

TOWN OF TIMNATH, COLORADO

ORDINANCE NO. 16, SERIES 2013

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF TIMNATH FOR THE PURPOSE OF ZONING CERTAIN REAL PROPERTY TO C-2, COMMUNITY COMMERCIAL ZONING DISTRICT KNOWN AS THE I-25 AND HARMONY SOUTHEAST ANNEXATION (LOCATED SOUTH OF HARMONY ROAD, WEST OF WEITZEL RD, SOUTHEAST OF AND ADJACENT TO I-25, NORTH OF AND ADJACENT TO SWETSVILLE ZOO ROAD)

WHEREAS, Cache La Poudre Investors South, LLC, LLC has submitted a request for zoning of real property within the Town of Timnath more particularly described in **Exhibit A** (legal description) and **Exhibit B** (zoning map) attached hereto and incorporated herein by this reference; and

WHEREAS, the Town Council finds the location of the zoning to be appropriate and in conformance with the Town Comprehensive Plan; and

WHEREAS, the zone change was recommended for approval to the Town of Timnath Town Council to C-2 Community Commercial, by the Town of Timnath Planning Commission on Tuesday, November 5, 2013.

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

Section 1. Property Zoned

That Article 3 of the Timnath Land Use Codes and the map referred to therein as the "Official Zoning Map of the Town of Timnath", said map being part of said Zoning Code and showing the boundaries of the district specified, shall be and the same is hereby amended in the following particulars, to wit:

C-2 Community Commercial – See attached **Exhibit A** and **Exhibit B**

Section 2. Public Hearing

The Town Council held a public hearing on Tuesday, December 10, 2013 regarding the zoning of the property.

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 Council

RECEPTION#: 20140004195, 01/24/2014 at
04:04:01 PM, 1 OF 7, R \$41.00 TD Pgs: 0
Angela Myers, Clerk & Recorder, Larimer
County, CO

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

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.

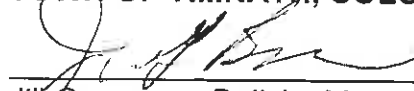
Section 4. Effective Date

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, ON NOVEMBER 26, 2013, AND SET FOR PUBLIC HEARING, AND SECOND READING AT 6:00 P.M. ON DECEMBER 10, 2013 AT THE TIMNATH ADMINISTRATION BUILDING, 4800 GOODMAN STREET, TIMNATH COLORADO AND ORDERED PUBLISHED BY TITLE THIS 13 DAY OF DECEMBER, 2013.

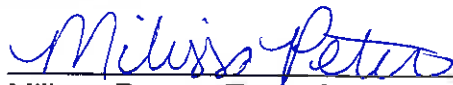
MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON DECEMBER 10, 2013.

TOWN OF TIMNATH, COLORADO



Jill Grossman-Belisle, Mayor

ATTEST:



Milissa Peters, Town Clerk



EXHIBIT A

Legal Description of Property Proposed for Zoning

PROPERTY DESCRIPTION

I-25 AND HARMONY SE ANNEXATION

A parcel of land being a portion of the Northeast Quarter of Section Three (3), Township Six North (T.6N.), Range Sixty-eight West (R.68W.), Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado:

COMMENCING at the North Quarter Corner of said Section 3 and assuming the North line of the Northeast Quarter of said Section 3 as bearing South 89°47'25" East a distance of 2634.70 feet with all other bearings contained herein relative thereto:

THENCE South 89°47'25" East along the North line of the Northeast Quarter of said Section 3 a distance of 198.83 feet to the West line of the Harmony Road Second Annexation to the Town of Timnath;

THENCE South 00°12'35" West along the West line of the Harmony Road Second Annexation to the Town of Timnath a distance of 69.00 feet to the Southwest corner thereof;

THENCE South 89°47'25" East along the South line of the Harmony Road Second Annexation to the Town of Timnath a distance of 147.11 feet to the **POINT OF BEGINNING**;

THENCE South 89°47'25" East continuing along the South line of the Harmony Road Second Annexation to the Town of Timnath a distance of 51.17 feet to the Westerly line of the Harmony Road Enterprises, LLLP First Annexation to the Town of Timnath;

The following Two (2) courses are along the Westerly lines of the Harmony Road Enterprises, LLLP First Annexation to the Town of Timnath:

THENCE South 14°18'05" West a distance of 367.05 feet;

THENCE South 22°35'27" East a distance of 91.93 feet to the most Northeasterly corner of the I-25 Annexation No. 2 to the Town of Timnath;

The following Four (4) courses are along the Northerly, Westerly and Southerly lines of the I-25 Annexation No. 2 to the Town of Timnath:

THENCE South 44°24'41" West a distance of 108.12 feet;

THENCE North 22°35'34" West a distance of 84.24 feet;

THENCE South 11°06'35" East a distance of 213.47 feet;

THENCE North 44°24'41" East a distance of 98.23 feet to the Westerly line of the Harmony Road Enterprises, LLLP Second Annexation to the Town of Timnath;

THENCE South 20°05'29" East along the Westerly line of the Harmony Road Enterprises, LLLP Second Annexation a distance of 724.35 feet to the Northerly line of that parcel of land conveyed to the Town of Timnath for use as a Public Road in a Special Warranty Deed recorded November 13, 2008 as Reception No. 20080070753 of the Records of Larimer County;

The following Six (6) courses are along the perimeter lines of said parcel of land conveyed for use as a Public Road in a Special Warranty Deed recorded as Reception No. 20080070753:

THENCE North 89°31'13" East a distance of 504.07 feet to the Northeast corner thereof;

THENCE South 00°28'47" East a distance of 60.00 feet to the Southeast corner thereof;

THENCE South 89°31'13" West a distance of 794.29 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Southeast a distance of 373.41 feet, said curve has a Radius of 246.00 feet, a Delta of 86°58'11" and is subtended by a Chord bearing South 46°02'08" West a distance of 338.58 feet to the West line of the Northeast Quarter of said Section 3;

THENCE North 02°04'05" West a distance of 163.25 feet to the beginning point of a curve non-tangent to this course;

THENCE along the arc of a curve concave to the Southeast a distance of 292.91 feet, said curve has a Radius of 306.00 feet, a Delta of 54°50'38" and is subtended by a Chord bearing North 62°05'54" East a distance of 281.85 feet to the South line of Lot 2 of the Northeast Quarter of said Section 3;

THENCE South 89°31'13" West along said South line a distance of 253.78 feet to the West line of the Northeast Quarter of said Section 3;

THENCE North 02°04'05" West along the West line of the Northeast Quarter of said Section 3 a distance of 85.27 feet to the Easterly line of Tract No. 19 of the Colorado Department of Highways Project No. I 25-3 (31)258;

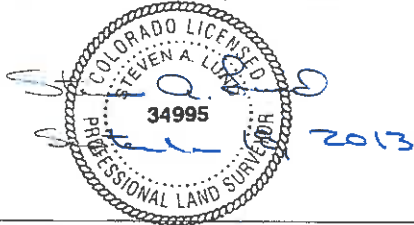
THENCE North 14°18'03" East along the Easterly line of said Tract No. 19 a distance of 1216.81 feet to the South line of the Harmony Road Second Annexation and the **POINT OF BEGINNING**;

TOTAL ANNEXED AREA for the I-25 and Harmony Road SE Annexation is 7.805 acres, more or less (±).

SURVEYOR'S STATEMENT

I, Steven A. Lund, a Colorado Registered Professional Land Surveyor do hereby state that this Property Description of land proposed to be annexed to the Town of Timnath, County of Larimer, State of Colorado, was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge, information, belief, and in my professional opinion.

I further state that not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous to the boundary line of the Town of Timnath, County of Larimer, State of Colorado.



Steven A. Lund - on behalf of King Surveyors
Colorado Registered Professional
Land Surveyor#34995

KING SURVEYORS
650 Garden Drive
Windsor, Colorado 80550
(970) 686-5011

EXHIBIT B

Zoning Map

