

TOWN OF TIMNATH, COLORADO

ORDINANCE NO. 62, SERIES 2009

**AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN REAL PROPERTY
TO BE KNOWN AS THOMPSON ANNEXATION NO. 1, TO THE TOWN OF TIMNATH,
COLORADO**

WHEREAS, a petition (the "Petition") for Annexation was filed with the Town by the Town of Timnath ("Petitioner"), requesting the Town of Timnath annex that property more particularly described in **EXHIBIT A**, attached hereto and incorporated herein by this reference (the "(Property)"); and

WHEREAS, the portion of the Property annexed by this Ordinance is described more specifically in **EXHIBIT B**, attached hereto and incorporated herein by this reference; and

WHEREAS, a properly noticed public hearing was held on April 1, 2009, regarding said Petition in accordance with C.R.S. § 31-12-108, and all persons interested in such Petition were provided an opportunity to be heard; and

WHEREAS, over 50% of the property owners owning more than 50% of the Property, exclusive of streets and alleys have signed the Petition and requested the Property be annexed; and

WHEREAS, the Town Council finds the Property is eligible for annexation and should be annexed to the Town of Timnath; and

WHEREAS, the contiguity required by CRS Sec. 31-12-104(1)(a) exists in that the property annexed hereby has at least one-sixth boundary contiguity with a present municipal boundary of the Town.

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

Section 1. Findings

The Council hereby finds that a Petition for Annexation, together with four (4) copies of the annexation map as required by law, was filed with the Town Council on February 25, 2009, by the owners of over fifty percent (50%) of the area of the property hereinafter described in **EXHIBIT A**, and comprising more than fifty percent (50%) of the landowners of the property to be annexed, exclusive of public streets and alleys. The Council, by resolution at a properly noticed meeting on February 25, 2009, accepted

✓ **Please Return to:**
Town of Timnath
4800 Goodman Street
Timnath, CO 80547

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.

Section 2. Annexation Approved

The annexation to the Town of the following described real property is hereby approved:

See, attached **Exhibit B**

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.

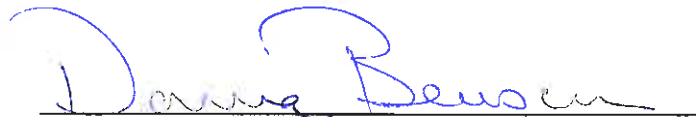
Section 4. Effective Date

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 APRIL 1, 2009, AT THE TIMNATH TOWN HALL, 4100 MAIN STREET, TIMNATH, COLORADO AND ORDERED PUBLISHED BY TITLE THIS 25TH DAY OF FEBRUARY, 2009.

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

TOWN OF TIMNATH



Donna Benson, Mayor

ATTEST:



Milissa McGuire, Town Clerk



EXHIBIT A
Legal description of property petitioned for annexation

A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER OF SECTION 27 AND IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF SECTION 34, AND CONSIDERING THE NORTH LINE OF SAID NORTHEAST QUARTER TO BEAR N89°01'51"E WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE ALONG SAID NORTH LINE N89°01'51"W, 30.01 FEET TO THE WESTERLY RIGHT OF WAY LINE OF LARIMER COUNTY ROAD NO. 5 AND THE POINT OF BEGINNING;
THENCE CONTINUING ALONG SAID NORTH LINE AND ALONG THE NORTHERLY LINE OF THE NORTH TIMNATH ANNEXATION NO. 2 AS SHOWN UNDER RECEPTION NO. 592988 OF THE LARIMER COUNTY RECORDS N89°01'51"W, 727.87 FEET;
THENCE ALONG THE WESTERLY LINE OF SAID NORTH TIMNATH ANNEXATION NO. 2 S00°58'09"W, 10.00 FEET;
THENCE N89°01'51"W, 1,000.00 FEET;
THENCE N00°58'09"W, 20.00 FEET;
THENCE N89°01'51"E, 1,727.69 FEET TO SAID WESTERLY RIGHT OF WAY LINE OF THE LARIMER COUNTY ROAD NO. 5;
THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE S00°05'11"E, 10.00 FEET TO THE POINT OF BEGINNING, CONTAINING 27,278 SQUARE FEET OR 0.626 ACRES, MORE OR LESS

AND

A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER OF SECTION 27 AND IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF SECTION 34, AND CONSIDERING THE NORTH LINE OF SAID NORTHEAST QUARTER TO BEAR N89°01'51"W WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;
THENCE ALONG SAID NORTH LINE N89°01'51"W, 30.01 FEET TO THE WESTERLY RIGHT OF WAY LINE OF LARIMER COUNTY ROAD NO. 5; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE N00°05'11"W, 10.00 FEET TO THE POINT OF BEGINNING;
THENCE N89°01'51"W, 1,727.69 FEET;
THENCE S00°58'09"W, 20.00 FEET;

THENCE N89°01'51"E, 1,000.00 FEET TO THE WESTERLY LINE OF THE NORTH TIMNATH ANNEXATION NO. 2 AS SHOWN UNDER RECEPTION NO. 592988 OPF THE LARIMER COUNTY RECORDS;
THENCE ALONG SAID WESTERLY LINE S00°58'09"W, 10.00 FEET;
THENCE N89°01'51"W, 1,800.00 FEET;
THENCE N00°58'09"E, 40.00 FEET;
THENCE S89°01'51"E, 1,800.00 FEET;
THENCE N00°58'09"E, 10.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF LARIMER COUNTY ROAD NO. 40;
THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE S89°01'51"E, 727.32 FEET TO SAID WESTERLY RIGHT OF WAY LINE OF THE LARIMER COUNTY ROAD NO. 5;
THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE S00°05'11"E, 20.00 FEET TO THE POINT OF BEGINNING, CONTAINING 66,550 SQUARE FEET OR 1.528 ACRES, MORE OR LESS

AND

A PARCEL OF LAND LYING IN THE SOUTH HALF OF SECTION 27 AND IN THE NORTH HALF OF SECTION 34, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF SECTION 34, AND CONSIDERING THE NORTH LINE OF SAID NORTHEAST QUARTER TO BEAR N89°01'51"W WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;
THENCE ALONG SAID NORTH LINE N89°01'51"W, 757.88 FEET TO THE NORTHWESTERLY CORNER OF NORTH TIMNATH ANNEXATION NO. 2 AS SHOWN UNDER RECEPTION NO. 592988 OPF THE LARIMER COUNTY RECORDS;
THENCE N00°58'09"E, 20.00 FEET TO THE POINT OF BEGINNING;
THENCE N89°01'51"W, 1,800.00 FEET;
THENCE S00°58'09"W, 40.00 FEET;
THENCE S89°01'51"E, 1,800.00 FEET TO THE WESTERLY LINE OF SAID NORTH TIMNATH ANNEXATION NO. 2;
THENCE ALONG SAID WESTERLY LINE S00°58'09"W, 10.00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF LARIMER COUNTY ROAD NO. 40;
THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE THE FOLLOWING TWO (2) COURSES:

- (1) THENCE N89°01'51"W, 1,872.87 FEET;
- (2) THENCE S89°46'47"W, 500.50 FEET TO THE NORTHEASTERLY BOUNDRY LONE OF LOT 1 OF ELLIOT MLD #98-S1327 AND THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE GREAT WESTERN RAILWAY, AS SHOWN UNDER RECEPTION NO. 99010997 OF LARIMER COUNTY RECORDS;

THENCE ALONG SAID NORTHEASTERLY BOUNDRY LINE AND ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE THE FOLLOWING TWO (2) COURSES:

- (1) THENCE S41°37'51"E, 1,992.61 FEET TO A POINT OF CURVE;
- (2) THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 11,509.20 FEET AND A CENTRAL ANGLE OF 02°40'46", 538.25 FEET;

THENCE CONTINUING ALONG THE BOUNDARY LINE OF SAID LOT 1 THE FOLLOWING FIFTEEN (15) COURSES:

- (1) THENCE N70°15'13"W, 202.22 FEET;
- (2) THENCE N44°24'43"W, 138.80 FEET;
- (3) THENCE N57°26'13"W, 445.00 FEET;
- (4) THENCE S61°18'47"W, 368.63 FEET;
- (5) THENCE S32°01'47"W, 286.20 FEET;
- (6) THENCE S72°11'47"W, 372.37 FEET;
- (7) THENCE N13°08'59"W, 661.09 FEET;
- (8) THENCE N76°51'01"E, 250.69 FEET;
- (9) THENCE N13°08'59"W, 212.85 FEET;
- (10) THENCE S77°01'47"W, 27.59 FEET;
- (11) THENCE N12°58'13"W, 550.00 FEET;
- (12) THENCE N77°01'47"E, 30.00 FEET;
- (13) THENCE N12°58'13"W, 0.94 FEET;
- (14) THENCE N16°33'21"W, 149.31 FEET;
- (15) THENCE S77°01'47"W, 315.91 FEET;

THENCE CONTINUING ALONG SAID BOUNDARY LINE OF SAID LOT 1 AND ITS NORTHERLY EXTENSION N09°49'13"W, 558.87 FEET TO THE NORTHERLY RIGHT OF WAY LINE THE FOLLOWING TWO (2) COURSES:

- (1) THENCE N89°46'47"E, 824.24 FEET;
- (2) THENCE S89°01'51"E, 1,873.49 FEET;

THENCE S00°58'09"W, 10.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1,358,382 SQUARE FEET OR 31.184 ACRES, MORE OR LESS

EXHIBIT B
Legal description of annexed property
[Attached]

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THOMPSON ANNEXATION NO. 1

TO THE TOWN OF TIMNATH, COLORADO
A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 27
AND IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 7 NORTH, RANGE
68 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO

EMK CONSULTANTS, P.C.
ENGINEERS • SURVEYORS
2006 SOUTH ALTON WAY, SUITE 2
CENTRAL, COLORADO 80112-2019
(970) 644-1574

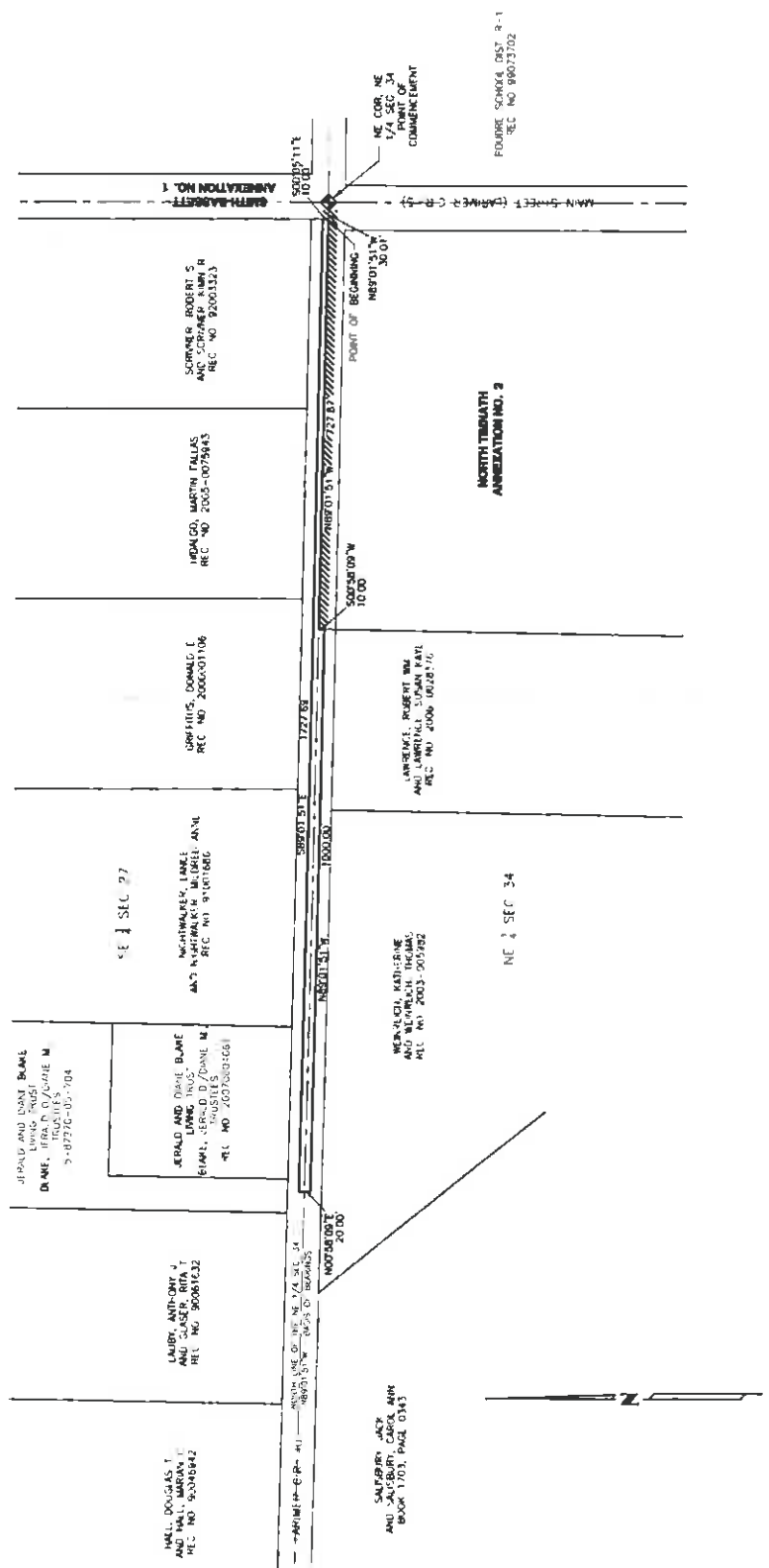


REUSE OF DOCUMENT
DATE: 1-18-03-22-1957
SCALE: AS SHOWN
DRAWN BY: [Name]
CHECKED BY: [Name]

NO.	REVISIONS	DATE
1	ISSUED FOR PERMIT	01/18/03
2	REVISED PER COMMENTS	01/22/03
3	REVISED PER COMMENTS	01/22/03
4	REVISED PER COMMENTS	01/22/03
5	REVISED PER COMMENTS	01/22/03
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7	REVISED PER COMMENTS	01/22/03
8	REVISED PER COMMENTS	01/22/03
9	REVISED PER COMMENTS	01/22/03
10	REVISED PER COMMENTS	01/22/03

THOMPSON ANNEXATION NO. 1
A PORTION OF SECTIONS 27 AND 34, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO
DATE: 12-12-2008
FILE NO. 1258100

Scale: 1" = 100'
2 of 2



LEGEND

- ANNEXED BOUNDARY
- EXISTING PROPERTY BOUNDARY
- SECTION LINE
- CONTROLLING BOUNDARY