

TOWN OF TIMNATH, COLORADO

RESOLUTION NO. 20, SERIES 2008

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TIMNATH FINDING A PETITION FOR ANNEXATION TO BE IN SUBSTANTIAL COMPLIANCE WITH LAW, INITIATING ANNEXATION PROCEEDINGS AND SETTING A PUBLIC HEARING THEREON

WHEREAS, a petition for the annexation of real property described in **Exhibit A**, attached hereto (the "Property") has been presented to the Town Council of the Town of Timnath, Colorado; and

WHEREAS, the Town Council has found the petition 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 Code; and

WHEREAS, the Town Council wishes to initiate annexation proceedings for the Property and set a public hearing to determine if the proposed annexation of the Property complies with the applicable requirements of the Municipal Annexation Act of 1965, CRS 31-12-101 et. seq. 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 CRS 31-12-107:

Description of property proposed for annexation: See, attached **Exhibit A**.

Section 2. That 7:00 P.M. on October 29, 2008 is hereby established as the date and time, and Timnath Elementary School, 3909 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 24th day of September, 2008.

FOR THE TOWN COUNCIL OF THE TOWN OF TIMNATH, COLORADO


Donna Benson, Mayor

ATTEST:

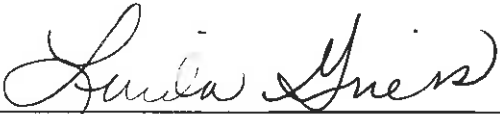

Linda Griess, Acting Town Clerk



EXHIBIT A

A TRACT OF LAND LOCATED IN THE NORTH HALF OF SECTION 3 AND THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE 6TH P.M AND THE SOUTH HALF OF SECTION 34, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH P.M.; COUNTY OF LARIMER, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 3, AND CONSIDERING THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 3 TO HAVE AN ASSUMED BEARING OF N89°29'55"W, (EAST END OF SAID LINE BEING MARKED BY A 3-1/4" ALUMINUM CAP STAMPED LS 24307, AND WEST END OF SAID LINE BEING MARKED BY A 3-1/4" ILLEGIBLE ALUMINUM CAP IN A MONUMENT BOX), WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34, N00°11'32"E, 28.50 FEET TO A POINT ON THE SOUTHERLY EDGE OF THE BRIDGE STRUCTURE SPANNING INTERSTATE 25, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE ALONG SAID SOUTHERLY EDGE AND ITS WESTERLY EXTENSION, N89°18'02"W, 633.13 FEET;

THENCE S00°41'58"W, 136.28 FEET TO A POINT ON THE SOUTHWESTERLY BOUNDARY OF THE COLORADO DEPARTMENT OF TRANSPORTATION PARCEL DESCRIBED IN THE INSTRUMENT RECORDED JUNE 12, 1998 AT RECEPTION NO. 98049111;

THENCE ALONG THE SOUTHWESTERLY BOUNDARY OF SAID PARCEL THE FOLLOWING TWO COURSES:

1. S56°56'01"E, 82.86 FEET;
2. S24°15'59"E, 793.35 FEET;

THENCE ALONG THE WESTERLY RIGHT OF WAY LINE OF INTERSTATE 25 THE FOLLOWING TWO (2) COURSES:

1. S02°02'35"E, 4185.48 FEET;
2. 135.77 FEET ALONG THE ARC OF A NON TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 11295.00 FEET, A CENTRAL ANGLE OF 00°41'19", AND A CHORD WHICH BEARS S01°43'13"E, 135.77 FEET;

THENCE ALONG THE NORTHERLY AND WESTERLY BOUNDARY OF THE COLORADO DEPARTMENT OF TRANSPORTATION PARCEL DESCRIBED IN THE INSTRUMENT RECORDED JANUARY 16, 1964, IN BOOK 1234, PAGE 254, THE FOLLOWING TWO (2) COURSES:

1. S84°55'54"W, 574.58 FEET;
2. S00°55'24"W, 30.00 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3;

THENCE ALONG THE NORTHERLY AND WESTERLY BOUNDARY OF THE COLORADO DEPARTMENT OF TRANSPORTATION PARCEL DESCRIBED IN THE

INSTRUMENT RECORDED FEBRUARY 3, 1964 IN BOOK 1236, PAGE 143, THE FOLLOWING TWO (2) COURSES:

1. ALONG SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 3, N89°04'36"W, 100.00 FEET;
2. S00°55'24"W, 30.00 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF LARIMER COUNTY ROAD 36;

THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE AND ALONG THE NORTHERLY BOUNDARY LINE OF LOT 2 OF THE JENSEN SUBDIVISION, N89°04'36"W, 397.36 FEET;

THENCE N00°18'12"E, 60.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF LARIMER COUNTY ROAD 36;

THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING THREE COURSES:

1. N89°04'36"W, 600.37 FEET TO A POINT ON THE EASTERLY BOUNDARY OF THE RIGHT OF WAY PARCEL DEDICATED BY THE INSTRUMENT RECORDED AT RECEPTION NO. 88059400;
2. ALONG THE EASTERLY BOUNDARY OF SAID RIGHT OF WAY PARCEL, N00°55'24"E, 10.00 FEET;
3. ALONG THE NORTHERLY BOUNDARY OF SAID RIGHT OF WAY PARCEL, N89°04'36"W, 182.98 FEET;

THENCE N09°16'32"W, 283.77 FEET;

THENCE N01°46'32"W, 289.41 FEET;

THENCE N32°46'32"W, 144.50 FEET;

THENCE N23°39'02"W, 631.96 FEET;

THENCE N01°50'02"E, 208.47 FEET;

THENCE N17°13'48"W, 661.20 FEET TO A POINT ON THE EASTERLY BOUNDARY OF THE SUNRISE RIDGE ANNEXATION TO THE CITY OF FORT COLLINS;

THENCE ALONG THE EASTERLY AND NORTHERLY BOUNDARY OF SAID SUNRISE RIDGE ANNEXATION THE FOLLOWING TWO COURSES:

1. N01°49'14"W, 472.05 FEET;
2. N88°36'30"W, 30.05 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 3;

THENCE N01°44'18"W, 2598.32 FEET ALONG A LINE BEING THE EASTERLY BOUNDARY OF THE BROOKFIELD ANNEXATION TO THE CITY OF FORT COLLINS, AND THE EASTERLY BOUNDARY OF STUTE ANNEXATION NO. 3 TO THE CITY OF FORT COLLINS, SAID LINE ALSO BEING THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 3,

THENCE ALONG THE SOUTHERLY BOUNDARY OF ARAPAHOE BEND FIRST ANNEXATION TO THE CITY OF FORT COLLINS, S89°47'25"E, 30.01 FEET;

THENCE ALONG THE SOUTHERLY BOUNDARY OF ARAPAHOE BEND SECOND ANNEXATION TO THE CITY OF FORT COLLINS AND ALONG THE SOUTHERLY RIGHT OF WAY LINE OF HARMONY ROAD, THE FOLLOWING TEN (10) COURSES:

1. S89°47'25"E, 670.81 FEET;
2. S89°18'55"E, 245.96 FEET;
3. S84°57'34"E, 63.15 FEET;
4. S84°57'34"E, 23.26 FEET;
5. 208.64 FEET ALONG THE ARC OF A NON TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 92.87 FEET, A CENTRAL ANGLE OF 128°43'21", AND A CHORD WHICH BEARS S67°08'05"E, 167.45 FEET;
6. N48°30'14"E, 98.38 FEET;

7. 13.92 FEET ALONG THE ARC OF A NON TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 32.81 FEET, A CENTRAL ANGLE OF 24°18'57", AND A CHORD WHICH BEARS N60°39'40"E, 13.82 FEET;
8. N72°49'06"E, 56.60 FEET;
9. S83°57'55"E, 29.18 FEET;
10. S83°44'43"E, 185.80 FEET;

THENCE ALONG THE EASTERLY BOUNDARY OF ARAPAHOE BEND SECOND ANNEXATION, AND DEPARTING SAID SOUTHERLY RIGHT OF WAY LINE, N32°40'45"E, 59.42 FEET;

THENCE CONTINUING ALONG SAID EASTERLY BOUNDARY OF ARAPAHOE BEND SECOND ANNEXATION, N00°27'05"E, 194.03 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF THE COLORADO DEPARTMENT OF TRANSPORTATION PARCEL DESCRIBED IN THE INSTRUMENT RECORDED JUNE 5, 1998 AT RECEPTION NO. 98046619;

THENCE ALONG SAID NORTHERLY BOUNDARY, THE FOLLOWING TWO (2) COURSES:

1. S89°32'55"E, 116.81 FEET;
2. N83°18'54"E, 297.08 FEET;

THENCE S00°41'58"W, 90.03 FEET TO A POINT ON THE WESTERLY EXTENSION OF THE NORTHERLY EDGE OF THE BRIDGE STRUCTURE SPANNING INTERSTATE 25;

THENCE ALONG SAID WESTERLY EXTENSION, ALONG SAID NORTHERLY EDGE, AND ALONG THE EASTERLY EXTENSION OF SAID NORTHERLY EDGE, S89°18'02"E, 1538.25 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF THE FLATIRON ANNEXATION TO THE TOWN OF TIMNATH;

THENCE ALONG SAID SOUTHERLY BOUNDARY AND ITS EXTENSION S80°36'47"E, 685.35 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF THE HARMONY ROAD ANNEXATION TO THE TOWN OF TIMNATH RECORDED AUGUST 8, 2006 AT RECEPTION NO. 20060059718;

THENCE ALONG THE NORTHERLY, WESTERLY, AND SOUTHERLY BOUNDARIES OF SAID HARMONY ROAD ANNEXATION THE FOLLOWING THREE (3) COURSES:

1. N89°30'07"W, 800.15 FEET;
2. S00°29'53"W, 60.00 FEET;
3. S89°30'07"E, 272.35 FEET;

THENCE S00°59'07"E, 31.83 FEET TO THE NORTHEAST CORNER OF HARMONY ROAD ENTERPRISES, LLLP SECOND ANNEXATION TO THE TOWN OF TIMNATH;

THENCE ALONG SAID NORTHERLY BOUNDARY OF SAID HARMONY ROAD ENTERPRISES, LLLP SECOND ANNEXATION, N89°30'07"W, 221.80 FEET;

THENCE S88°34'12"W, 213.67 FEET TO THE NORTHEAST CORNER OF HARMONY ROAD ENTERPRISES, LLLP FIRST ANNEXATION TO THE TOWN OF TIMNATH;

THENCE ALONG SAID NORTHERLY BOUNDARY OF SAID HARMONY ROAD ENTERPRISES, LLLP FIRST ANNEXATION, N89°30'07"W, 201.10 FEET;

THENCE N00°41'58"E, 96.12 FEET TO A POINT ON THE EASTERLY EXTENSION OF THE SOUTHERLY EDGE OF THE BRIDGE STRUCTURE SPANNING INTERSTATE 25;

THENCE ALONG SAID EASTERLY EXTENSION AND ALONG SAID SOUTHERLY EDGE OF BRIDGE STRUCTURE, N89°18'02"W, 397.50 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 273.565 ACRES (11,916,497 SQUARE FEET) MORE OR LESS AND IS SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS, AND RESTRICTIONS OF RECORD, OR THAT NOW EXIST ON THE GROUND.

I, JOHN STEVEN VON NIEDA, A COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR DO HEREBY STATE THAT THIS PROPERTY DESCRIPTION WAS PREPARED UNDER MY PERSONAL SUPERVISION AND CHECKING, AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, BELIEF AND IN MY PROFESSIONAL OPINION.



JOHN STEVEN VON NIEDA
ON BEHALF OF TST, INC. CONSULTING ENGINEERS
COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR #31169

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September 10, 2008