

TOWN OF TIMNATH, COLORADO

ORDINANCE NO. 7, SERIES 2013

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF
TIMNATH FOR THE PURPOSE ZONING CERTAIN REAL PROPERTY FOR
HARMONY SUBDIVISION, GENERALLY LOCATED NORTH OF AND ADJACENT
TO HARMONY ROAD, WEST OF AND ADJACENT TO LATHAM PARKWAY**

WHEREAS, Harmony, LLC has submitted a request for rezoning of real property within the Town of Timnath to amend the existing zoning boundaries between the R-E Zone District and MU Zone District for Harmony Subdivision, more particularly described in **Exhibit A** and 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 Zoning Amendment was recommended for approval by the Town of Timnath Planning Commission on Wednesday, May 8, 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 districts specified, shall be and the same is hereby amended in the following particulars, to wit:

R-E Zone District - See, attached **Exhibit A**
MU Zone District - See, attached **Exhibit A**

Section 2. Public Hearing

The Town Council held a public hearing on June 5, 2013 regarding the Rezoning 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 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.



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

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 MAY 14, 2013, AND SET FOR PUBLIC HEARING, AND SECOND READING AT 6:00 P.M. ON JUNE 5, 2013 AT THE TIMNATH ADMINISTRATION BUILDING, 4800 GOODMAN STREET, TIMNATH COLORADO AND ORDERED PUBLISHED BY TITLE THIS 5 DAY OF JUNE, 2013.

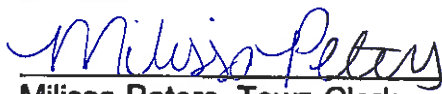
MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON JUNE 5, 2013.

TOWN OF TIMNATH, COLORADO



Jill Grossman-Belisle, Mayor

ATTEST:



Milissa Peters, Town Clerk



EXHIBIT A

Legal Description of R-E Zone District Rezoning

A PARCEL OF LAND BEING SECTION 36, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF TIMNATH, COUNTY OF LARIMER, STATE OF COLORADO.

EXCEPTING THEREFROM, A PARCEL OF LAND BEING A PART OF THE SOUTHEAST ONE-QUARTER AND A PART OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 36, BEING DESCRIBED AS FOLLOWS:

A PARCEL OF LAND BEING A PART OF THE SOUTHEAST ONE-QUARTER AND A PART OF THE SOUTHWEST ONE-QUARTER OF SECTION 36, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF TIMNATH, COUNTY OF LARIMER, STATE OF COLORADO, BEING DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 36 BEING MONUMENTED AT THE EAST END BY A 2-½" ALUMINUM CAP STAMPED "S1, T6N R68W, S36, T7N R68W, ¼, 2000, PLS 31169, TST INC. CONSULTING ENGINEERS" AND AT THE WEST END BY AN ILLEGIBLE 2-½" ALUMINUM CAP IS ASSUMED TO BEAR N89°33'31"W.

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 36; THENCE N00°06'32"E ON THE WEST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 36 A DISTANCE OF 1048.39 FEET TO THE NORTH LINE OF GRAND TREE BOULEVARD AS SHOWN ON THE FINAL PLAT OF HARMONY SUBDIVISION SECOND FILING RECORDED AT RECEPTION NUMBER 20070020818, LARIMER COUNTY RECORDS; THENCE ON SAID NORTH LINE OF SAID GRAND TREE BOULEVARD THE FOLLOWING SEVEN (7) COURSES:

1. N90°00'00"E A DISTANCE OF 261.23 FEET
2. ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 45°03'45", A RADIUS OF 640.00 FEET, A DISTANCE OF 503.35 FEET, THE CHORD OF WHICH BEARS S67°28'07"E A DISTANCE OF 490.48 FEET;
3. S44°56'15"E A DISTANCE OF 287.91 FEET TO A POINT OF CURVE;
4. ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 47°06'18", A RADIUS OF 560.00 FEET, A DISTANCE OF 460.40 FEET, THE CHORD OF WHICH BEARS S68°29'24"E A DISTANCE OF 447.54 FEET;
5. N87°57'27"E A DISTANCE OF 246.01 FEET TO A POINT OF CURVE;
6. ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 2°05'56", A RADIUS OF 1484.00 FEET, A DISTANCE OF 54.36 FEET, THE CHORD OF WHICH BEARS N86°54'29"E A DISTANCE OF 54.36 FEET;
7. N85°51'31"E A DISTANCE OF 94.92 FEET TO THE SOUTHEAST CORNER OF OUTLOT 1 AS SHOWN ON SAID FINAL PLAT;

THENCE ON THE EASTERLY LINE OF SAID OUTLOT 1 THE FOLLOWING THREE (3) COURSES:

1. N02°02'33"W A DISTANCE OF 225.33 FEET;
2. N02°41'29"W A DISTANCE OF 111.61 FEET;
3. N50°08'36"W A DISTANCE OF 187.08 FEET;

THENCE N45°27'20"E A DISTANCE OF 364.29 FEET TO THE SOUTHWESTERLY LINE OF AN 80 FOOT WIDE DITCH EASEMENT AS SHOWN ON SAID FINAL PLAT;
THENCE ON SAID SOUTHWESTERLY LINE OF SAID DITCH EASEMENT THE FOLLOWING TWO (2) COURSES:

1. S63°25'43"E A DISTANCE OF 231.70 FEET;

2. S49°34'13"E A DISTANCE OF 98.92 FEET;

THENCE S55°48'34"E A DISTANCE OF 173.85 FEET TO THE NORTH LINE OF THE EXISTING MIXED USE ZONE AS SHOWN ON THE OFFICIAL ZONING MAP OF THE TOWN OF TIMNATH, COLORADO;

THENCE ON SAID NORTH LINE THE FOLLOWING THREE (3) COURSES:

1. S50°20'18"E A DISTANCE OF 413.34 FEET
2. S89°40'17"E A DISTANCE OF 520.49 FEET
3. S00°23'45"W A DISTANCE OF 435.86 FEET TO SAID SOUTHWESTERLY LINE;

THENCE ON SAID SOUTHWESTERLY LINE OF SAID DITCH EASEMENT THE FOLLOWING THREE (3) COURSES:

1. S56°36'13"E A DISTANCE OF 78.69 FEET;
2. S50°04'19"E A DISTANCE OF 212.31 FEET;
3. S44°30'26"E A DISTANCE OF 43.83 FEET TO THE NORTH LINE OF EAST HARMONY ROAD AS SHOWN ON SAID FINAL PLAT;

THENCE S00°26'12"W A DISTANCE OF 70.00 FEET TO THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 36;

THENCE N89°33'48"W A DISTANCE OF 704.72 FEET TO THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 36;

THENCE N89°33'31"W A DISTANCE OF 2649.62 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 582.777 ACRES (25,385,747 SQUARE FEET, MORE OR LESS).

Legal Description of M-U Zone District Rezoning

A PARCEL OF LAND BEING A PART OF THE SOUTHEAST ONE-QUARTER AND A PART OF THE SOUTHWEST ONE-QUARTER OF SECTION 36, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF TIMNATH, COUNTY OF LARIMER, STATE OF COLORADO, BEING DESCRIBED AS FOLLOWS:

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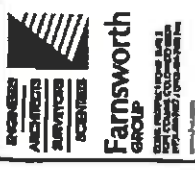
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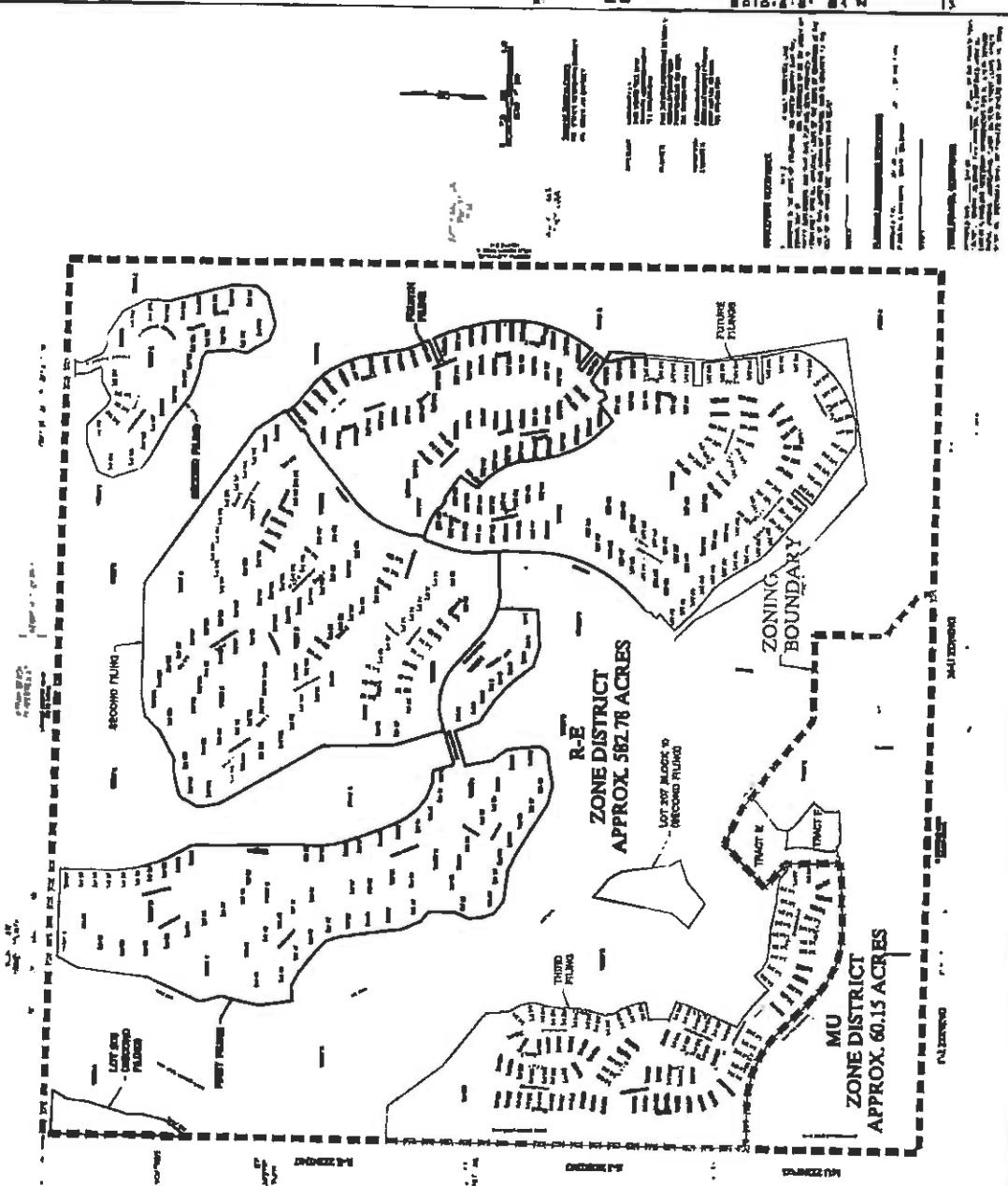
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CONTAINING A CALCULATED AREA OF 60.152 ACRES (2,620,222 SQUARE FEET, MORE OR LESS).



HARMONY SUBDIVISION - ZONING MAP

A TRACT OF LAND LOCATED IN SECTION 38, TOWNSHIP 7 NORTH,
 RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
 COUNTY OF LARIMER, STATE OF COLORADO



LEGEND

Zone Districts:
 R-E Zone District: Residential Single-Family
 MU Zone District: Medium Density Residential

Tracts:
 Tract 4
 Tract 5

Platted Areas:
 Second Plung
 Third Plung
 Lot 307 Block 10 Second Plung

Other Features:
 Zoning Boundary
 Future Tracts

HARMONY
 SUBDIVISION

DATE	2/15/10
PROJECT	HARMONY SUBDIVISION
DESCRIPTION	ZONING MAP
SCALE	AS SHOWN
BY	[Signature]
CHECKED BY	[Signature]
DATE	2/15/10