

**TOWN OF TIMNATH, COLORADO
RESOLUTION NO. 70, SERIES 2015**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TIMNATH APPROVING THE
PRELIMINARY PLANNED DEVELOPMENT OVERLAY FOR TIMNATH LANDING
SUBDIVISION, GENERALLY LOCATED EAST OF AND ADJACENT TO CR 5/MAIN
STREET, AND NORTH OF AND ADJACENT TO CR 38 (HARMONY RD)**

WHEREAS, CAC Timnath, LLC (the "Developer") has submitted a Sketch Planned Development Overlay for the Timnath Landing Subdivision, more particularly described in **Exhibit A** (legal description) and **Exhibit B** (Preliminary Planned Development Overlay) and attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, a properly noticed public hearing was held on October 6, 2015, and the above described Sketch Planned Development Overlay was recommended for approval to the Town Council by the Town of Timnath Planning Commission; and

WHEREAS, a properly noticed public hearing with the Town Council was held on October 13, 2015 and upon hearing the statements of staff, the applicant(s) and giving consideration to the recommendations, the Town Council continued the action to a future meeting; and

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH, COLORADO:

Section 1. Preliminary Planned Development Overlay

The Preliminary Planned Development Overlay for Timnath Landing Subdivision is approved as presented with the following conditions:

- a. Revise the table and narrative to reflect the revised setbacks as presented to Council at the Public Hearing.
- b. Allow staff to continue to work with applicant to address all unresolved technical comments to the satisfaction of Town Staff and Referral Agencies.
- c. The applicant provide fencing alternatives for lots along Main Street as part of the Final PD Overlay

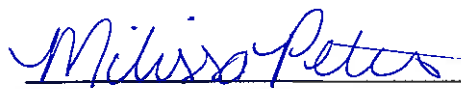
PASSED, APPROVED AND ADOPTED THIS 13 DAY OF OCTOBER, 2015.

TOWN OF TIMNATH, COLORADO



Jill Grossman-Belisle, Mayor

ATTEST:



Milissa Peters, CMC
Town Clerk



EXHIBIT A

Legal Description of Property Proposed for Preliminary Planned Development Overlay

Parcel A:

A Parcel of land located in Section 35, Township 7 North, Range 68 West of the 6th Principal Meridian, Town of Timnath, County of Larimer, State of Colorado, more particularly described as follows:

Beginning at the Northwest corner of the Northeast quarter of said Section 35; Thence S 89 Degrees 54'07" E along the North line of said Northeast quarter of Section 35, 788.31 feet to the westerly and southerly line of a 75 feet wide right-of-way as described in Book 186, Page 60 of the Larimer County Records; Thence along said right-of-way line the following ten (10) courses:

- 1) S 40 Degrees 54'07" E, 117.85 feet;
- 2) S 08 Degrees 54'07" E, 85.80 feet;
- 3) S 01 Degrees 35'53" W, 103.76 feet;
- 4) S 20 Degrees 09' 07" E, 114.07 feet;
- 5) S 40 Degrees 54' 07" E, 108.07 feet;
- 6) S 44 Degrees 34' 07" E, 111.10 feet;
- 7) S 74 Degrees 09' 07" E, 113.93 feet;
- 8) S 86 Degrees 24' 07" E, 108.63 feet;
- 9) N 79 Degrees 35' 53" E, 107.72 feet;
- 10) N 70 Degrees 05' 53" E, 101.07 feet;

Thence S 00 Degrees 00'00" E, 723.05 feet; Thence S 53 Degrees 14'54" E, 1443.05 feet to the East line of said Northeast quarter of Section 35; Thence S 00 Degrees 06'35" W along said East line, 535.02 feet to the East quarter corner of said Section 35; Thence S 00 Degrees 06' 32" W along the East line of the Southeast quarter of said Section 35, 423.09 feet; Thence N 89 Degrees 46'32" W, 4814.63 feet; Thence N 00 Degrees 14'31" E, 42.94 feet; Thence S 89 Degrees 45'29" E, 30.00 feet; Thence N 00 Degrees 14'31" E, 380.15 feet to the North line of the Southwest quarter of said Section 35; Thence S 89 Degrees 46'32" E along said North line, 905.61 feet; Thence N 00 Degrees 13'28" E, 300.00 feet; Thence N 00 Degrees 05'50" E, 282.85 feet; Thence N 89 Degrees 54' 10" W, 906.87 feet; Thence N 00 Degrees

02'16" E, 70.79 feet; Thence N 89 Degrees 57' 44" W, 60.00 feet; Thence N 00 Degrees 02'16" E, 465.00 feet to the South line of a Parcel of land described at Reception No. 99073702 of the Larimer County Records; Thence S 89 Degrees 57'44" E along said South line, 987.48 feet; Thence N 00 Degrees 02'16"

E along the East line of said parcel of land described at Reception No. 99073702, 1521.58 feet to the

North line of the Northwest quarter of said Section 35; Thence S 89 Degrees 48'54" E along said North line, 1216.33 feet to the point of beginning, excepting therefrom a portion of Larimer County Road 40 right-of-way described in Book 1122 at Page 167 of the Larimer County Records more particularly described as follows:

Beginning at the Northwest corner of the Northeast quarter of said Section 35; Thence S 89 Degrees 54'07" W along the North line of said Northeast quarter of said Section 35, 788.31 feet; Thence S 40

Degrees 54' 07" E, 64.52 feet to the South line of Larimer County Road 40; thence along said South right-of-way line the following four (4) courses: 1) S 86 Degrees 28'27" W, 162.59 feet; 2) N 89 Degrees 37'33" W, 261.86 feet; 3) N 85 Degrees 43'33" W, 380.62 feet; 4) N 89 Degrees 49'02" W, 1243.21 feet to said East line of Reception No. 99073702; Thence N 00 Degrees 02'16" E, 30.00 feet to the North line of said Northwest quarter of Section 35; Thence S 89 degrees 48'54" E along said North line, 1216.33 feet to the Point of Beginning,

Excepting therefrom a Parcel of land located in the Southeast quarter of Section 35, Township 7 North, Range 68 West of the 6th Principal Meridian, Town of Timnath, County of Larimer, State of Colorado, more particularly described as follows:

Commencing at the Southeast corner of said Section 35; Thence N 89 Degrees 40'50" W along the South line of said Southeast quarter of Section 35, 2649.40 feet to the Southwest corner of said Southeast quarter of Section 35; Thence N 00 Degrees 10'37" E along the West line of said Southeast quarter of Section 35, 2220.63 feet to the Point of Beginning; Thence continuing along said west line of the Southeast quarter N 00 Degrees 10'37" E, 390.09 feet; Thence S 89 Degrees 46'32" E, 1323.17 feet; Thence S 00 Degrees 08'35" W, 390.09 feet; Thence N 89 Degrees 46'32" W, 1323.40 feet to the Point of Beginning, County of Larimer, State of Colorado.

And also except Lot 1, in Block 7, of the Town of Timnath, per Plat of record, and the vacated alleys to the North and East thereof and adjacent thereto and heretofore vacated by instruments of record, County of Larimer, State of Colorado.

Parcel B:

A Parcel of land located in the Southeast quarter of Section 35, Township 7 North, Range 68 West of the 6th Principal Meridian, Town of Timnath, County of Larimer, State of Colorado, more particularly described as follows:

Commencing at the Southeast corner of said Section 35; Thence N 89 Degrees 40'50" W along the South line of said Southeast quarter of Section 35, 2649.40 feet to the Southwest corner of said Southwest quarter of Section 35; Thence N 00 Degrees 10'37" E along the West line of said Southeast quarter of Section 35, 2220.63 feet to the Point of Beginning; Thence continuing along said West line of the Southeast quarter N 00 Degrees 10'37" E, 390.09 feet; Thence S 89 Degrees 46'32" E, 1323.17 feet; Thence S 00 Degrees 08'35" W, 390.09 feet; Thence N 89 Degrees 46'32" W, 1323.40 feet to the Point of Beginning, County of Larimer, State of Colorado.

Parcel C:

Lot 1, in Block 7, of the Town of Timnath, per Plat of record, and the vacated alleys to the North and East thereof and adjacent thereto and heretofore vacated by instruments of record, County of Larimer, State

of Colorado.

Parcel D:

A Parcel of land located in the South half of Section 35, Township 7 North, Range 68 West of the 6th Principal Meridian, Town of Timnath, County of Larimer, State of Colorado, more particularly described as follows:

Beginning at the Southeast corner of said Section 35; Thence N 89 Degrees 40'50" W along the South line of the Southeast quarter of said Section 35, 2649.40 feet; to the South quarter corner of said Section 35; Thence N 89 Degrees 39'13" W along the South line of the Southwest quarter of said Section 35, 2642.40 feet to the Southwest corner of said Section 35; Thence N 00 Degrees 14'31" E along the West line of said Southwest quarter of Section 35, 780.70 feet; Thence S 89 Degrees 45'29" E, 42.00 feet; Thence N 00 Degrees 14'31" E, 910.58 feet; Thence S 89 Degrees 39'28" E, 335.84 feet; Thence N 00 Degrees 11'20" E, 131.11 feet to the Southwesterly line of a 100 foot wide railroad right-of-way as described in Book T at Page 346 of the Larimer County Records; Thence S 50 Degrees 24'42" E along said Southwesterly right-of-way line, 432.26 feet; Thence N 00 Degrees 14'31" E, 129.31 feet to the Northeasterly line of said 100 foot wide railroad right-of-way; Thence N 50 Degrees 24'42" W along said Northeasterly right-of-way line, 310.35 feet; Thence N 00 Degrees 14'31" E, 341.36 feet; Thence S 89 Degrees 46'32" E, 4814.63 feet to the East line of the Southeast quarter of said Section 35; Thence S 00 Degrees 06'32" W along said east line of the Southeast quarter of Section 35, 2225.05 feet to the Point of beginning,

Excepting therefrom that portion conveyed to the Board of County Commissioners by Quit Claim Deed recorded in Book 512 at Page 140, and also except those portions described in Deeds of Dedication recorded May 6, 1997 at Reception No. 97027960 and July 27, 2005 at Reception No. 2005 0061972, and also except that portion as conveyed in instrument recorded August 16, 1881 in Book T at Page 346, County of Larimer, State of Colorado; And except the South Thirty (30) feet for Larimer County Road 38 as described in Book R at Page 16 and Book R at Page 27 of the Larimer County Records;

And also excepting therefrom a Parcel of land located in the Southeast quarter of Section 35, Township 7 North, Range 68 West of the 6th Principal Meridian, Town of Timnath, County of Larimer, State of Colorado, more particularly described as follows:

Commencing at the Southeast corner of said Section 35; Thence N 89 Degrees 40'50" W along the South line of said Southeast quarter of Section 35, 1324.70 feet to the Point of Beginning; Thence continuing along said South line of the Southeast quarter of Section 35 N 89 Degrees 40'50" W, 1203.44 feet to a point on the Northeasterly right-of-way way line of the Colorado and Southern Railroad as described in Book T at Page 346 of the Larimer County records; Thence along said Northeasterly right-of way line, N 50 Degrees 24'42" W, 156.98 feet to the West line of said Southeast quarter of Section 35; Thence N 00 Degrees 10'37" W along said West line of the Southeast quarter of Section 35, 2121.29 feet; Thence S 89 Degrees 46'32" E, 1323.40 feet; Thence S 00 Degrees 08'35" W, 2222.85 feet to the Point of Beginning, excepting therefrom a portion of Larimer County Road 38 right-of-way described in Book R at

Pages 16 and 27 of the Larimer County Records, County of Larimer, State of Colorado.

Parcel E:

A Parcel of land located in the Southeast quarter of Section 35, Township 7 North, Range 68 West of the 6th Principal Meridian, Town of Timnath, County of Larimer, State of Colorado, more particularly described as follows:

Commencing at the Southeast corner of said Section 35; Thence N 89 Degrees 40'50" W along the South line of said Southeast quarter of Section 35, 1324.70 feet to the Point of Beginning; Thence continuing along said South line of the Southeast quarter of Section 35 N 89 Degrees 40'50" W, 1203.44 feet to a point on the Northeasterly right-of-way line of the Colorado and Southern Railroad as described in Book T at Page 346 of the Larimer County Records; Thence along said Northeasterly right-of-way line, N 50 Degrees 24'42" W, 156.98 feet to the West line of said Southeast quarter of Section 35; Thence N 00 Degrees 10'37" W along said West line of the Southeast quarter of Section 35, 2121.29 feet; Thence S 89 Degrees 46'32" E, 1323.40 feet; Thence S 00 Degrees 08'35" W, 2222.85 feet to the Point of Beginning, Excepting therefrom a portion of Larimer County road 38 right-of-way described in Book R at Page 16 and 27 of the Larimer County records, County of Larimer, State of Colorado.

EXHIBIT B

Preliminary Planned Development Overlay

[attached]

Planning & Engineering
 13100 E. 1st Ave., Suite 200
 Aurora, CO 80012
 (303) 751-1000

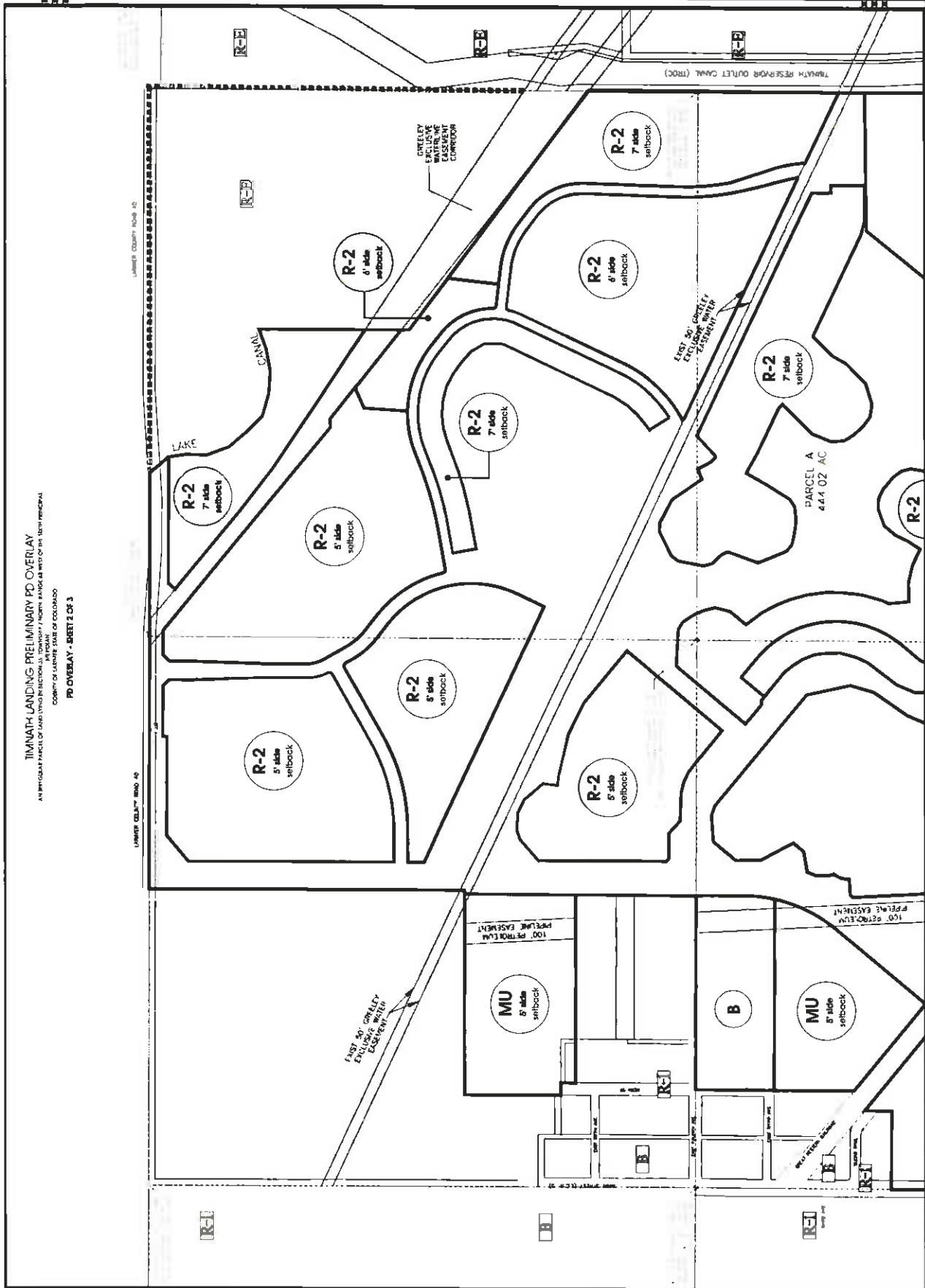
LAND PLANNING & ENGINEERING
 13100 E. 1st Ave., Suite 200
 Aurora, CO 80012
 (303) 751-1000

EMK ENGINEERING
 2006 S. ASH ST. BUILDING F
 Englewood, Colorado 80112
 (303) 751-1000

Timmath Landing Preliminary PD Overlay
 Timmath, Colorado

Drawn by: [Signature]
Checked by: [Signature]
Date: [Date]
Project: [Project Name]
Sheet Number: [Sheet Number]

Sheet No. 1
PD OVERLAY
 Sheet Number: PD-1



TIMMATH LANDING PRELIMINARY PD OVERLAY
 AN PRELIMINARY PLAN OF LAND DIVISION SUBJECT TO THE ZONING AND SUBDIVISION ACTS OF THE STATE OF COLORADO
 LUMBER COUNTY ROAD 40
 PD OVERLAY - SHEET 2 OF 3

