

**TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 1, SERIES 2014**

AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN REAL PROPERTY TO BE KNOWN AS THE BRUNNER FARM ANNEXATION TO THE TOWN OF TIMNATH, COLORADO, GENERALLY LOCATED SOUTH OF AND ADJACENT TO CR 36/RIVER PASS ROAD, AND WEST OF AND ADJACENT TO THREE BELL PARKWAY

WHEREAS, a petition (the "Petition") for Annexation was filed with the Town by GL Brunner Farms, LLC ("Petitioner"), requesting the Town of Timnath annex that property more particularly described in **EXHIBIT A** (legal description) and **EXHIBIT B** (annexation map), attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, a properly noticed public hearing was held on January 7, 2014 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; and

WHEREAS, the Town and Petitioners wish to enter into an annexation agreement.

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 August 16, 2013, by the owners of over fifty percent (50%) of the area of the property hereinafter described in **EXHIBIT A** (legal description) and **EXHIBIT B** (annexation map), 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 14, 2014 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, 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.

6. An Annexation Agreement between the property owners and the Town has been prepared, and reviewed by the Council.

Section 2. Annexation and Annexation Agreement Approved.

The annexation to the Town of the following described real property is hereby approved (see attached):

Exhibit A – Property Description

Exhibit B – Annexation Map

The Annexation Agreement referenced in section 1 (6) is hereby approved in substantially the form as presented herewith, subject to technical or otherwise non-substantive modifications, as deemed necessary by the Town Manager in consultation with the Town Planner, Engineer, Legal Counsel, and other applicable staff or consultants, and subject to any further revisions to limitations on vested rights as deemed necessary by Special Counsel. The Annexation Agreement shall be recorded contemporaneously with this Annexation Ordinance.

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.

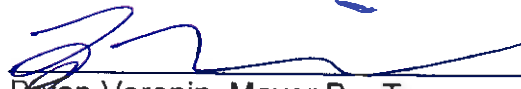
This Ordinance shall take effect upon adoption at second reading, as provided by Section 3.5.5 of the Charter. The Town Clerk shall certify to the passage of this

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 ON JANUARY 28, 2014, SET FOR PUBLIC HEARING AND SECOND READING AT 6:00 P.M. ON FEBRUARY 25, 2014 AT THE TIMNATH ADMINISTRATION BUILDING, 4800 GOODMAN STREET, TIMNATH, COLORADO AND ORDERED PUBLISHED BY TITLE THIS 28TH DAY OF FEBRUARY, 2014.

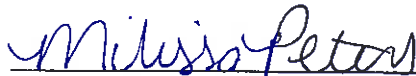
MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON THE 25TH DAY OF FEBRUARY, 2014.

TOWN OF TIMNATH



Bryan Voronin, Mayor Pro Tem

ATTEST:



Milissa Peters, Town Clerk



EXHIBIT A

Legal Description of Property Annexed

[attached]

PROPERTY DESCRIPTION
BRUNNER FARM ANNEXATION TO TIMNATH

That portion of Section Two (2) and Section Eleven (11), Township Six North (T.6N.) Range Sixty-Eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado and being more particularly described as follows:

Considering the North line of the Northeast Quarter of said Section 11 as bearing North 88°35'28" East with all other bearings herein relative thereto:

BEGINNING at the North Quarter Corner of Section 11; thence along the North line of Northeast Quarter of Section 11, North 88° 35' 28" East, 543.04 feet; thence, North 01° 24' 35" West, 30.00 feet to the North right-of-way line of County Road 36; thence along said North line, North 88° 35' 28" East, 1967.75 feet to the West right-of-way line of County Road 3; thence along said West line, South 00° 51' 03" East, 60.00 feet; thence continuing along said West line, South 00° 34' 57" East, 2495.04 feet; thence, North 77° 19' 47" West, 1304.81 feet to a point on the West line of the Southeast Quarter of the Northeast Quarter; thence along said West line, North 00° 11' 36" East, 692.14 feet; thence, North 23° 51' 18" West, 213.43 feet to a point on the South line of the Northwest Quarter of the Northeast Quarter; thence along said South line, South 88° 48' 49" West, 1201.12 feet to the Center North Sixteenth Corner of Section 11; thence along the West line of the Northeast Quarter of Section 11, North 00° 58' 24" East, 1314.70 feet to the Point of Beginning.

The above described tract of land contains 4,723,611 square feet or 108.439 acres more or less and is subject to all easements and right-of-way now on record or existing.

EXHIBIT B

Annexation Map

[attached]

BRUNNER FARM ANNEXATION MAP

A TRACT OF LAND LOCATED IN SECTION 2 AND SECTION 11, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE 6th PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO

PROPERTY DESCRIPTION

BRUNNER FARM ANNEXATION TO TOWNSHIP

This portion of Brunner Farm, (T1 and Section 11), Township 6 North, Range 68 West, Section 11, (S11) of the 6th Principal Meridian (68 P.M.), County of Larimer, State of Colorado and being more particularly described as follows:

Containing the North East of the Northeast Quarter of said Section 11 as being North 49°12'30" East 1/4 of said Northeast Quarter. BEGINNING at the North Corner of Section 11, thence along the North line of the Northeast Quarter of Section 11, North 89°53'30" East, 1/4 of a mile; thence along the East line of the Northeast Quarter of Section 11, North 89°53'30" East, 1/4 of a mile; thence along the South line of the Northeast Quarter of Section 11, South 89°53'30" East, 1/4 of a mile; thence along the West line of the Northeast Quarter of Section 11, West 89°53'30" East, 1/4 of a mile; thence along the North line of the Northeast Quarter of Section 11, North 89°53'30" East, 1/4 of a mile to the point of beginning.

The above described tract of land contains 4.250 0/100 acres that are 100.00 Acres there or less and is subject to all covenants and obligations hereon as recorded or existing.

OWNER

BY: _____

STATE OF COLORADO
COUNTY OF LARIMER

The foregoing instrument was acknowledged before me this _____ day of _____, 2015.

Witness my hand and official seal.

My commission expires _____

Notary Public

CERTIFICATE OF APPROVAL BY THE TOWNSHIP COUNCIL

Approved this _____ day of _____, 2015, A.D. by the Town Council, Township, Colorado. This approval is conditioned upon all covenants affecting ownership interests and all utility easements, parties, landscaping, utility, gas, water, street lights, fire hydrants, and utilities shall be furnished by others and not the Town.

BY: _____
Town of Township, Colorado

ATTEST: _____
Township Trust Clerk

TOWNSHIP BOARDING COMMISSION APPROVAL

The Planning Commission of Township, Colorado, does hereby authorize this annexation as a matter of local government held on the _____ day of _____, 2015, A.D.

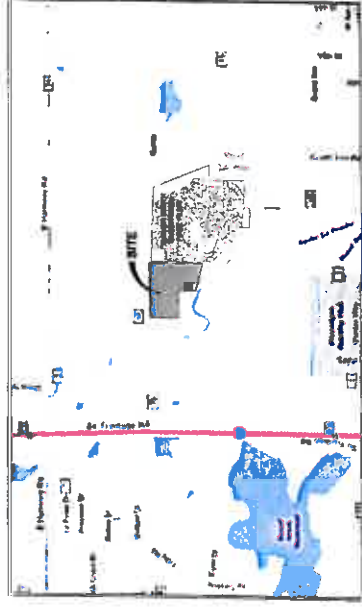
BY: _____
Chair

WARRANT OF RIGHT

Considering the North East of the Northeast Quarter of said Section 11 as being North 49°12'30" East 1/4 of said Northeast Quarter herein referred to above.

CONTINGENTS

TOTAL NUMBER OF LINEAR FEET CONDORS TO TOWN OF TOWNATH: 2117
TOTAL NUMBER OF LINEAR FEET OF PROPERTY TO BE ANNEXED: 2927
TOTAL NUMBER OF ALLOWABLE LINEAR FEET OF PROPERTY TO BE ANNEXED: 2117 x 641.37



VOCITY MAP NOT TO SCALE

BRUNNER FARM ANNEXATION MAP
A PORTION OF SECTION 11, T6N, R68W
TOWN OF TIMNATH, COLORADO

1
OF 2 SHEETS

NORTHERN ENGINEERING
NORTHERN ENGINEERING
1015 1/2 1st St. NW
Boulder, CO 80501
Tel: 303.440.1111
Fax: 303.440.1112
www.northerneng.com

DATE	12/15/15
PROJECT	BRUNNER FARM ANNEXATION MAP
DRAWN BY	J.P.
CHECKED BY	J.P.
TITLE	BRUNNER FARM ANNEXATION MAP

NOTICE
This map is intended to show the location of the property to be annexed. It is not intended to show the location of the property to be annexed. It is not intended to show the location of the property to be annexed. It is not intended to show the location of the property to be annexed.

BRUNNER FARM ANNEXATION MAP

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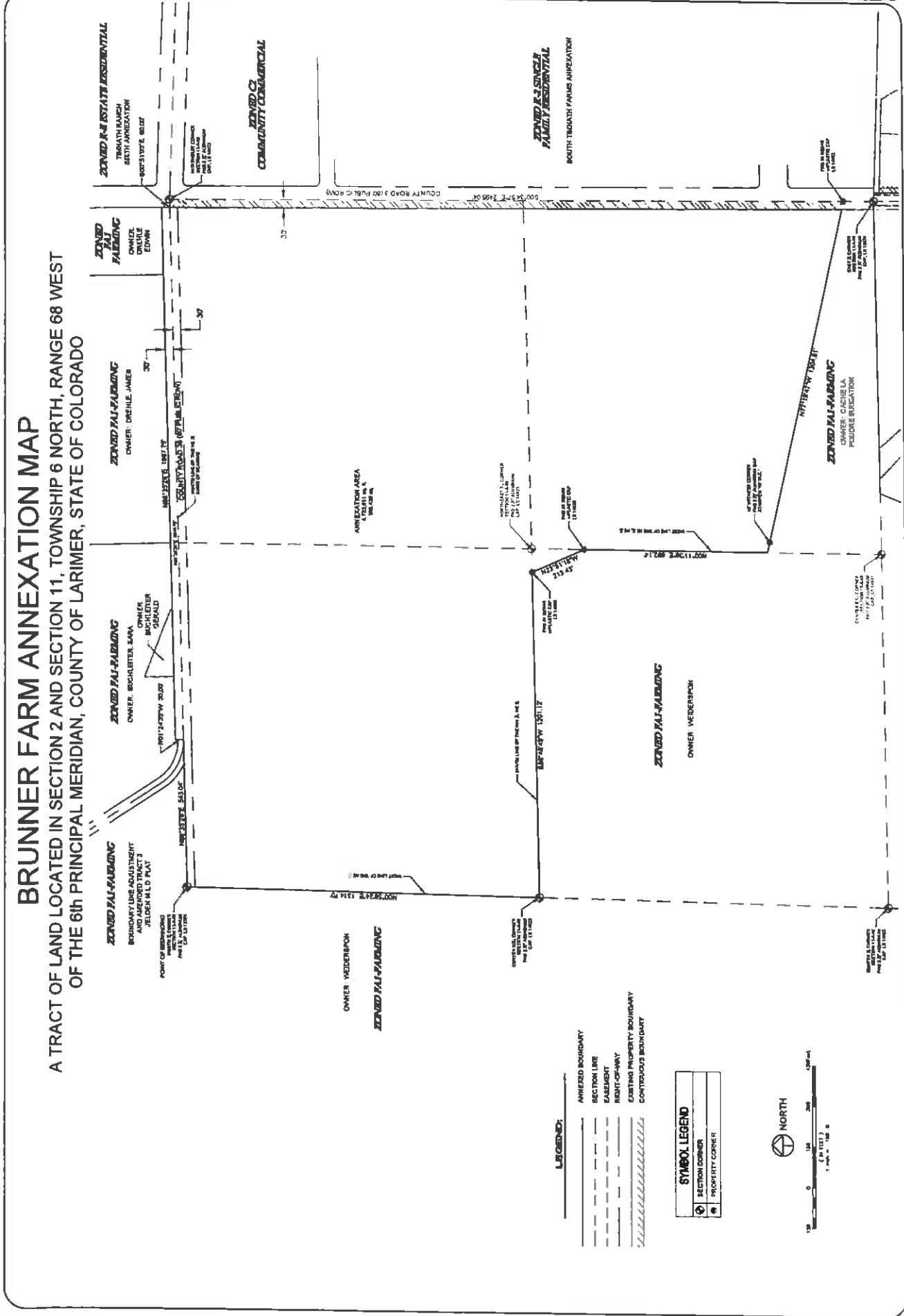
NOTICE
 This map was prepared by the County Engineer of Larimer County, Colorado, under the authority of the State Engineer of Colorado. It is hereby certified that the same is a true and correct copy of the original map on file in the office of the County Engineer of Larimer County, Colorado.

NORTHERN ENGINEERING
 1111 N. 11th St.
 Fort Collins, CO 80521
 Phone: 970-221-1111
 Fax: 970-221-1112
 E-mail: info@northerneng.com

DATE	8/7/13
PROJECT	BRUNNER FARM ANNEXATION MAP
DRAWN BY	AL CHAPMAN
CHECKED BY	AL CHAPMAN

A TOWN OF TIMNATH, COLORADO
 BRUNNER FARM ANNEXATION MAP

2
 OF 2 SHEETS



- LEGEND:**
- ANNEXED BOUNDARY
 - SECTION LINE
 - EASEMENT
 - RIGHT-OF-WAY
 - EXISTING PROPERTY BOUNDARY
 - CONTIGUOUS BOUNDARY

SYMBOL LEGEND

+	SECTION CORNER
•	PROPERTY CORNER

