TOWN OF TIMNATH, COLORADO

ORDINANCE NO. 17, SERIES 2013

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF TIMNATH FOR THE PURPOSE OF AMENDING THE APPROVED PLANNED DEVELOPMENT OVERLAY ZONING DISTRICT FOR CERTAIN REAL PROPERTY TO BE KNOWN AS GATEWAY TIMNATH SOUTH SUBDIVISION, GENERALLY LOCATED SOUTH OF AND ADJACENT TO HARMONY ROAD, WEST OF AND ADJACENT TO WEITZEL STREET, AND NORTH OF AND ADJACENT TO SWETZVILLE ZOO ROAD

WHEREAS, Cache La Poudre Investors South, LLC, has submitted an application for rezoning of certain real property within the Town of Timnath more particularly described in Exhibit A, to amend the currently approved Planned Development Overlay, Ordinance No. 76, series 2009; and

WHEREAS, the Town Council finds the location of the zoning to be appropriate and in conformance with the Town Comprehensive Plan; and

WHEREAS, the zone change was recommended for approval, by the Town of Timnath Planning Commission on Tuesday, November 19, 2013; and

WHEREAS, the Town Council finds the proposed rezoning satisfies the criteria for rezoning in the Timnath Land Use Code, and

WHEREAS, the Town Council further finds that the Planned Development Overlay in Exhibit B satisfies the criteria for a Planned Development (PD) Overlay pursuant to Section 16.3.4.N.8 of the Timnath Land Use Code.

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

Section 1. Property Zoned

That Article 3 of the Timnath Land Use Codes and the map referred to therein as the "Official Zoning Map of the Town of Timnath", said map being part of said Zoning Code and showing the boundaries of the district specified, shall be and the same is hereby amended in the following particulars, to wit:

See attached Exhibit A

Section 2. Public Hearing

The Town Council held a public hearing on Tuesday, December 10, 2013 regarding the zoning of the property.
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 Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that 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. The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Ordinance available for inspection by the public during regular business hours.

INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH ON FIRST READING, ON NOVEMBER 26, 2013, AND SET FOR PUBLIC HEARING, AND SECOND READING AT 6:00 P.M. ON DECEMBER 10, 2013 AT THE TIMNATH ADMINISTRATION BUILDING, 4800 GOODMAN STREET, TIMNATH COLORADO AND ORDERED PUBLISHED BY TITLE THIS 13 DAY OF DECEMBER, 2013.

MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON DECEMBER 10, 2013.

TOWN OF TIMNATH, COLORADO

Jill Grossman-Belisle, Mayor

ATTEST:

Milissa Peters, Town Clerk

TOWN OF TIMNATH, COLORADO SEAL
EXHIBIT A

Legal Description of Property Proposed for Zoning

A PARCEL OF LAND lying in Lot 2 of the Northeast Quarter of Section Three (3), Township Six North (T6N.), Range Forty-eight West (R48W.), Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado


EXCEPTING THEREFROM all Rights of Way for I-25 and Harmony Road.

TOGETHER with Parcel No. 3 Rev. as legally described in a Special Warranty Deed recorded June 17, 1985 at Record No. 8504127 of the Records of Larimer County and being subsequently conveyed to the Town of Timnath in a Bargain and Sale Deed recorded December 11, 1985 as Record No. 850407783 of the Records of Larimer County.

AND TOGETHER with that parcel of land conveyed to the Castle La Posada Investors, LLC in a Special Warranty Deed recorded February 1, 2000 at Recept No. 2000000577 of the Records of Larimer County which was previously described in a deed recorded September 29, 1987 as Book 1822 at Page 744 and a portion of Parcel No. 6 which was recorded in a Special Warranty Deed recorded June 12, 1985 at Record No. 8504127 of the Records of Larimer County and subsequently a portion of said Parcel No. 6 was conveyed to Castle La Posada Investors, LLC as a Correction Bargain and Sale Deed recorded May 22, 2000 at Record No. 20000033154 of the Records of Larimer County.

THE EXTERIOR BOUNDARY of the various parcels that comprise the Subject Parcel are more particularly described as follows:

A parcel of land being a portion of the Northeast Quarter of Section Three (3), Township Six North (T6N.), Range Forty-eight West (R48W.), Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado:

DESCRIPTION of the North Quarter Corner of said Section 3 and assuming the North line of the Northeast Quarter of said Section 3 as bearing South 09°47.25' East, being a Grid Bearing of the Colorado State Plane Coordinate System, north zone, North American Datum 1983/2007, a distance of 2553.70 feet with all other bearings measured herein relative thereto.

THENCE South 09°47.25' East along the North line of the Northeast Quarter of said Section 3 a distance of 350.96 feet.

THENCE South 00°12.35' West along a line perpendicular to the North line of the Northeast Quarter of said Section 3 a distance of 48.00 feet to the Northwest corner of Parcel No. 5A of the Colorado Department of Highways Project No. 28-19-CX (CR 26) as recorded in a deed recorded as Recept No. 20070030770 of the Records of Larimer County and in the POINT OF BEGINNING.

THENCE South 56°17.44' East along the Southwestern line of said Parcel No. 5A a distance of 30.33 feet to the Southeast corner thereof.

THENCE South 83°49.75' East along the Southeast line of said parcel described in Recept No. 20070030770 a distance of 123.36 feet to the Southwest corner thereof.

THENCE South 09°47.25' East along the South line of said parcel as recorded in Recept No. 20070030770 and the City of Fort Collins Fire District, a distance of 39.63 feet to the Westerly line of said parcel of land conveyed to the town of Timnath for use as a Public Road in a Special Warranty Deed recorded December 14, 2007 as Recept No. 20070030770 of the Records of Larimer County.

THENCE South 14°10.05' West along the Westerly line of said parcel described in Recept No. 20070030770 a distance of 18.04 feet to the Westerly line of said parcel of land conveyed to the town of Timnath for use as a Public Road in a Special Warranty Deed recorded December 14, 2007 as Recept No. 20070030770 of the Records of Larimer County.

THENCE South 09°47.25' East along said Westerly line a distance of 121.77 feet to an angle point on said Westerly line.

THENCE South 44°03.30' West beginning along said Westerly line a distance of 33.11 feet to the Northerly line of said parcel of land conveyed to the Town of Timnath for use as a Public Road in a Special Warranty Deed recorded November 13, 2006 as Recept No. 20060070783 of the Records of Larimer County.

THENCE South 89°31.75' West along said Northerly line and the Westerly prolongation thereof, a distance of 85.88 feet to the West line of the Northeast Quarter of said Section 3.

THENCE North 07°41.04' West along the West line of said Northeast Quarter of said Section 3 a distance of 25.97 feet to the Easement line of Tract No. 18 of the Colorado Department of Highways Project No. 1120-3 (CR 26) as described in a deed recorded November 6, 1995 as Book 1227, Page 816 of the Records of Larimer County.

THENCE North 14°18.53' East along the Easement line of said Tract No. 19 a distance of 1237.44 feet to the POINT OF BEGINNING.

Said portion of land contains 953,000 sq. ft., or 21.875 acres, more or less (as).
PLANNED DEVELOPMENT OVERLAY (PD)

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2. PLANNED DEVELOPMENT OVERLAY
3. SITE DESIGN GUIDELINES
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