 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.

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

Section 1. Findings.

1. 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 November 18, 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.

2. A properly noticed public hearing was held on January 6 2010, regarding said Petition in accordance with C.R.S. § 31-12-108, at which all persons interested in such Petition were provided an opportunity to be heard.

3. The Council by resolution at the public hearing accepted said Petition and found and determined that the applicable parts of the Municipal Annexation Act of 1965,

RECEPTION#: 20100009228, 02/18/2010 at
01:48:44 PM,
1 OF 5, R \$26.00 TD Pgs: 0
Scott Doyle, Larimer County, CO

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Town of Timnath
4800 Goodman Street
Timnath, CO 80547



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.

4. 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.

5. The Property is eligible for annexation and should be annexed to the Town of Timnath.

Section 2. Annexation Approved.

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

See, attached **Exhibit A**

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 adopted 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. The Town Clerk shall certify to the passage of this Ordinance and make not less than one copy of the adopted Ordinance available for inspection by the public during regular business hours.

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 JANUARY 6, 2010, AT THE TIMNATH TOWN HALL, 4100 MAIN STREET, TIMNATH, COLORADO AND ORDERED PUBLISHED BY TITLE THIS 2ND DAY OF DECEMBER, 2009.

MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON THE 6TH DAY OF JANUARY, 2010.

TOWN OF TIMNATH

Donna Benson

Donna Benson, Mayor

ATTEST:

Milissa McGuire

Milissa McGuire, Town Clerk

[SEAL]



EXHIBIT A

Legal Description of Property Annexed

[attached]

