TOWN OF TIMNATH, COLORADO

ORDINANCE NO. 42

AN ORDINANCE APPROVING THE ANNEXATION AND ZONING
OF
PROPERTY KNOWN AS RIVERBEND TO THE TOWN OF
TIMNATH, COLORADO

WHEREAS, the Town Council desires to annex property known as “Riverbend”; and

WHEREAS, the Town Council wishes to zone the Property simultaneously with the
annexation of the Property; and

WHEREAS, the Council further finds and determines that the zoning designation should
be changed to C-2, Community Commercial and MU, Mixed Use.

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

Section 1. A Petition for Annexation, together with four (4) copies of the annexation
map as required by law, was filed with the Town Council on April 8, 2008, by the owners of
over fifty percent (50%) of the area of the property hereinafter described, exclusive of public
streets and alleys, and comprising more than fifty percent (50%) of the landowners of the
property to be annexed. The Council, by resolution at a properly noticed meeting on September
17, 2008, accepted said Petition and found and determined that the applicable parts of the
Municipal Annexation Act of 1965, as amended, have been met and further determined that an
election was not required under the Act and that no additional terms and conditions were to be
imposed upon said annexation other than as set forth in the Annexation Agreement.

Section 2. That the annexation to the Town of the following described property is hereby
approved:

See, attached Exhibit A

Section 3. That in accordance with Chapter 16, Articles 3 and 13 of the Timnath Town
Code, the following property annexed into the Town of Timnath, Colorado, on this date shall be
included within the boundaries of the zone districts designated as C-2, Community Commercial
and MU, Mixed Use and as shown as follows:

See, attached Exhibit B
Section 4. Severability. If any article, section, paragraph, sentence, clause, or phrase of the 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 that any one or parts be declared unconstitutional or invalid.

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, SET FOR PUBLIC HEARING AND SECOND READING AT 7:00 P.M. ON NOVEMBER 5, 2008, AT THE TIMNATH TOWN HALL, 4100 MAIN STREET, TIMNATH, COLORADO AND ORDERED PUBLISHED THIS 17TH DAY OF SEPTEMBER, 2008.

MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON THE 5TH DAY OF November, 2008.

TOWN OF TIMNATH, COLORADO

Donna Benson, Mayor

ATTEST:

Milissa McGuire, Town Clerk
degrees 11 minutes 30 seconds West 1424.43 feet to the POINT OF BEGINNING, County of Larimer, State of Colorado.

TOGETHER WITH all water, water rights, ditches, ditch rights, laterals, lateral rights, wells, well rights, sumps, return water systems, decrees, lakes, and reservoir rights, belonging to or in any way appertaining to the above-described property, including, but not limited to, all rights, title, and interest of Grantor in and to the Akin Lateral, two and one-half (2½) shares of the capital stock of The Lake Canal Company, eight (8) shares of the capital stock of The Cache La Poudre Irrigation Company, and two (2) domestic water taps in the Fort Collins-Loveland Water District.
Legal Description of the Property

Parcel 1:

A tract of land situate in the Northwest quarter of Section 2, Township 6 North, Range 68 West of the 6th P.M., which considering the North line of said Northwest Quarter as bearing East and West and with all bearings contained herein relative thereto, is contained within the boundary lines which BEGIN at a point which bears East 424.04 feet from the Northwest corner of said Section 2, and runs thence East 1410.70 feet; thence South 09 degrees 58 minutes East 1340.56 feet; thence South 88 degrees 18 minutes West 1195.25 feet; thence North 39 degrees 11 minutes 30 seconds West 31.31 feet; thence North 33 degrees 25 minutes West 29.39 feet; thence North 88 degrees 18 minutes East 296.22 feet; thence North 39 degrees 58 minutes West 1070.74 feet; thence West 465.73 feet; thence North 13 degrees 11 minutes West 250.22 feet to the POINT OF BEGINNING, County of Larimer, State of Colorado.

Parcel 2:

A tract of land situate in the Northwest Quarter of Section 2, Township 6 North, Range 68 West of the 6th P.M., which considering the North line of said Northwest Quarter as bearing East and West and with all bearings contained herein relative thereto, is contained within boundary lines which BEGIN in at a point which bears East 424.04 feet and again South 13 degrees 11 minutes 11 seconds East 550.22 feet; and again South 15 degrees 53 minutes East 220.00 feet; and again South 18 degrees 33 minutes East 465.00 feet; and again South 33 degrees 25 minutes East 171.75 feet, and again South 39 degrees 11 minutes 30 seconds East 31.31 feet from the Northwest corner of said Section 2, and run thence North 88 degrees 18 minutes East 1195.25 feet; thence South 10 degrees 13 minutes East 1258.41 feet to the East-West centerline of said Section 2; thence along said centerline South 89 degrees 02 minutes 54 seconds West 445.04 feet; thence North 34 degrees 23 minutes 30 seconds West 128.95 feet; thence North 39
PROPERTY DESCRIPTION:

Taxes of land located in the Northwest Quarter of Section 2, Township 6 North, Range 66 West of the 6th Principal Meridian, County of Larimer, State of Colorado being more particularly described as follows:

Commencing at the Northwest corner of said Section 2; thence, North 45°23'12" East, 190.26 feet to the proposed South right-of-way line of E. County Road 38, and point being the POINT OF BEGINNING; thence along said South line, North 39°37'05" East, 1775.38 feet on a point on the West line of a tract of land described at Reception No. 9013354; thence, along said West line, South 09°37'05" East, 1080.10 feet to the POINT "A"; thence, South 89°10'04" West, 916.99 feet to the East line of Lot 2 of R&F M.R.D. No. 97-EX1031; thence, along said East line, North 09°37'05" West, 575.93 feet to the North line of said Lot 2; thence, along and North line, North 89°10'04" West, 191.21 feet to the Easterly right-of-way line of S. County Road 38; thence, along said Easterly right-of-way line for a distance of 328.41 feet in a point on the North line of a tract of land recorded at Reception No. 90666984; thence, along said North line, North 89°10'04" West, 353.37 feet to a point on the East line of S. County Road 38; thence, along said East line, North 09°10'11" West, 874.65 feet to the Point of Beginning.

The above-described tract of land contains 1,764.971 acres or 40.512 acres more or less and is subject to all easements and rights-of-way now on record or existing.

PARCEL 2:

Beginning at the aforesaid POINT "A", said point being on the West line of a tract of land described at Reception No. 90030246; thence, along said West line the following three (3) courses and distances, South 09°37'05" East, 189.39 feet; thence, South 09°37'05" East, 1258.41 feet to a point on the North line of Lot 1 of Bankert M.L.D. 97-EX1116; thence, along said North line, South 89°10'04" West, 669.61 feet to the Westerly right-of-way line of S. County Road 38; thence, along said Westerly right-of-way line by the following three (3) courses and distances, North 89°10'04" West, 114.90 feet; thence, North 38°39'36" West, 1455.97 feet; thence, North 38°39'36" West, 42.79 feet; thence, along the South line of Lot 2 of R&F M.R.D. No. 97-EX1031, North 38°39'36" East, 319.73 feet; thence, North 09°10'11" East, 916.99 feet to the Point of Beginning.

The above-described tract of land contains 1,162.268 acres or 26.731 acres more or less and is subject to all easements and rights-of-way now on record or existing.
PROPERTY DESCRIPTION:
A tract of land located in the Northwest Quarter of Section 2 and the Northeast Quarter Township 6 North, Range 68 West of the 6th Principal Meridian, County of Larimer, State of Colorado, more particularly described as follows:

Commencing at the Northwest corner of said Section 2; thence, South 61°48'30" East, 526.96 feet, to a point on a line of land described at Reception No. 90030384; thence, South 17°07'36" East, 973.00 feet, to a point on a line of land described as at Reception No. 99030384; thence, South 34°02'35" West, 181.86 feet, thence, North 57°07'36" West, 376.70 feet, thence, North 87°57'36" West, 301.86 feet; thence, South 57°07'36" West, 376.70 feet, thence, South 90°01'01" West, 0.30 feet, thence, South 89°29'43" West, 301.86 feet, thence, South 89°38'16" West, 301.86 feet, thence, South 89°41'37" West, 301.86 feet; thence, North 89°41'37" West, 301.86 feet; thence, North 88°39'24" West, 418.76 feet; thence, North 88°39'24" West, 450.00 feet; thence, North 90°01'01" West, 40.00 feet; thence, South 89°41'37" West, 301.86 feet, to the place of beginning.

Said described tract of land contains 3,105.192 square feet or 71.295 acres more or less, containing and designated by the preceding description.

SURVEYOR'S STATEMENT:
I, Gerald D. Gilliland, a Colorado Registered Professional Land Surveyor, do hereby certify that the above described land was surveyed by me using the best instruments and methods available, and the results of said survey were recorded on the records of the Larimer County Clerk and Recorder of Deeds. The survey was made in accordance with the requirements of the Colorado statutes and the rules and regulations of the Colorado Department of Natural Resources.

Gerald D. Gilliland
Colorado Registered Professional Land Surveyor #11823

CERTIFICATE OF APPROVAL BY THE BOARD OF TRUSTEES:

Approved this ___ day of ____________, 2008, A.D., by the Town Council. This approval is conditioned upon the Town having the necessary improvements in place as required by the Town Council.

Board of Trustees:

By: _____________________________
   [Town of Timnath Mayor]

ATTEST: _________________________
   [Timnath Town Clerk]

NOTES:
1. According to Colorado law, the surveyor must submit the survey to the Town within ten years after the date of the survey. This survey was recorded on the records of the Larimer County Clerk and Recorder of Deeds.

2. BASIS OF BEARINGS: North line of the Northwest Quarter of Section 2 is described by bearing South 90°01'01" West, to the Northwest corner of Section 3, thence, South 89°41'37" West, to the place of beginning.