

TOWN OF TIMNATH

RESOLUTION NO. 15, SERIES 2008

A RESOLUTION OF THE TOWN COUNCIL OF TIMNATH MAKING CERTAIN FINDINGS OF FACT REGARDING AN ANNEXATION PETITION SUBMITTED BY CRAIG HARRISON TO ANNEX LAND HEREBY KNOWN AS RIVERBEND

WHEREAS, the Municipal Annexation Act of 1965 (“the act”) provides that a municipality may accept petitions for annexation of property upon finding substantial compliance of the petitions with the Act and annex such properties separately or in a series considered together; and

WHEREAS, the Town Council of the Town of Timnath, Colorado, has found a petition for the annexation of the hereinafter described parcels of land to be in substantial compliance with the requirements of Section 31-12-107(1), Colorado Revised Statutes and Article 13 of the Timnath Land Use Codes; and

WHEREAS, the Town must set a public hearing to determine if the proposed annexation complies with the Act and Article 13 of the Timnath Land Use Code.

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

Section 1. That annexation proceedings be initiated upon a Petition for Annexation of the following described property to the Town, which Petition appears to be in substantial compliance with the applicable provisions of Chapter 31, Article 12, Colorado Revised Statutes. Description of property proposed for annexation: See, attached **Exhibit A**.

Section 2. Therefore, 7:00 P.M. on September 17, 2008, is hereby established as the date and time, and Timnath Town Hall, 4100 Main Street, in Timnath, Colorado as the place, for a public hearing to be held to determine if the proposed annexation complies with Sections 31-12-104 and 31-12-105, C.R.S. or such parts thereof as may be required to establish eligibility under Part 1 of Chapter 31, Article 12 of said statutes.

PASSED, APPROVED AND ADOPTED this 6th day of August, 2008.

TOWN OF TIMNATH

A handwritten signature in blue ink, appearing to read "Donna Benson", written over a horizontal line.

Donna Benson, Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read "Linda Salas", written over a horizontal line.

Linda Salas, Town Clerk

**TOWN OF TIMNATH
RESOLUTION NO. 15, Series 2008**

**A RESOLUTION OF THE TOWN COUNCIL OF TIMNATH MAKING CERTAIN
FINDINGS OF FACT REGARDING AN ANNEXATION PETITION SUBMITTED
BY CRAIG HARRISON TO ANNEX LAND HEREBY KNOWN AS RIVERBEND**

WHEREAS, the Municipal Annexation Act of 1965 (“the act”) provides that a municipality may accept petitions for annexation of property upon finding substantial compliance of the petitions with the Act and annex such properties separately or in a series considered together; and

WHEREAS, the Town Council of the Town of Timnath, Colorado, has found a petition for the annexation of the hereinafter described parcels of land to be in substantial compliance with the requirements of Section 31-12-107(1), Colorado Revised Statutes and Article 13 of the Timnath Land Use Codes; and

WHEREAS, the Town must set a public hearing to determine if the proposed annexation complies with the Act and Article 13 of the Timnath Land Use Code.


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

Section 1. That annexation proceedings be initiated upon a Petition for Annexation of the following described property to the Town, which Petition appears to be in substantial compliance with the applicable provisions of Chapter 31, Article 12, Colorado Revised Statutes. Description of property proposed for annexation: See, attached **Exhibit A**.

Section 2. Therefore, 7:00 P.M. on October 1, 2008, is hereby established as the date and time, and Timnath Town Hall, 4100 Main Street, in Timnath, Colorado as the place, for a public hearing to be held to determine if the proposed annexation complies with Sections 31-12-104 and 31-12-105, C.R.S. or such parts thereof as may be required to establish eligibility under Part 1 of Chapter 31, Article 12 of said statutes.

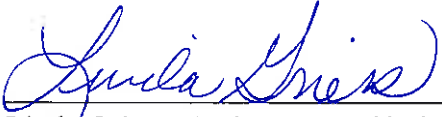
PASSED, APPROVED AND ADOPTED this 17th day of September, 2008.

TOWN OF TIMNATH



Donna Benson, Mayor

ATTEST:



Linda Griess, Acting Town Clerk



**NORTHERN
ENGINEERING**

ADDRESS: 200 S. Bellvue Ave. Suite 100 Fort Collins, CO 80521	PHONE: 970.221.1111 FAX: 970.221.4159	WEBSITE: www.northerneng.com
---	--	---------------------------------

ANNEXATION PROPERTY DESCRIPTION:

A tract of land located in the Northwest Quarter of Section 2 and the Northeast Quarter of Section 3, 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 North line of the Northwest Quarter of said Section 2 as bearing South 89°39'06" East from a found 3 1/4" aluminum cap at the Northwest corner of said Section 2 to a found 2 1/2" aluminum cap at the North Quarter corner of said Section 2 and with all bearings contained herein relative thereto:

Commencing at the Northwest corner of said Section 2; thence, South 01°48'59" East, 30.02 feet to the **POINT OF BEGINNING**; thence, South 89°39'06" East, 1838.88 feet to a point on the West line of a tract of land described at Reception No. 93033424; thence, along said West line by the following two (2) courses and distances, South 09°37'06" East, 1310.10 feet; thence, South 09°52'06" East, 1258.41 feet to a point on the North line of Lot 1 of Barnhart M.L.D. 97-X1146; thence, South 89°23'48" West, 469.01 feet to the West right-of-way line of South County Road 3F; thence, along said West right-of-way line by the following three (3) courses and distances, North 34°02'36" West, 114.90 feet; thence, North 38°50'36" West, 1455.87 feet; thence, North 33°04'51" West, 42.79 feet; thence, along the South line of Lot 2 of RAE M.R.D. No. 97-EX1013, North 88°38'54" East, 319.73 feet to the East line of said Lot 2; thence, along said East line, North 09°37'06" West, 578.93 feet to the North line of said Lot 2; thence, along said North line, North 89°39'06" West, 391.31 feet to the East right-of-way line of South County Road 3F; thence, along said East right-of-way line by the following two (2) courses and distances, South 15°32'06" East, 9.29 feet; thence, South 18°12'06" East, 213.81 feet to a point on the North line of a tract of land recorded at Reception No. 99066794; thence, along said North line, North 89°58'06" West, 675.55 feet to the West line of the Northwest Quarter of said Section 2; thence, along said West line North 01°48'59" West, 649.06 feet to a point on the Southerly line of that tract of land described in Deed of Dedication on file at the office of the Clerk and Recorder of said Larimer County at Reception No. 2005-0053053; thence, along said Southerly line and the Westerly line of said tract of land by the following six (6) courses and distances, South 39°41'37" West, 30.18 feet; thence, North 07°08'16" West, 215.65 feet; thence, North 45°39'15" East, 60.45 feet; thence, North 87°46'24" West, 418.76 feet; thence, North 89°29'29" West, 450.00 feet; thence, North 00°30'31" East, 20.00 feet; thence, South 89°29'29" East, 949.19 feet to the Point of Beginning.

Said described tract of land contains 3,105,592 square feet or 71.295 acres more or less and is subject to all easements and rights-of-way now on record or existing.

July 27, 2007

ATTACHMENT 1

PETITION FOR ANNEXATION

TO: THE TOWN COUNCIL OF THE TOWN OF TIMNATH, COLORADO

RE: PROPERTY KNOWN AS: RIVERBEND

The undersigned landowners, in accordance with the provisions of Title 31, Article 12, Part 1, C.R.S. and known as the Municipal Annexation Act of 1965, as amended, hereby petition the Town Council for annexation to the Town of Timnath the following described unincorporated area situate and being in the County of Larimer, and State of Colorado, to wit:

Exhibit A attached hereto and incorporated hereby by reference

Your petitioners further state as follows:

1. That it is desirable and necessary that such area be annexed to the Town of Timnath, Colorado.

2. That the area sought to be annexed meets the requirements of Sections 31-12-104 and 105, as amended, of the Municipal Annexation Act of 1965, in that:

A. Not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the existing boundaries of the Town of Timnath, Colorado.

B. A community of interest exists between the area proposed to be annexed and the Town of Timnath, Colorado.

C. The area proposed to be annexed is urban or will be urban in the near future and said area is integrated or is capable of being integrated with the Town of Timnath, Colorado.

D. No land held in identical ownership, whether consisting of one tract or parcel or real estate or two or more contiguous tracts or parcels of real estate:

(1) is divided into separate parts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels are separated by a dedicated street, road, or other public way.

(2) comprising 20 acres or more and which, together with the buildings and improvements situated thereon, has a valuation of assessment in excess of \$200,000.00 for ad valorem tax purposes for the year next preceding the annexation, is included within the area proposed to be annexed without the written consent of the landowner or landowners.

E. No annexation proceedings have been commenced for the annexation to another municipality of part or all to the territory proposed to be annexed.

F. The annexation of the area proposed to be annexed will not result in the detachment of the area from any school district and the attachment of same to another school district.

G. The annexation of the area proposed to be annexed will not have the effect of extending the boundary of the Town of Timnath more than three miles in any direction from any point of the Town's boundary in any one year.

H. If a portion of a platted street or alley is to be annexed, the entire width of said street or alley is included within the area to be annexed.

I. Reasonable access shall not be denied to landowners, owners of easements or the owners of franchises, adjoining any platted street or alley to be annexed that will not be bordered on both sides by the Town of Timnath.

3. That attached hereto and incorporated herein by reference are four (4) prints of the annexation map, containing the following information:

A. A written legal description of the boundaries for the area proposed to be annexed;

B. A map showing the boundary of the area proposed to be annexed;

C. Within the annexation boundary map, a showing of the location of each ownership tract of unplatted land, and with respect to any area which is platted, the boundaries and the plat numbers of plots or lots and blocks;

D. Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the Town of Timnath and the contiguous boundary of any other municipality abutting the area proposed to be annexed.


4. That the petitioners are the landowners of more than fifty percent (50%) of the area sought to be annexed, exclusive of streets and alleys.

5. That all of the petitioners signed this Petition for annexation no more than 180 days prior to the date of filing of this Petition for Annexation.

6. That this Petition for annexation satisfies the requirements of Article II, Section 30, of the Constitution of Colorado in that it is signed by persons comprising more than fifty percent (50%) of the landowners in the area proposed to be annexed who own more than fifty percent (50%) of said area, excluding public streets and alleys and any land owned by the Town of Timnath.

7. That upon the Annexation Ordinance becoming effective, all lands within the area sought to be annexed shall become subject to the ordinances, resolutions, rules and regulations of the Town of Timnath.

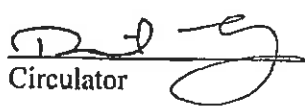
Therefore, your petitioners respectfully request that the Town Council of the Town of Timnath, Colorado, approve the annexation of the area proposed to be annexed.

Signature of Landowner	Date of Signature	Mailing Address of Landowner
	1/10/08	2725 ROCKY MOUNTAIN AVE SUITE 400 LOVELAND, CO. 80528

AFFIDAVIT OF CIRCULATOR

The undersigned, being of lawful age, who being first duly sworn upon oath, deposes and says:


That (he or she) was the circulator of the foregoing Petition for Annexation of lands to the Town of Timnath, Colorado, consisting of _____ pages, including this page, and that each signature thereon was witnessed and is the true signature of the person whose name it purports to be.

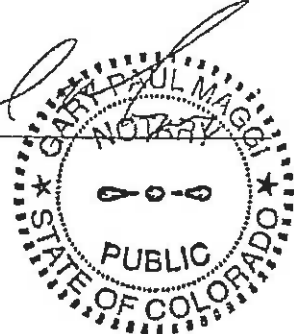
 DANIEL FRY
Circulator THE BIERPSALL GROUP

STATE OF COLORADO)
County of LARIMER) ss.

The foregoing Affidavit of Circulator was subscribed and sworn to before me this 7th day of April, 2008, by Daniel Fry.

My Commission expires:
01/14/2010


Notary Public



(SEAL)

RIVERBEND

General Development Narrative:

Riverbend is a proposed commercial and mixed use development on the south side of Harmony Road and situated north and east of The Cache La Poudre River. The northern 40.518 acres is planned for commercial development while the southern 26.751 acres are proposed to be mixed use which may include commercial, retail and residential uses. These two areas total 67.269 acres which is currently located in Larimer County and zoned for agriculture. The applicant is requesting the Town of Timnath's approval for the Sketch Plan portion of the platting process.

In addition to a great retail and commercial tax base for the Town of Timnath, the project will provide community activities such as entertainment, dining and shopping experiences for existing and future residents. The anticipated positive financial impact is not limited to tax dollars but will also include all the positive effects that accompany a large variety of primary and service employment positions.

At this time it is not anticipated that the mixed use portion of this project will include substantial numbers of residential units, however it is our understanding that the Poudre School District has included this property in their master plan so that if a residential use is included, the school aged residents of the project would not put an undue burden on the planned public school system

Domestic water will be provided by Fort Collins-Loveland Water District. Sanitary sewer shall be provided by the South Fort Collins Sanitation District Please. Please see included utility letter from Northern Engineering for further details including information on storm drainage. The share of Lake Canal Company water remains with the property.

Transportation improvements will include a collector road to replace the existing County Road 3F. Further discussion will take place with the Town of Timnath to coordinate internal road design as well as improvements to Harmony Road. A transportation study will be completed with site specific development plans to aid in this discussion and future transportation requirements.

There are no known negative impacts that the proposed development will put on local law enforcement or fire prevention services. We foresee the tax base that this project will provide to be sufficient to fund the growth of these emergency services that will be responsible for reacting to emergency situations in this area.

We anticipate no adverse impact to existing public parkland in Timnath. As previously discussed with the Town, a park connection to the Poudre River will be part of the development plan for this project, allowing public access to the Poudre River.

The proposed development generally follows the intent of the street master plan contained in the Town Comprehensive Plan. The Comprehensive Plan seeks commercial

and mixed use land uses in the project area. Detailed site planning for this project shall be provided with preliminary and final platting and will address requirements of the Town's Land Use Code concerning setbacks, space requirements or permitted uses.