

TOWN OF TIMNATH, COLORADO

RESOLUTION NO. 32, SERIES 2009

**A RESOLUTION INITIATING ANNEXATION PROCEEDINGS
FOR PROPERTY KNOWN AS CLP ANNEXATION
AND GIVING NOTICE OF A PUBLIC HEARING THEREON**

WHEREAS, the Town Council for the Town of Timnath, Colorado has received a Petition for Annexation of certain property, signed by at least 50% of the land owners owning at least 50% of the land of said property, exclusive of public streets and alleys; and

WHEREAS, the Petition appears to be in substantial compliance with the applicable provisions of Chapter 31, Article XII of the Colorado Revised Statutes; and

WHEREAS, the Council wishes to initiate annexation proceedings for the property and to set a public hearing for further consideration of the Petition.

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

Section 1. Annexation Proceedings Initiated

Annexation proceedings are hereby initiated upon the 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:

See, attached **EXHIBIT A.**

Section 2. Public Hearing

The Council hereby sets and gives notice of a public hearing for 7 P.M. on July 1, 2009 at the Timnath Town Hall, 4100 Main Street, in Timnath, Colorado, 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.

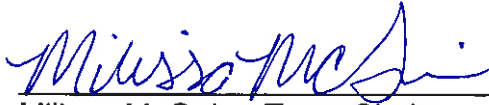
**PASSED, APPROVED AND ADOPTED THIS 6TH DAY OF MAY, 2009, THE
VOTE UPON ROLL CALL BEING AS FOLLOWS:**


For: 5

Against: 0

Abstain: 0

FOR THE TOWN COUNCIL OF THE TOWN OF TIMNATH, COLORADO


Milissa McGuire, Town Clerk

By: 
Donna Benson, Mayor

NOTICE IS HEREBY GIVEN that a Petition for Annexation of property hereinafter described has been presented to the Town Council of the Town of Timnath, Colorado and found to be in apparent compliance with the applicable provisions of law. The Town Council has adopted a Resolution setting a public hearing to be held at 7 P.M. on July 1, 2009, at Timnath Town Hall, 4100 Main Street, Timnath, Colorado, to determine if the proposed annexation complies with the applicable requirements of law.

Any person may appear at the hearing and present evidence upon any matter to be considered by the Council.

Published in the Fort Collins Coloradoan:

Published Weekly:

First Publication:	June 1, 2009
Second Publication:	June 8, 2009
Third Publication:	June 15, 2009
Fourth Publication:	June 22, 2009

EXHIBIT A

Legal Description of Property Proposed for Annexation

[attached]

PETITION FOR ANNEXATION

TO: The Town Council of the Town of Timnath, Colorado

The undersigned ("Petitioners"), being the owners of more than fifty percent (50%) of property proposed to be annexed, exclusive of streets and alleys, which property is described in Exhibit "A" attached hereto and made a part hereof (the "Property"), hereby petitions the Town Council of the Town of Timnath for annexation of the Property known as 3721 S County Rd 5 (address of property) in accordance with the provisions of Part 1 of Article 12 of Title 31, C.R.S., as amended.

In support of this petition, Petitioners state:

1. It is desirable and necessary that the Property be annexed to the Town of Timnath.
2. The requirements of the applicable provisions of Sections 31-12-104 and 31-12-105, C.R.S., exist or have been met.
3. Not less than one-sixth of the perimeter of the Property is contiguous with the Town of Timnath.
4. A community of interest exists between the Property and the Town of Timnath.
5. The Property is urban or will be urbanized in the near future.
6. The Property is integrated with or capable of being integrated with the Town of Timnath.
7. In establishing the boundaries of the Property, no land held in identical ownership has been divided into separate parts or parcels without the written consent of the landowner unless separated by a dedicated street, road or other public way.
8. The boundary of the Property to be annexed includes the full width of any county road abutting any of the property to be annexed.
9. No annexation proceedings have been commenced for the annexation of all or part of the Property to another municipality.
10. Annexation of the Property will not result in the detachment of area from any school district or attachment of area to another school district.
11. Prior to the hearing before the Town Council on whether to annex the Property, the Petitioners and the Town shall have entered into an annexation agreement (if deemed necessary by the Town), which shall govern and control improvements to be made on or adjacent to the property. Should an annexation agreement be necessary, annexation of the Property shall be conditioned upon the Town Council's approval of the Annexation Agreement. Upon the effective date of the ordinance annexing the Property and approving the Annexation Agreement ("Annexation Ordinance"), the Property shall be subject to all of the terms and provisions of the Annexation Agreement.

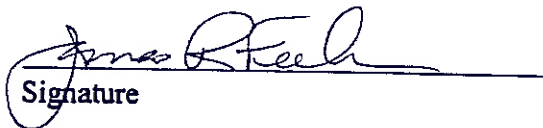
12. Except as modified by the terms and provisions of the Annexation Agreement, upon the effective date of the Annexation Ordinance, all lands within the Property shall become subject to all ordinances, resolutions, rules and regulations of the Town of Timnath, except for general property taxes of the Town of Timnath, if any, which shall become effective on January 1st of the next succeeding year following the effective date of the Annexation Ordinance.
13. Petitioners are the owners of more than fifty percent (50%) of the territory included in the area proposed to be annexed, exclusive of streets and alleys, and comprise more than fifty percent (50%) of the landowners of such area, exclusive of streets and alleys and said owners attesting to the facts and agreeing to the conditions herein will negate the necessity of an annexation election.
14. The legal description of the land owned by each signer of this Petition for Annexation is set forth on Exhibit "A: attached hereto and incorporated herein by the reference.
15. Accompanying this petition are four copies of an annexation map showing the seal of a registered engineer or land surveyor, containing:
 - a. A written legal description of the boundaries of the Property proposed to be annexed;
 - b. The boundary of the Property and the boundary of the Property contiguous with the Town of Timnath and any other municipality abutting the Property;
 - c. The location of each ownership tract of unplatted land;
 - d. The total acreage, more or less, of the Property;
 - e. The total length of the perimeter of the boundary of the Property and the length of the boundary of the Property contiguous with the Town of Timnath;
 - f. The width of any county roads abutting the Property.
16. No part of the area proposed to be annexed is more than three miles from a point on the municipal boundary, as such was established more than one year before this annexation will become effective.
17. The area proposed to be annexed is located within: Larimer County, Poudre R-1 School District, Poudre Valley Fire Protection District, the Health District of Northern Colorado, the Northern Colorado Water conservancy District, Fort Collins Regional Library District, and the Larimer County Pest Control District.
18. The mailing address of each Petitioner and the date of signing of each Petitioner's signature are shown on this Petition.
19. The Property is not presently a part of any incorporated town, city and county, or city.
20. Petitioners understand that the Town of Timnath does not provide municipal water and sewer services. Failure to provide such services to the Property shall not be cause for disconnection of the Property at any future time.
21. No vested rights to use or develop the Property in any particular way, as defined in Section 24-68-101, et seq., C.R.S. have been requested by Petitioners from any

governmental entity, other than those requested and included in the Annexation Agreement.

22. The Petitioners shall pay all fees and costs incurred by the Town in processing this Petition for Annexation through the annexation hearing before the Town Council.
23. The Petitioners acknowledge that upon the effective date of the Annexation Ordinance, subject to the terms and provisions of the Annexation Agreement, the Property, the owners thereof, and uses thereon will be subject to all taxes and fees imposed by the Town. The Property, the owners thereof, and the uses thereon are also bound by any taxes imposed and voter authorization under Article X, Section 20 adopted prior to annexation of the Property. The Petitioner waives any claims it may have under Article X, Section 20 of the Colorado Constitution related to such taxes and fees.
24. The Petitioners shall have the right in their sole and absolute discretion to withdraw this Petition for Annexation at any time subsequent to the second reading approval of the ordinance annexing the Property to the Town, but prior to the effective date of such ordinance.

WHEREFORE, the undersigned Petitioners request that the Town of Timnath approve the annexation of the Property.

Petitioner 1


Signature

3/21/09
Date

Centennial Land Partners LLC
Printed Name James R Feehan
Member

Address:
PO Box 202319
Denver, Co 80220

Petitioner 2

Signature

Date

Printed Name

Address:

LAND USE SUMMARY

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

NE corner of
Section 34



TIMMATH - MAIN ST. PARCEL
PARCEL MAP
TOWN OF TIMMATH, CO. OF DENVER
PREPARED FOR JIM REITMAN

Issue Date
APRIL 27, 2009

Revision: 0/0

Sheet No.
100 SCALE
Sheet Number
PM-100

MAIN STREET S00°00'E 692.86'

S00°00' 200'

30.02'
20.01'
80.00'

80.00'
20.01'
30.02'

S 00°00' 200'
S 00°00' 200'
S 00°00' 200'

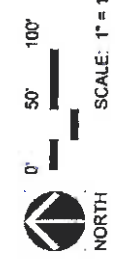
Parcel A
Parcel C

S87°54'E 963.73'

Parcel B

S87°54'E 967.98'

N01°13'E 199.89'



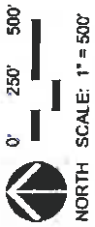
DRAWN BY
DATE
PROJECT: [illegible]

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TOWN OF TIMNATH AREA: APPROX. 0.46 ACRES

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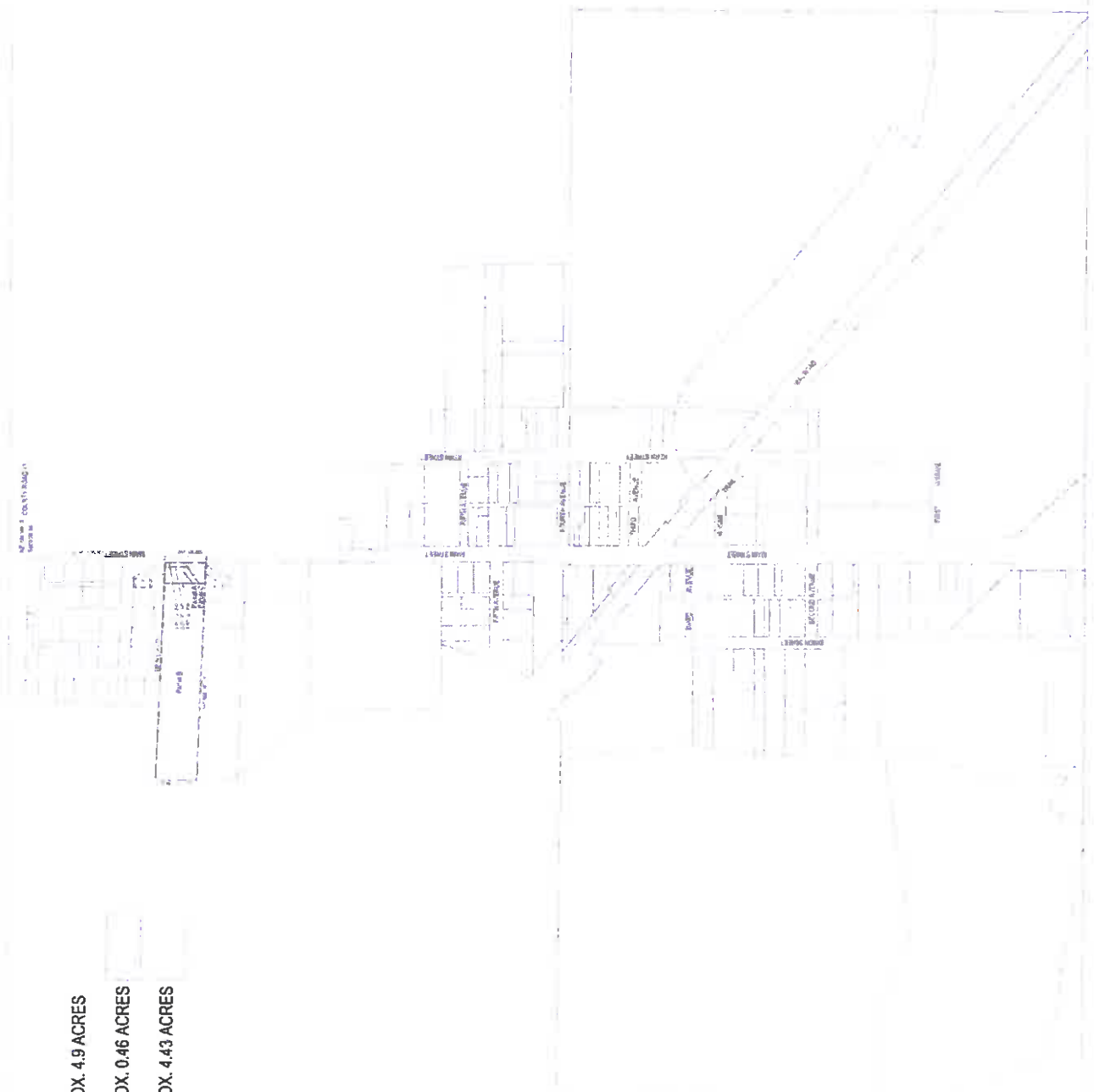
TIMNATH - MAIN ST. PARCEL
PARCEL MAP
TIMNATH, COLORADO
REGISTERED FOR JIM FRYMAN

Issue Date
APRIL 27, 2009

Revision Date

Sheet Title
500 SCALE

Sheet Number
PM-500



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 Limath, 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.