

TOWN OF TIMNATH, COLORADO

ORDINANCE NO. 18-2006

**AN ORDINANCE APPROVING THE ANNEXATION
OF PROPERTY KNOWN AS BOEKEL
ANNEXATION # 4 TO THE TOWN OF TIMNATH,
COLORADO**

WHEREAS, a Petition for Annexation was filed with the Town by Fred Boekel, dba Wildwing Development LLC, requesting the Town of Timnath to annex that property more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference, to be known as "Boekel Annexation # 4"; and

WHEREAS, a properly noticed public hearing was held on said Petition in accordance with state statutes, and all persons interested in such Petition were provided an opportunity to be heard; and

WHEREAS, the Board of Trustees finds that the property is eligible for annexation and should be annexed to the Town of Timnath.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF TIMNATH, LARIMER & WELD COUNTIES, COLORADO:

Section 1. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Board of Trustees.

Section 2. The Board of Trustees of the Town of Timnath finds and declares that the property described in **Exhibit A** to this Ordinance (the "Property") is eligible for annexation in that all relevant conditions and requirements set forth in Sections 31-12-104 and 31-12-105, C.R.S., exist or have been met; that no election is required under Section 31-12-107(2), C.R.S.; and that no additional terms and conditions are to be imposed other than the mutual agreement memorialized in the agreement for annexation referenced in Section 4 of this Ordinance.

Section 3. The Property is hereby annexed to and shall be included in the corporate boundaries of the Town of Timnath under the terms of this Ordinance and said annexation shall be complete and effective from the effective date of this Ordinance for all purposes, except that for purposes of general taxation this annexation shall be effective on and after January 1, 2007.

Section 4. The Town and the Petitioner shall agree upon an annexation agreement satisfactory to the Town to be tendered to and approved by the Town prior to the issuance of the first development permit for the Property.

Section 5. The Mayor and Town Clerk are authorized and directed to complete all the necessary procedures required for annexation of said property to the Town including: (1) filing

↓
*Town of Timnath
4100 Main St.
P.O. Box 97
Timnath CO 80547*

certified copies of the annexation ordinance and a map of the area annexed containing a legal description of such area with the Larimer and Weld County Clerks and Recorders; (2) filing of the original of this annexation ordinance together with a copy of the annexation map with the Town Clerk.

Section 6. 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 Board of Trustees 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 7. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 8. Effective Date. This Ordinance shall take effect thirty (30) days after publication, as provided by C.R.S. § 31-16-105 and Chapter 1, Article 3, Section 1.45 of the Timnath Municipal Code.

INTRODUCED, READ, PASSED AND ADOPTED BY A VOTE OF THE BOARD OF TRUSTEES OF THE TOWN OF TIMNATH AS AN ORDINANCE AND ORDERED PUBLISHED THIS 1st DAY OF NOVEMBER, 2006.



TOWN OF TIMNATH, COLORADO



Donna Benson, Mayor

ATTEST:



Linda Griess, Acting Town Clerk

3

EXHIBIT A

Legal description, Boekel Annexation # 4

A PARCEL OF LAND LOCATED IN THE EAST HALF OF SECTION 25 AND THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 7 NORTH, RANGE 68 WEST AND THE WEST HALF OF SECTION 30 AND THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 7 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY'S OF LARIMER AND WELD, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 30, WHENCE THE WEST QUARTER CORNER THEREOF BEARS N00°00'07"E; THENCE N40°29'37"E, A DISTANCE OF 46.20 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD 13, BEING THE POINT OF BEGINNING; THENCE S86°04'38"W, A DISTANCE OF 27.06 FEET; THENCE N00°00'07"E, A DISTANCE OF 1923.09 FEET; THENCE N89°59'53"W, A DISTANCE OF 6.00 FEET; THENCE S00°00'07"W, A DISTANCE OF 1926.35 FEET; THENCE N89°35'53"W, A DISTANCE OF 27.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD 901; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

1. N00°00'07"E, A DISTANCE OF 5256.74 FEET;

2. N00°00'18"W, A DISTANCE OF 2654.83 FEET TO A POINT ON THE

NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 24;

THENCE S89°48'53"E, ALONG SAID NORTH LINE, A DISTANCE OF 30.00 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 19; THENCE N86°13'48"E, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 19, A DISTANCE OF 30.07 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 13; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

1. S00°00'18"E, A DISTANCE OF 2654.73 FEET;

2. S00°00'07"W, A DISTANCE OF 5253.79 FEET TO THE POINT OF BEGINNING.

CONTAINING 463,057 SQUARE FEET OR 10.630 ACRES MORE OR LESS.

994



3511994 10/18/2007 02:15P Weld County, CO
1 of 3 R 0.00 D 0.00 Steve Moreno Clerk & Recorder

TOWN OF TIMNATH, COLORADO

ORDINANCE NO. 18-2006

**AN ORDINANCE APPROVING THE ANNEXATION
OF PROPERTY KNOWN AS BOEKEL
ANNEXATION # 4 TO THE TOWN OF TIMNATH,
COLORADO**

WHEREAS, a Petition for Annexation was filed with the Town by Fred Boekel, dba Wildwing Development LLC, requesting the Town of Timnath to annex that property more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference, to be known as "Boekel Annexation # 4"; and

WHEREAS, a properly noticed public hearing was held on said Petition in accordance with state statutes, and all persons interested in such Petition were provided an opportunity to be heard; and

WHEREAS, the Board of Trustees finds that the property is eligible for annexation and should be annexed to the Town of Timnath.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF
THE TOWN OF TIMNATH, LARIMER & WELD COUNTIES, COLORADO:**

Section 1. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Board of Trustees.

Section 2. The Board of Trustees of the Town of Timnath finds and declares that the property described in **Exhibit A** to this Ordinance (the "Property") is eligible for annexation in that all relevant conditions and requirements set forth in Sections 31-12-104 and 31-12-105, C.R.S., exist or have been met; that no election is required under Section 31-12-107(2), C.R.S.; and that no additional terms and conditions are to be imposed other than the mutual agreement memorialized in the agreement for annexation referenced in Section 4 of this Ordinance.

Section 3. The Property is hereby annexed to and shall be included in the corporate boundaries of the Town of Timnath under the terms of this Ordinance and said annexation shall be complete and effective from the effective date of this Ordinance for all purposes, except that for purposes of general taxation this annexation shall be effective on and after January 1, 2007.

Section 4. The Town and the Petitioner shall agree upon an annexation agreement satisfactory to the Town to be tendered to and approved by the Town prior to the issuance of the first development permit for the Property.

Section 5. The Mayor and Town Clerk are authorized and directed to complete all the necessary procedures required for annexation of said property to the Town including: (1) filing