TOWN OF TIMNATH, COLORADO

ORDINANCE NO. 33, SERIES 2008

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF TIMNATH FOR THE PURPOSE OF ZONING CERTAIN REAL PROPERTY KNOWN AS THE TIMNATH SOUTH SUBDIVISION FILING #3

WHEREAS, the Town Council of the Town of Timnath desires to amend the Zoning Map of the Town to accommodate additional types of housing in the Timnath South Subdivision; and

WHEREAS, the Town Council finds the location of the zoning to be appropriate and in conformance with the Town Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH, COLORADO:

Section 1. Property Zoned. That Article 3 of the Timnath Land Use Codes and the map referred to therein as the "Official Zoning Map of the Town of Timnath", said map being part of said Zoning Codes and showing the boundaries of the districts specified, shall be and the same is hereby amended in the following particulars, to wit:

A – Agriculture - See, attached Exhibit A
R-E Estate Residential – See, attached Exhibit B
R-2 Single Family Residential – See, attached Exhibit C
R-3 Two Family/Multi-Family Residential – See, attached Exhibit D

Section 2. Public Hearing. The Town Council held a public hearing on July 16, 2008 (continued to August 27, 2008) regarding the Rezoning of the property.

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 passed this Ordinance and each part or parts hereof irrespective of the fact than any one or parts be declared unconstitutional or invalid.

Section 4. 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 All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.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 5. Effective Date. This Ordinance shall take effect upon adoption at second reading, as provided by Section 3.5.5 of the Charter.
INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH ON FIRST READING, ON JUNE 11, 2008, AND SET FOR PUBLIC HEARING AND SECOND READING AT 7:00 P.M. ON JULY 16, 2008 (CONTINUED TO AUGUST 27, 2008), AT THE TIMNATH TOWN HALL, 4100 MAIN STREET, TIMNATH, COLORADO, AND ORDERED PUBLISHED THIS 17TH DAY OF JULY, 2008.

MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON THE 27th DAY OF AUGUST, 2008.

Town of Timnath

Donna Benson, Mayor

ATTEST:

Linda Salas, Town Clerk
EXHIBIT A
Legal Description of Property Rezoned A – Agriculture
DESCRIPTION (ZONE A-AGRICULTURAL)

A tract of land located in a portion of Section 11, Section 12 and Section 13, Township 6 North, Range 68 West of the 6th Principal Meridian, County of Larimer, State of Colorado being more particularly described as follows:

Considering the East line of the Southeast Quarter of said Section 11 as bearing North 00°17'33" West and with all bearings contained herein relative thereto:

Beginning at the East Quarter Corner of said Section 11; thence along the North line of the Southwest Quarter of said Section 12, South 88°03'04" East, 30.58 feet to a point on the East line of a 45 foot ingress/egress easement recorded at Reception No. 88002768, 87054961 and 90016517; thence along said East line, South 00°17'33" East, 21.02 feet to a point on the Southerly line of a tract of land recorded at Reception No. 20050084548, Ochser MRD S-18-91; thence along said Southerly line the following two (2) courses and distances, South 88°16'14" East, 346.93 feet; thence, South 29°03'42" East, 137.59 feet; thence departing said Southerly line, South 22°05'24" West, 717.31 feet; thence, North 56°08'03" West, 120.64 feet; thence, North 72°30'47" West, 348.60 feet; thence, North 48°07'52" West, 696.47 feet; thence, North 40°00'14" West, 215.70 feet; thence, North 89°02'10" East, 915.57 feet to the Point of Beginning.

The above described tract of land contains 646,502 square feet or 14.842 acres more or less and is subject to all easements and rights-of-way now on record or existing.

ALSO:

Beginning at the Southwest corner of the SE1/4 SE1/4 of said Section 12; thence, South 00°08'06" West, 601.94 feet; thence, North 48°39'37" West, 400.37 feet; thence, North 58°19'45" West, 187.76 feet; thence, North 41°10'45" West, 133.22 feet; thence, North 08°35'18" West, 35.65 feet; thence, North 22°03'49" East, 70.32 feet; thence, North 37°28'55" 404.88 feet; thence, North 31°56'39" East, 239.70 feet; thence, North 14°52'18" East, 191.08 feet; thence, North 33°33'34" East, 180.97 feet; thence, South 00°25'45" East, 821.99 feet to the Point of Beginning.

The above described tract of land contains 387,578 square feet or 8.898 acres more or less and is subject to all easements and rights-of-way now on record or existing.
EXHIBIT B

Legal Description of Property Rezoned R-E Estate Residential
DESCRIPTION (R-E ESTATE RESIDENTIAL)

A tract of land located in a portion of Section 12 and Section 13, Township 6 North, Range 68 West of the 6th Principal Meridian, County of Larimer, State of Colorado being more particularly described as follows:

Considering the East line of the Southeast Quarter of said Section 11 as bearing North 00°17'33" West and with all bearings contained herein relative thereto:

Beginning at the East Quarter Corner of said Section 11; thence, South 88°03'04" East, 30.58 feet to a point on the East line of a 45 foot ingress/egress easement recorded at Reception No. 88002768, 87054961 and 90016517; thence along said East line, South 00°17'33" East, 21.02 feet to a point on the Southerly line of a tract of land recorded at Reception No. 20050084548, Ochsner MRD S-18-91; thence along said Southerly line the following two (2) courses and distances, South 88°16'14" East, 346.93 feet; thence, South 29°03'42" East, 137.59 feet; thence departing said Southerly line, South 22°05'24" West, 287.46 feet to the POINT OF BEGINNING; thence, South 50°22'36" East, 193.40 feet; thence, South 04°38'23" East, 83.97 feet; thence, along a tangent curve concave to the northeast having a central angle of 61°07'37", a radius of 500.00 feet, an arc length of 533.43 feet and the chord of which bears South 35°12'12" East, 508.49 feet; thence, South 65°46'00" East, 127.26 feet; thence, along a tangent curve concave to the southwest having a central angle of 31°08'47", a radius of 800.00 feet, an arc length of 434.88 feet and the chord of which bears South 50°11'37" East, 429.55 feet; thence, South 34°37'14" East, 938.39 feet; thence, along a tangent curve concave to the north having a central angle of 84°44'00", a radius of 300.00 feet, an arc length of 443.66 feet and the chord of which bears South 76°59'14" East, 404.32 feet; thence, North 60°38'46" East, 172.24 feet; thence, along a tangent curve concave to the south having a central angle of 29°50'14", a radius of 300.00 feet, an arc length of 156.25 feet and the chord of which bears North 75°33'53" East, 154.47 feet; thence, South 89°31'00" East, 145.14 feet; thence, North 00°28'33" East, 94.51 feet; thence, along a tangent curve concave to the southeast having a central angle of 62°16'07", a radius of 220.00 feet, an arc length of 239.09 feet and the chord of which bears North 31°36'37" East, 227.50 feet; thence, South 89°31'43" East, 1,194.11 feet; thence, South 00°25'45" East, 98.84 feet; thence, South 33°33'34" West, 180.97 feet; thence, South 14°52'13" West, 191.08 feet; thence, South 31°56'39" West, 239.70 feet; thence, South 37°28'55" West, 404.88 feet; thence, South 22°03'49" West, 70.32 feet; thence, South 08°35'18" East, 35.65 feet; thence, South 41°10'45" East, 133.22 feet; thence, South 58°19'45" East, 187.76 feet; thence, South 48°39'37" East, 400.37 feet; thence, South 00°08'06" West, 189.61 feet; thence, North 89°43'12" West, 1,319.83 feet; thence, North 00°08'02" East, 720.25 feet; thence, North 89°42'21" West, 1,299.32 feet; thence, North
02°15'52" West, 246.60 feet; thence, North 34°33'17" West, 853.23 feet; thence, North 43°40'43" West, 1,166.26 feet; thence, North 50°41'12" West, 1445.48 feet; thence, North 20°13'30" East, 90.00 feet; thence, North 89°02'10" East, 166.24 feet; thence, South 40°00'14" East, 215.70 feet; thence, South 48°07'52" East, 696.47 feet; thence, South 72°30'47" East, 348.60 feet; thence, South 56°08'03" East, 120.64 feet; thence, North 22°05'24" East, 429.85 feet to the POINT OF BEGINNING.

The above described tract of land contains 4,124,504 square feet or 94.686 acres more or less and is subject to all easements and right-of-way now on record or existing.
EXHIBIT C

Legal Description of Property Rezoned R-2 Single Family Residential
DESCRIPTION (ZONE R-2 SINGLE FAMILY RESIDENTIAL)

A tract of land located in a portion of Section 12, Township 6 North, Range 68 West of the 6th Principal Meridian, County of Larimer, State of Colorado being more particularly described as follows:

Considering the East line of the Southeast Quarter of said Section 11 as bearing North 00°17'33" West and with all bearings contained herein relative thereto:

Commencing at the East Quarter corner of said Section 11; thence, along the North line of the Southwest Quarter of Section 12, South 88°03'04" East 30.58 feet to a point on the East line of a 45 foot ingress/egress easement recorded at Reception No. 88002768. 87034961 and 9001651; thence along said East line, South 00°17'33" East 21.02 feet to a point on the Southerly line of a tract of land recorded at Reception No. 20050084548. Ochsner MRD S-18-9; thence, South 88°16'14" East 346.93 feet; thence South 29°03'42" East 137.59 feet to the POINT OF BEGINNING; thence, South 29°03'42" East 137.59 feet; thence, South 39°35'31" East 77.69 feet; thence, South 59°42'31" East 121.40 feet; thence, South 65°33'06" East 218.98 feet; thence, South 75°47'42" East 105.45 feet; thence, South 82°57'12" East 176.08 feet; thence, continuing along line, South 82°57'12" East 35.97 feet; thence, South 49°23'11" East 715.45 feet; thence, South 51°46'04" East 141.46 feet; thence, along a curve concave to the north west having a central angle of 28°19'00", a radius of 700.00 feet; an arc length of 345.95 feet and the chord of which bears South 23°05'28" West 342.44 feet; thence, South 66°00'55" East 183.71 feet; thence, South 69°29'41" East 81.81 feet; thence, South 72°55'09" East 81.81 feet; thence, South 76°20'37" East 81.81 feet; thence, South 79°48'57" East 84.09 feet; thence, South 82°12'13" East 30.00 feet; thence, South 84°34'30" East 83.31 feet; thence, South 88°03'58" East, 83.50 feet; thence, North 88°29'49" East 82.48 feet; thence, North 87°14'22" East 154.12 feet; thence, North 86°59'33" East 79.42 feet; thence, North 84°00'00" East 122.73 feet; thence, along a curve concave to the west having a central angle of 06°09'43", a radius of 550.00 feet; an arc length of 59.15 feet and the chord of which bears North 06°13'45" West 59.12 feet; thence, North 09°18'37" West 199.10 feet; thence, along a tangent curve concave to the east having a central angle of 25°50'14", a radius of 850.00 feet; an arc length of 383.30 feet and the chord of which bears North 03°36'30" East 380.06 feet; thence, along a reverse curve concave to the west having a central angle of 24°48'01", a radius of 850.00 feet; an arc length of 367.92 feet and the chord of which bears North 04°07'36" East 365.06 feet; thence, along a reverse curve concave to the east having a central angle of 10°12'33", a radius of 850.00 feet; an arc length of 151.45 feet and the chord of which bears North 03°10'08" West 151.25 feet; thence, North 01°56'09" East 350.67 feet; thence, South 88°03'48" East 797.47 feet; thence, North 01°55'49" East 148.67 feet; thence, along a tangent curve concave to the east having a central angle of 19°42'18", a radius of 600.00 feet; an arc length of 206.35 feet and the chord of which bears North 11°46'58" East 205.33 feet; thence, North 21°38'07" East 439.01 feet; thence, East 458.32 feet; thence, South 22°04'31" East 897.45 feet; thence, North 88°03'48" West 749.44 feet; thence, South 00°25'25" East 1699.51 feet; thence, North 89°31'43" West 1.194.11 feet; thence, along a curve concave to the southeast having a central angle of 62°16'07", a radius of 220.00 feet; an arc length of 239.09 feet and the chord of which bears South 31°36'37" West 227.50 feet; thence, South 00°28'33" West 94.51 feet; thence, North 89°31'00" West 145.14 feet; thence, along a tangent curve concave to the south having a central angle of 29°50'14", a radius of 300.00 feet; an arc length
of 156.23 feet and the chord of which bears South 75°33'53" West. 154.47 feet; thence, South 60°38'46" West. 172.24 feet; thence, along a tangent curve concave to the north having a central angle of 84°44'00", a radius of 300.00 feet, an arc length of 443.66 feet and the chord of which bears North 76°59'14" West. 404.32 feet; thence, North 34°37'14" West. 938.39 feet; thence, along a tangent curve concave to the southwest having a central angle of 31°08'47", a radius of 800.00 feet, an arc length of 434.88 feet and the chord of which bears North 50°11'37" West. 429.55 feet; thence, North 65°46'00" West. 127.26 feet; thence, along a tangent curve concave to the northeast having a central angle of 61°07'37", a radius of 500.00 feet, an arc length of 533.43 feet and the chord of which bears North 35°12'11" West. 508.49 feet; thence, North 04°38'23" West. 83.97 feet; thence, North 50°22'36" West. 193.40 feet; thence, North 22°05'24" East. 287.46 feet to the POINT OF BEGINNING.

The above described tract of land contains 4,127.601 square feet or 94.757 acres more or less and is subject to all easements and right-of-way now on record or existing.
EXHIBIT D

Legal Description of Property Rezoned R-2 Two Family/Multi-Family Residential
DESCRIPTION (ZONE R-3 TWO FAMILY/MULTI-FAMILY RESIDENTIAL)

A tract of land located in a portion of Section 12, Township 6 North, Range 68 West of the 6th Principal Meridian, County of Larimer, State of Colorado being more particularly described as follows:

Considering the East line of the Southeast Quarter of said Section 11 as bearing North 00°17'33" West and with all bearings contained herein relative thereto:

Commencing at the East Quarter corner of said Section 11: thence, South 88°03'04" East, 35.03 feet to the POINT OF BEGINNING: thence, North 00°34'57" West, 378.44 feet: thence, North 89°25'03" East, 477.82 feet: thence, along a tangent curve concave to the south having a central angle of 11°52'40", a radius of 1,000.00 feet, an arc length of 207.31 feet and the chord of which bears South 84°38'37" East, 206.94 feet: thence, South 78°42'17" East, 467.78 feet: thence, along a tangent curve concave to the north having a central angle of 41°15'53", a radius of 1,000.00 feet, an arc length of 720.20 feet and the chord of which bears North 80°39'47" East, 704.74 feet: thence, South 29°35'49" East, 144.06 feet: thence, along a tangent curve concave to the northeast having a central angle of 58°27'59", a radius of 600.00 feet, an arc length of 612.26 feet and the chord of which bears South 58°49'48" East, 586.04 feet: thence, South 88°03'48" East, 412.68 feet: thence, South 01°56'09" West, 350.67 feet: thence, along a tangent curve concave to the east having a central angle of 10°12'33", a radius of 850.00 feet, an arc length of 151.45 feet and the chord of which bears South 03°10'08" East, 151.25 feet: thence, along a reverse curve concave to the west having a central angle of 24°48'01", a radius of 850.00 feet, an arc length of 367.92 feet and the chord of which bears South 04°07'37" West, 365.06 feet: thence, along a reverse curve concave to the east having a central angle of 25°50'14", a radius of 850.00 feet, an arc length of 383.30 feet and the chord of which bears South 03°36'30" West, 380.06 feet: thence, South 09°18'37" East, 199.10 feet: thence, along a tangent curve concave to the west having a central angle of 06°09'43", a radius of 550.00 feet, an arc length of 59.15 feet and the chord of which bears South 06°15'45" East, 59.12 feet: thence, South 84°00'00" West, 122.73 feet: thence, South 86°59'33" West, 79.42 feet: thence, South 87°14'22" West, 154.12 feet: thence, South 88°29'49" West, 82.48 feet: thence, North 88°03'58" West, 83.50 feet: thence, North 84°34'30" West, 83.31 feet: thence, North 82°12'13" West, 30.00 feet: thence, North 79°48'57" West, 84.09 feet: thence, North 76°20'37" West, 81.81 feet: thence, North 72°55'09" West, 81.81 feet: thence, North 69°29'41" West, 81.81 feet: thence, North 66°00'55" West, 183.71 feet: thence, along a curve concave to the northwest having a central angle of 28°19'00", a radius of 700.00 feet, an arc length of 345.95 feet and the chord of which bears North 23°05'28" East, 342.44 feet: thence, North 51°46'04" West, 141.46 feet: thence, North 49°23'11" West, 715.43 feet: thence, North 82°57'12" West, 56.97 feet: thence, North 02°56'32" East, 493.09 feet: thence, North 88°03'04" West, 1.134.79 feet to the POINT OF BEGINNING.
The above described tract of land contains 2,753.113 square feet or 63.203 acres more or less and is subject to all easements and right-of-way now on record or existing.
TOWN OF TIMNATH, COLORADO

NOTICE OF PUBLIC HEARINGS

PUBLIC NOTICE IS HEREBY GIVEN of a public hearing before the Timnath Planning Commission at the following date, time and place:

July 8, 2008
7:00 P.M.
Timnath Town hall
4100 Main Street
Timnath, Colorado

PUBLIC NOTICE IS ALSO HEREBY GIVEN that the public hearing before the Timnath Town Council at the following date, time and place:

July 16, 2008
7:00 P.M.
TIMNATH TOWN HALL
4100 Main Street
Timnath, Colorado

HAS BEEN CONTINUED UNTIL AUGUST 6, 2008, the hearing is for the purpose of taking public comment on proposed ordinance:

ORDINANCE NO. 33, Series 2008

AN AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF TIMNATH FOR THE PURPOSE OF ZONING CERTAIN REAL PROPERTY KNOWN AS THE TIMNATH SOUTH SUBDIVISION FILING #3

Materials pertaining to the above mentioned Ordinance are available at the Timnath Public Works Facility located at 4800 Goodman Street for review.

GIVEN AND POSTED THIS 21TH DAY OF JULY, 2008

\s\Linda Salas _________________________
Linda Salas, Town Clerk
TOWN OF TIMNATH

NOTICE OF PUBLIC HEARING

ORDINANCE 33, SERIES 2008

Notice is hereby given that the Timnath Town Council will hold a public hearing at 2nd and final reading for consideration of possible adoption of Ordinance No. 33, Series 2008 - an ordinance amending the official zoning map of the Town of Timnath for the purpose of zoning certain real property known as the Timnath South Subdivision Filing #3

Any person may appear at the hearing and present evidence upon any matter to be considered by the Town Council.

Council will consider the ordinance at its regularly scheduled meeting of July 16, 2008 at 7:00 P.M. at the Timnath Town Hall, 4100 Main Street, Timnath, Colorado.

Copies of the full text of the Ordinance will be available at the Town Clerk’s Office located at 4800 Goodman Street, Timnath, CO 80547 during normal business hours.

/s/ Linda N. Salas
Timnath Town Clerk
Referral Mailing Affidavit

I, Linda Griess, Community Development Coordinator, for the Town of Timnath’s Planning Commission did hear by mail referral packets to the adjacent property owners per the Timnath’s Land Use Code, on June 12, 2008 for Timnath South Filing #3 Rezoning.

Linda K. Griess, Community Development Coordinator
Town of Timnath
Sign Posting Affidavit

Graves Annexation and Timnath South Subdivision Rezoning

PUBLIC NOTICE
DEVELOPMENT APPLICATION
PUBLIC HEARING
TIMNATH COMMUNITY DEVELOPMENT DEPARTMENT
970-224-3221

PUBLIC NOTICE
DEVELOPMENT APPLICATION
PUBLIC HEARING
TIMNATH COMMUNITY DEVELOPMENT DEPARTMENT
970-224-3221

I, Dino DiLullo, hereby acknowledge that the aforementioned property was posted in accordance with Town Codes. Said public hearing notice was posted on this 13th day of June, 2008.

[Signature]
Signature of Owner or Owner’s Representative

The foregoing instrument was acknowledged before me by Dino DiLullo, this 13th day of June, 2008. Witness my hand and seal.

[Signature]
Notary Public

My commission expires [Dec 2, 2009].