

**TOWN OF TIMNATH, COLORADO  
RESOLUTION NO. 5**

**Series of 2008**

**AN RESOLUTION OF THE TOWN COUNCIL OF THE  
TOWN OF TIMNATH, COLORADO, REZONING  
PROPERTY FROM 4<sup>TH</sup> STREET TO THE SOUTHERN  
BOUNDARY OF THE FAIRVIEW VILLAGE SUBDIVISION  
AND ADJACENT TO MAIN STREET (LARIMER COUNTY  
ROAD 5) FROM R-1, OLD TOWN RESIDENTIAL, TO B,  
DOWNTOWN BUSINESS**

**WHEREAS**, the Planning Commission of the Town of Timnath ("Town") held a properly noticed Public Hearing on February 12, 2008 and has recommended approval of rezoning the property from 4<sup>th</sup> Street to the southern boundary of the Fairview Village Subdivision and adjacent to Main Street (Larimer County Road 5) from R-1, Old Town Residential, to B, Downtown Business; and

**WHEREAS**, it is the desire of Town Council to provide for expanded uses on properties adjacent to Main Street located between 4<sup>th</sup> Avenue to the south boundary of the Fairview Village Subdivision; and

**WHEREAS**, the Town Council believes that to maintain and enhance the vibrancy of Main Street, this rezoning is desirable; and

**WHEREAS**, the Town Council has held a properly noticed Public Hearing on February 20, 2008, and all persons interested in such rezoning were provided an opportunity to be heard; and

**WHEREAS**, Section 16.3.10 of the Timnath Municipal Code authorizes the Town Council to amend zoning designations by resolution.

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Timnath, Colorado, as follows:

**Section 1.** The existing R-1 zoning designation is hereby changed to B zoning on the properties described in **Exhibit A**, attached hereto.

**Section 2.** Upon passage of this Resolution, the Mayor and Town Clerk are authorized and directed to complete all the necessary procedures required for the rezoning of said properties in the Town including: (1) filing certified copies of the rezoning resolution and map of the area with the Larimer County Clerk and Recorder; (2) filing of the original of this rezoning resolution with the Town Clerk; and (3) amending the Zoning Map of the Town to conform to the zoning of the Property as provided herein.

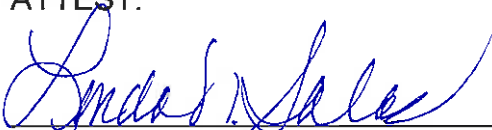
**Section 3.** This resolution shall be effective upon adoption.

ADOPTED, by the Town Council of the Town of Timnath, Colorado on the 5<sup>th</sup> day of March 2008, with a motion made by Councilmember Moon and seconded by Councilmember Hesser and a by a vote of 4 in favor and 0 opposed and 1 Recused.

TOWN OF TIMNATH, COLORADO

  
\_\_\_\_\_  
Charlie Snider, Mayor Pro-Tem

ATTEST:

  
\_\_\_\_\_  
Linda N. Salas, Town Clerk

## EXHIBIT A

### PARCEL DESCRIPTIONS INCLUDED IN RE-ZONING FROM R-1 (RESIDENTIAL-1) TO B (BUSINESS)

1. TR IN NE 1/4 34-7-68 DESC AS FOLS: BEG AT PT WH BEARS S 892.86 FT, N 87 54' W 50.03 FT FROM NE COR, N 87 54' W 80 FT, N 200 FT, S 87 54' E 80 FT, S 200 FT TPOB CONT 15.989 SQ FT; ALSO BEG AT PT WH BEARS N 1747.43 FT FROM E 1/4 COR 34-7-68, N 87 54' W 220 FT, N 200 FT, S 87 54' E 220.14 FT, S 200 FT TPOB CONT 1 AC M/L, TIMNATH; LESS 1683-915, RD PER 1561-187 (AD)
2. THAT PORTION LOCATED WITHIN THE TOWN OF TIMNATH LOCATED IN TR IN NE 34-7-68 DESC AS BEG AT PT WH BEARS S 1092.86 FT, N 87 54' W 50.03 FT FROM NE COR, N 87 54' W 80 FT, N 200 FT, S 87 54' E 80 FT, S 200 FT TPOB; ALSO PAR DESC: BEG AT PT WH BEARS S 1092.86 FT, N 87 54' W 130.03 FT FROM NE COR, TH N 87 54' W 217.95 FT, N 200.00 FT, S 87 54' E 217.95 FT, S 200 FT TPOB, TIMNATH (SPLIT FROM 87340 00 020)(C11S00E)
3. THAT PORTION LOCATED WITHIN THE TOWN OF TIMNATH LOCATED IN BEG AT PT WH BEARS N 1235.50 FT FROM E 1/4 COR 34-7-68, S 89 22' W 796.59 FT TO PT ON C/L SAND DIKE DITCH, TH ALG SD C/L N 38 W 457.18 FT, S 87 54' E 1078.73 FT TO PT ON E LN NE, S 311.93 FT TO BEG 7.182 AC M/L; LESS BLK 19, LESS CROSS GATES ANNEX, TIMNATH
4. ALL BLK 19; ALSO BEG AT PT WH BEARS N 1542.43 FT FROM E1/4 COR 34-7-68, S 21.43 FT, W 220 FT, N 21.43 FT, E 220 FT TPOB, TIMNATH
5. THAT PORTION LOCATED WITHIN THE TOWN OF TIMNATH LOCATED IN ALL BLK 18, TIMNATH
6. LOT 3, BLK 10, TIMNATH
7. LOT 2, BLK 10, TIMNATH
8. LOT 1, BLK 10, TIMNATH
9. LOT 17, BLK 9, TIMNATH
10. S 7 1/3 FT OF LOT 10, ALL OF LOTS 11-14, BLK 8, TIMNATH
11. N 40 FT OF S 47 1/3 FT OF LOT 10, BLK 8, TIMNATH
12. S 36 FT OF LOT 8, ALL OF 9 & N 2 2/3 FT OF LOT 10, BLK 8, TIMNATH
13. PT OF BLK 8, TIM DESC AS BEG AT PT 366 FT N OF SW COR NW 35-7-68, N 58 FT, E 130 FT, S 8 FT, E 86 FT, S 50 FT, W 216 FT M/L TPOB; LESS 1736-603, TIMNATH
14. COM AT W 1/4 COR 35-7-68, N 366 FT, E 216 FT TPOB, N 50 FT, E 50 FT, S 50 FT, W 50 FT TPOB; LESS 1533-637, BLK 8, TIMNATH; ALSO COM AT W 1/4 COR 35-7-68, N 366 FT, E 182 FT TPOB, E 34 FT, N 50 FT, W 34 FT, S 50 FT M/L TPOB, BLK 8, TIMNATH
15. COM AT SW COR NW 1/4 35-7-68, N 366 FT TPOB, E 216 FT, N 50 FT, E 50 FT, N 50 FT, W 266 FT, S 100 FT TPOB; EX 1533-636 & 92039910, BEING POR OF BLK 8, TIMNATH
16. LOTS 2,3,4, BLK 8, TIMNATH
17. BEG AT PT WH BEARS N 680 FT & E 42 FT FROM W 1/4 COR 35-7-68, BEING SW COR OF LOT 1, BLK 8, TIM; TH E ALG S LN OF SD LOT & EXTENSION THERE OF 400 FT; TH N 180 FT, W 400 FT, S 180 FT; EX ANY PORTION OUTSIDE CITY LIMITS OF TIMNATH (TD 1000)