

**TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 20, SERIES 2013**

**AN ORDINANCE APPROVING A VACATION OF THE FORMER
I-25 FRONTAGE ROAD AT THE SOUTHEAST CORNER OF
I-25 AND HARMONY ROAD**

WHEREAS, the Town of Timnath (the "Town") owns that certain real property more particularly described in **EXHIBIT A** attached hereto and incorporated herein by this reference (the "Property") upon the 2008 relocation of an I-25 frontage road near the southeast corner of I-25 and Harmony Road; and

WHEREAS, title to the Property is vested with the Town pursuant to that certain Bargain and Sale Deed from the State of Colorado, Department of Transportation, dated December 11, 2008 and recorded in the Larimer County records at Reception No. 20080077765; and

WHEREAS, the proposed vacation of the Property will not leave any adjoining lands without an established public road for similar access purposes; and

WHEREAS, pursuant to C.R.S. §43-2-303(1)(a) and 43-2-303(2)(f), the Town may divest itself of its right, title or interest in and to the roadway, or any portion thereof, upon the vacation of such roadway by ordinance; and

WHEREAS, the Town deems it necessary and in the best interest of the health, safety and welfare of the public to vacate the Property subject to the terms and conditions provided in this Ordinance.

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

Section 1. Findings.

1. The Recitals set forth above are hereby incorporated into Town Council's findings.
2. The Town Council hereby finds that the vacation is in accordance with applicable law and requirements governing vacation.
3. The Town Council hereby vacates the Property with the condition that such vacation shall be effective upon recordation of a bargain and sale deed for the Property from the Town to the adjacent fee simple title owners abutting the Property.

Section 2. Public Hearing

The Town Council held a public hearing on Tuesday, January 14, 2014 regarding the vacation 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 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; subject to Section 1 (2) above, which provides, in applicable part, that the vacation of the Property shall be only effective upon recordation of a bargain and sale deed for the Property from the Town to the adjacent fee simple title owners abutting the Property. 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 6:00 P.M. ON JANUARY 14, 2014, AT THE TIMNATH ADMINISTRATION BUILDING, 4800 GOODMAN STREET, TIMNATH, COLORADO AND ORDERED PUBLISHED BY TITLE THIS 14TH DAY OF JANUARY, 2013.

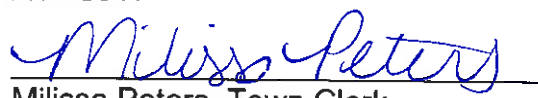
MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON THE 14TH DAY OF JANUARY, 2014.

TOWN OF TIMNATH



Jill Grossman-Belisle, Mayor

ATTEST:



Milissa Peters, Town Clerk



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EXHIBIT A

Legal Description of Property Vacated

A tract or parcel of land No. 5 REV. of the Department of Transportation, State of Colorado, Project No. IR-IM(CX)025-3(111) containing 0.290 hectares (0.718 acres), more or less; being a portion of a parcel of land as described at reception number 96019965 of the Larimer County Clerk and Recorder's Office, lying in the NE 1/4 of Section 3, Township 6 North, Range 68 West, of the Sixth Principal Meridian, in Larimer County, Colorado, said tract or parcel being more particularly described as follows:

Commencing at the northwest corner of the northeast quarter of said Section 3, thence along the westerly line of the northeast quarter of said Section 3 S 02° 03' 58" E, a distance of 287.238 meters (942.38 feet), thence departing said westerly line N 87° 56' 02" E, a distance of 27.532 meters (90.33 feet) to a point, said point being on the easterly right-of-way of Interstate 25 as described in Book 1227, Page 214, said point also being the true POINT OF BEGINNING;

1. Thence along said easterly right-of-way line N 14° 18' 10" E, a distance of 134.619 meters (441.66 feet);
2. Thence departing said easterly right-of-way line S 22° 35' 20" E, a distance of 25.676 meters (84.24 feet);
3. Thence N 44° 24' 48" E, a distance of 32.956 meters (108.12 feet) to a point on the westerly line of a parcel of land as described in Book 1802, page 744;
4. Thence along a westerly line of said parcel of land S 22° 35' 20" E, a distance of 26.025 meters (85.38 feet) to an angle point on the westerly line of said parcel of land;
5. Thence continuing along a westerly line of said parcel of land S 67° 24' 40" W, a distance of 15.149 meters (49.70 feet) to an angle point on the westerly line of said parcel of land;
6. Thence continuing along a westerly line of said parcel of land S 20° 05' 20" E, a distance of 13.253 meters (43.48 feet);
7. Thence departing said westerly line S 44° 24' 48" W, a distance of 29.940 meters (98.23 feet) to a point of curvature;
8. Thence along the arc of a curve to the left, said curve having a central angle of 19° 48' 16", an arc distance of 81.228 meters (266.50 feet), a radius of 235.000 meters (771.00 feet) and a chord bearing S 34° 30' 40" W, with a chord distance of 80.824 meters (265.17 feet) to the true POINT OF BEGINNING.

The above described tract or parcel contains 0.290 hectares/ 2,904.385 square meters (0.718 acres/31,263 square feet), more or less.

BASIS OF BEARING: Being a line between CDOT control point No. 505 (M.P. 265.05), a 3 1/4" diameter aluminum cap and CDOT control point No. 529 (M.P. 265.29), a 3 1/4" diameter aluminum cap, said line bears N 02° 14' 57" W, a distance of 397.99 meters (1,305.74) feet, determined by a Global Positioning Systems control survey, performed by CDOT. Said control points are standard type 2 CDOT control monuments as shown on project right-of-way plans.