TOWN OF TIMNATH, COLORADO

ORDINANCE NO. 19-2006

AN ORDINANCE APPROVING THE ANNEXATION
OF PROPERTY KNOWN AS BOEKEL
ANNEXATION # 5 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 # 5"; 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
certified copies of the annexation ordinance and a map of the area annexed containing a legal description of such area with the Larimer County Clerk and Recorder; (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.


TOWN OF TIMNATH, COLORADO

Donna Benson, Mayor

Linda Griess, Acting Town Clerk
EXHIBIT A

Legal description, Boekel Annexation # 5

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF SECTION 24 AND THE NORTH HALF OF SECTION 25, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 24, WHENCE THE EAST QUARTER CORNER THEREOF BEARS N00°00'18"W; THENCE S89°59'54"W, A DISTANCE OF 30.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 901, BEING THE POINT OF BEGINNING; THENCE S00°00'07"W, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 821.08 FEET; THENCE N89°59'50"W, A DISTANCE OF 15.01 FEET; THENCE S65°20'10"W, A DISTANCE OF 373.60 FEET; THENCE S72°00'10"W, A DISTANCE OF 434.00 FEET; THENCE N89°59'50"W, A DISTANCE OF 615.00 FEET; THENCE S68°30'10"W, A DISTANCE OF 249.00 FEET; THENCE S81°35'10"W, A DISTANCE OF 968.00 FEET; THENCE N65°29'50"W, A DISTANCE OF 805.00 FEET; THENCE N34°10'10"E, A DISTANCE OF 1215.00 FEET; THENCE N00°00'02"E, A DISTANCE OF 338.65 FEET; THENCE N43°18'06"E, A DISTANCE OF 300.18 FEET; THENCE N80°28'48"E, A DISTANCE OF 199.73 FEET; THENCE N53°16'09"E, A DISTANCE OF 456.71 FEET; THENCE N03°47'08"E, A DISTANCE OF 101.73 FEET; THENCE N20°20'40"W, A DISTANCE OF 138.74 FEET; THENCE N89°37'48"W, A DISTANCE OF 346.88 FEET; THENCE N79°03'17"W, A DISTANCE OF 392.65 FEET; THENCE S84°52'44"W, A DISTANCE OF 188.58 FEET; THENCE N40°48'21"W, A DISTANCE OF 574.70 FEET; THENCE N83°38'19"W, A DISTANCE OF 501.10 FEET; THENCE N11°17'40"W, A DISTANCE OF 560.28 FEET; THENCE N87°01'33"W, A DISTANCE OF 363.04 FEET; THENCE S34°29'51"W, A DISTANCE OF 590.22 FEET; THENCE N58°50'20"W, A DISTANCE OF 229.00 FEET; THENCE N58°21'22"W, A DISTANCE OF 346.53 FEET; THENCE N58°34'12"W, A DISTANCE OF 89.66 FEET; THENCE N55°58'47"W, A DISTANCE OF 250.21 FEET TO A POINT ON THE WESTERNLY LINE OF A PARCEL OF LAND DESCRIBED IN BOOK 1420 AT PAGE 602; THENCE N00°00'57"E, ALONG SAID WESTERLY LINE, A DISTANCE OF 456.27 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 24; THENCE S89°49'11"E, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 24, A DISTANCE OF 2650.30 FEET TO THE CENTER OF SAID SECTION 24; THENCE S89°48'53"E, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 24, A DISTANCE OF 2620.76 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 901; THENCE S00°00'18"E, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 2654.83 FEET TO THE POINT OF BEGINNING. CONTAINING 12,339,755 SQUARE FEET OR 283.282 ACRES MORE OR LESS.