TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 1, SERIES 2014

AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN REAL PROPERTY TO BE KNOWN AS THE BRUNNER FARM ANNEXATION TO THE TOWN OF TIMNATH, COLORADO, GENERALLY LOCATED SOUTH OF AND ADJACENT TO CR 36/RIVER PASS ROAD, AND WEST OF AND ADJACENT TO THREE BELL PARKWAY

WHEREAS, a petition (the "Petition") for Annexation was filed with the Town by GL Brunner Farms, LLC ("Petitioner"), requesting the Town of Timnath annex that property more particularly described in EXHIBIT A (legal description) and EXHIBIT B (annexation map), attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, a properly noticed public hearing was held on January 7, 2014 regarding said Petition in accordance with C.R.S. § 31-12-108, and all persons interested in such Petition were provided an opportunity to be heard: and

WHEREAS, over 50% of the property owners owning more than 50% of the Property, exclusive of streets and alleys have signed the Petition and requested the Property be annexed; and

WHEREAS, the Town Council finds the Property is eligible for annexation and should be annexed to the Town of Timnath; and

WHEREAS, the contiguity required by C.R.S. § 31-12-104(1)(a) exists in that the property annexed hereby has at least one-sixth boundary contiguity with a present municipal boundary of the Town; and

WHEREAS, the Town and Petitioners wish to enter into an annexation agreement.

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

Section 1. Findings.

1. The Council hereby finds that a Petition for Annexation, together with four (4) copies of the annexation map as required by law, was filed with the Town Council on August 16, 2013, by the owners of over fifty percent (50%) of the area of the property hereinafter described in EXHIBIT A (legal description) and EXHIBIT B (annexation map), and comprising more than fifty percent (50%) of the landowners of the property to be annexed, exclusive of public streets and alleys.
2. A properly noticed public hearing was held on January 14, 2014 regarding said Petition in accordance with C.R.S.§ 31-12-108, at which all persons interested in such Petition were provided an opportunity to be heard.

3. The Council by resolution at the public hearing accepted said Petition and found and determined that the applicable parts of the Municipal Annexation Act of 1965, as amended, have been met and further determined that an election was not required under the Act and that no additional terms and conditions were to be imposed upon said annexation.

4. The contiguity required by CRS Sec. 31-12-104(1)(a) exists in that the property annexed hereby has at least one-sixth boundary contiguity with a present municipal boundary of the Town.

5. The Property is eligible for annexation and should be annexed to the Town of Timnath.

6. An Annexation Agreement between the property owners and the Town has been prepared, and reviewed by the Council.

Section 2. Annexation and Annexation Agreement Approved.

The annexation to the Town of the following described real property is hereby approved (see attached):

Exhibit A – Property Description
Exhibit B – Annexation Map

The Annexation Agreement referenced in section 1 (6) is hereby approved in substantially the form as presented herewith, subject to technical or otherwise non-substantive modifications, as deemed necessary by the Town Manager in consultation with the Town Planner, Engineer, Legal Counsel, and other applicable staff or consultants, and subject to any further revisions to limitations on vested rights as deemed necessary by Special Counsel. The Annexation Agreement shall be recorded contemporaneously with this Annexation Ordinance.

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 Town Council hereby declares that it would have adopted this Ordinance and each part or parts hereof irrespective of the fact than 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.


TOWN OF TIMNATH

[Signature]

Byan Voronin, Mayor Pro Tem

ATTEST:

[Signature]

Milissa Peters, Town Clerk
EXHIBIT A

Legal Description of Property Annexed

[attached]
PROPERTY DESCRIPTION
BRUNNER FARM ANNEXATION TO TIMNATH

That portion of Section Two (2) and Section Eleven (11), Township Six North (T.6N.) 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:
Considering the North line of the Northeast Quarter of said Section 11 as bearing North 88°35'28" East with all other bearings herein relative thereto:

BEGINNING at the North Quarter Corner of Section 11; thence along the North line of Northeast Quarter of Section 11, North 88° 35' 28" East, 543.04 feet; thence, North 01° 24' 35" West, 30.00 feet to the North right-of-way line of County Road 36; thence along said North line, North 88° 35' 28" East, 1967.75 feet to the West right-of-way line of County Road 3; thence along said West line, South 00° 51' 03" East, 60.00 feet; thence continuing along said West line, South 00° 34' 57" East, 2495.04 feet; thence, North 77° 19' 47" West, 1304.81 feet to a point on the West line of the Southeast Quarter of the Northeast Quarter; thence along said West line, North 00° 11' 36" East, 692.14 feet; thence, North 23° 51' 18" West, 213.43 feet to a point on the South line of the Northwest Quarter of the Northeast Quarter; thence along said South line, South 88° 48' 49" West, 1201.12 feet to the Center North Sixteenth Corner of Section 11; thence along the West line of the Northeast Quarter of Section 11, North 00° 58' 24" East, 1314.70 feet to the Point of Beginning.

The above described tract of land contains 4,723,611 square feet or 108.439 acres more or less and is subject to all easements and right-of-way now on record or existing.
EXHIBIT B
Annexation Map
[attached]