

ORDINANCE NO. 58, SERIES 2009

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF TIMNATH FOR THE PURPOSE OF ZONING CERTAIN REAL PROPERTY TO BE KNOWN AS CLP ANNEXATION, GENERALLY LOCATED AT 3721 S. COUNTY ROAD 5

WHEREAS, the owners of certain real property located within the Town of Timnath, more particularly described in **EXHIBIT A**, attached hereto, (the "subject property") have requested the Town Council to rezone the same to B Downtown Business District pursuant to Section 16.3.10.D.2; and

WHEREAS, the Town of Timnath Planning Commission recommended approval of the proposed zone change at its regularly scheduled meeting on June 9, 2009; and

WHEREAS, in compliance with applicable sections of the Timnath Land Use Code, the Town Council held a properly noticed public hearing on July 1, 2009, regarding the application for rezoning of the subject property; and

WHEREAS, the Town Council finds the application to be complete and the proposed zoning for the subject property to be appropriate and in conformance with the Town's Comprehensive Plan; and

WHEREAS, the Town Council has considered the recommendation of the Timnath Planning Commission.

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

Section 1. Property Zoned.

The subject property is hereby rezoned to B Downtown Business District pursuant to Section 16.3.10.D2. of the Timnath Town Code.

Section 2. Public Hearing

Article 3 of the Timnath Land Use Code and the map referred to therein as the "Official Zoning Map of the Town of Timnath," said map being part of said Zoning Code and showing the boundaries of the districts specified, shall be and the same is hereby amended in the following particulars, to wit: the subject property, as described in **Exhibit A**, is hereby designated on said map as "B Downtown Business District".

Section 2. 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 Council

RECEPTION#: 20090046507, 07/08/2009 at
03:45:33 PM,
1 OF 7, R \$36.00 TD Pgs: 0
Scott Doyle, Larimer County, CO

Town of Timnath
4800 Goodman Street ✓
Timnath CO 80547

hereby declares that it would have adopted this Ordinance and each part or parts hereof irrespective of the fact that anyone or parts be declared unconstitutional or invalid.


Section 3. Effective Date.

This Ordinance shall take effect upon adoption at second reading, as provided by Section 3.5.5 of the Charter. The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Ordinance available for inspection by the public during regular business hours.

INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH ON FIRST READING, ON JUNE 3, 2009, AND SET FOR PUBLIC HEARING AND SECOND READING AT 7:00 P.M. ON JULY 1, 2009 AT THE TIMNATH TOWN HALL, 4100 MAIN STREET, TIMNATH COLORADO AND ORDERED PUBLISHED BY TITLE THIS 3RD DAY OF JUNE, 2009.

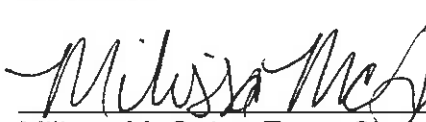
MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON THE 1st DAY OF July, 2009.

TOWN OF TIMNATH, COLORADO



Donna Benson, Mayor

ATTEST:



Milissa McGuire, Town Clerk

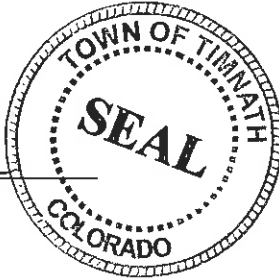


EXHIBIT A

Legal Description of Property Zoned

[attached]

LAND USE SUMMARY

TOTAL SITE AREA: APPROX. 4.9 ACRES

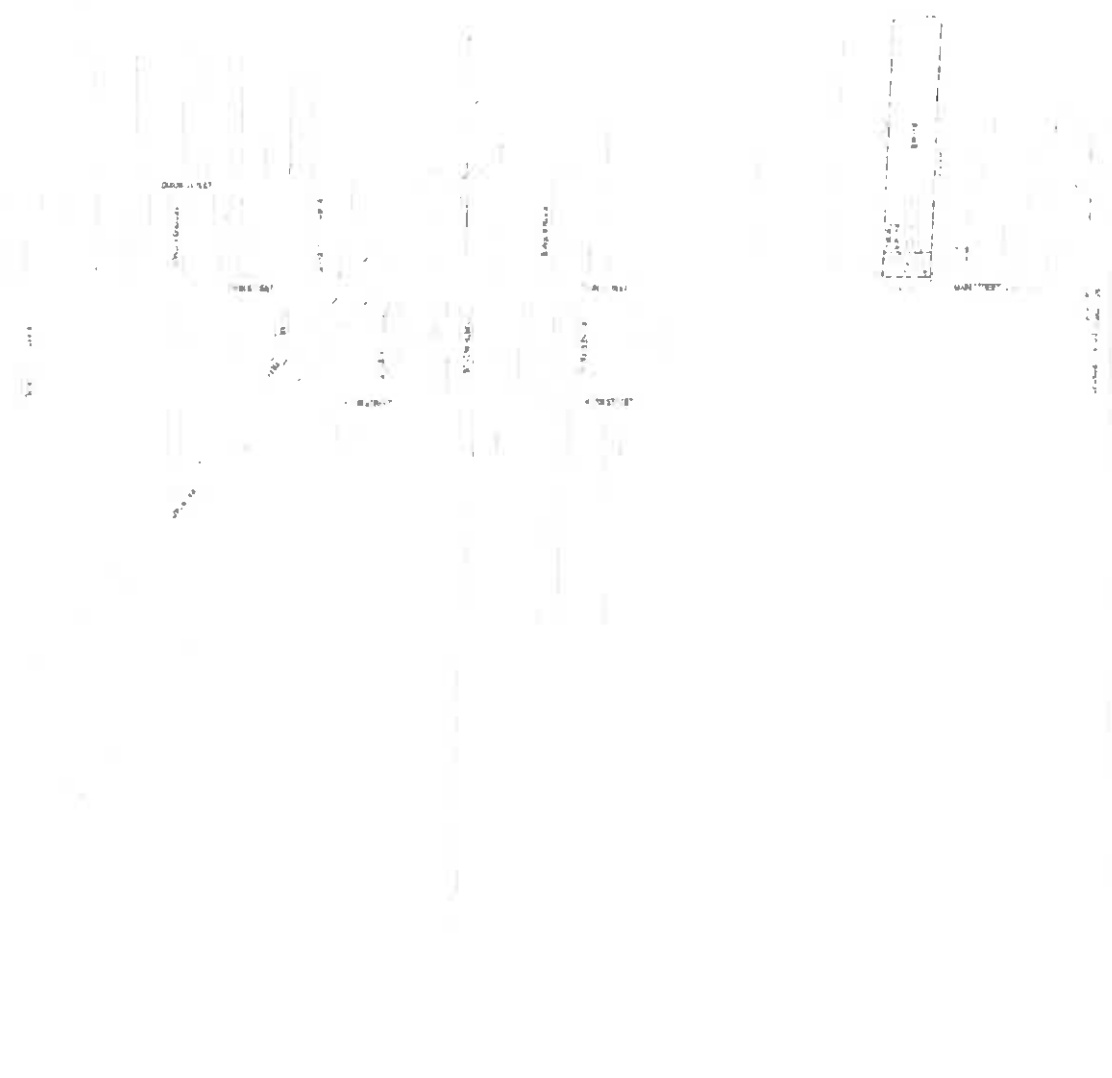
TOWN OF TIMNATH AREA: APPROX. 0.46 ACRES

LARIMER COUNTY AREA: APPROX. 4.43 ACRES

STATE OF COLORADO
COUNTY OF LARIMER
TOWN OF TIMNATH



NORTH SCALE: 1" = 500'



TIMNATH - MAIN ST. PARCEL

PARCEL MAP
TIMNATH, COLORADO
PREPARED FOR THE COUNTY



1411 Harvard St. #
Denver, Colorado 80202
P: 303.742.1175
F: 303.742.1188
www.norrisdesign.com

Issue Date
APRIL 27, 2009

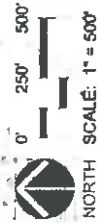
Issue or Date

Sheet 1 of 2
50% SCALE
Sheet Number
PMA-500



LAND USE SUMMARY

TOTAL SITE AREA: APPROX. 4.9 ACRES
TOWN OF TIMNATH AREA: APPROX. 0.46 ACRES
LARIMER COUNTY AREA: APPROX. 4.43 ACRES



1

First American Title Insurance Company

File No.: 812-110210153-081-TMY

Policy No. 110210153OP

SCHEDULE A

(Continued)

Exhibit A

PARCEL A:

A tract of land situated in the Northeast 1/4 of Section 34, Township 7 North, Range 68 West of the 6th P.M., Town of Linnath, County of Larimer, State of Colorado, which considering the East line of the said Northeast 1/4 as bearing due South and with all bearings contained herein relative thereto is contained within the boundary lines which begin at a point which bears South 892.86 feet, and again North 87°54' West 50.03 feet from the Northeast corner of said Section 34 and run thence North 87°54' West 80.00 feet, thence North 200.00 feet, thence South 87°54' East 80.00 feet, thence South 200.00 feet to the Point of Beginning.

PARCEL B:

A tract of land situated in the Northeast 1/4 of Section 34, Township 7 North, Range 68 West of the 6th P.M., Larimer County, Colorado, which considering the East line of said Northeast 1/4 as bearing North and South and with all bearings contained herein relative thereto, is contained within the boundary line which begin at a point which bears South 692.86 feet, and again North 87°54' West 130.03 feet from the Northeast corner of said Section 34, and run thence South 200.00 feet, thence North 87°54' West 967.98 feet, thence North 01°13' East 199.89 feet, thence South 87°54' East 963.73 feet to the True Point of Beginning.

PARCEL C:

A parcel of land being part of the Northeast Quarter (NE1/4) of Section thirty-Four (34), Township Seven North (T.7N.), Range Sixty-Eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado, and being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 34 and assuming the East line of said NE1/4 as bearing South 00°00'00" West, with all other bearings contained herein being relative thereto:

Thence South 00°00'00" West a distance of 892.86 feet,
Thence North 87°54'00" West a distance of 30.02 feet to the POINT OF BEGINNING;

Thence North 87°54'00" West a distance of 20.01 feet;
Thence North 00°00'00" East a distance of 200.00 feet;
Thence South 87°54'00" East a distance of 20.01 feet;
Thence South 00°00'00" West a distance of 200.00 feet to the POINT OF BEGINNING.