

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

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Town of Timnath
4100 Main St.
PO Box 37
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 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.

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

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 $N00^{\circ}00'18''W$; THENCE $S89^{\circ}59'54''W$, 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 $S00^{\circ}00'07''W$, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 821.08 FEET; THENCE $N89^{\circ}59'50''W$, A DISTANCE OF 15.01 FEET; THENCE $S66^{\circ}20'10''W$, A DISTANCE OF 373.60 FEET; THENCE $S72^{\circ}00'10''W$, A DISTANCE OF 434.00 FEET; THENCE $N89^{\circ}59'50''W$, A DISTANCE OF 615.00 FEET; THENCE $S68^{\circ}30'10''W$, A DISTANCE OF 249.00 FEET; THENCE $S81^{\circ}35'10''W$, A DISTANCE OF 968.00 FEET; THENCE $N65^{\circ}29'50''W$, A DISTANCE OF 805.00 FEET; THENCE $N34^{\circ}10'10''E$, A DISTANCE OF 1215.00 FEET; THENCE $N00^{\circ}00'02''E$, A DISTANCE OF 338.65 FEET; THENCE $N43^{\circ}18'06''E$, A DISTANCE OF 300.18 FEET; THENCE $N80^{\circ}28'48''E$, A DISTANCE OF 199.73 FEET; THENCE $N53^{\circ}16'09''E$, A DISTANCE OF 456.71 FEET; THENCE $N03^{\circ}47'08''E$, A DISTANCE OF 101.73 FEET; THENCE $N20^{\circ}20'40''W$, A DISTANCE OF 138.74 FEET; THENCE $N89^{\circ}37'48''W$, A DISTANCE OF 346.88 FEET; THENCE $N79^{\circ}03'17''W$, A DISTANCE OF 392.65 FEET; THENCE $S84^{\circ}52'44''W$, A DISTANCE OF 188.58 FEET; THENCE $N40^{\circ}48'21''W$, A DISTANCE OF 574.70 FEET; THENCE $N83^{\circ}38'19''W$, A DISTANCE OF 501.10 FEET; THENCE $N11^{\circ}17'40''W$, A DISTANCE OF 560.28 FEET; THENCE $N87^{\circ}01'33''W$, A DISTANCE OF 363.04 FEET; THENCE $S34^{\circ}29'51''W$, A DISTANCE OF 590.22 FEET; THENCE $N58^{\circ}50'20''W$, A DISTANCE OF 229.00 FEET; THENCE $N58^{\circ}21'22''W$, A DISTANCE OF 346.53 FEET; THENCE $N58^{\circ}34'12''W$, A DISTANCE OF 89.66 FEET; THENCE $N55^{\circ}58'47''W$, A DISTANCE OF 250.21 FEET TO A POINT ON THE WESTERLY LINE OF A PARCEL OF LAND DESCRIBED IN BOOK 1420 AT PAGE 602; THENCE $N00^{\circ}06'57''E$, ALONG SAID WESTERLY LINE, A DISTANCE OF 456.27 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 24; THENCE $S89^{\circ}49'11''E$, 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 $S89^{\circ}48'53''E$, 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 $S00^{\circ}00'18''E$, 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.