

TOWN OF TIMNATH, COLORADO

RESOLUTION NO. 41, SERIES 2013

**A RESOLUTION MAKING CERTAIN FINDINGS OF FACT AND DECLARING
ELIGIBILITY OF THE PROPOSED ANNEXATION OF A PARCEL OF LAND TO THE
TOWN OF TIMNATH, COLORADO, KNOWN AS THE I-25 AND HARMONY
SOUTHEAST ANNEXATION**

WHEREAS, the Town Council of the Town of Timnath, Colorado, has found a petition for the annexation of the hereinafter described parcel of land to be in substantial compliance with the requirements of Section 31-12-107(1), Colorado Revised Statutes; and

WHEREAS, the Town has provided notice of public hearing on the proposed annexation by publication once per week for four successive weeks and by registered mail to the Clerk of the Board of County Commissioners, the County Attorney, the school district and to any special district having property in the area to be annexed; and

WHEREAS, the Town has not prepared an Annexation Impact Report per C.R.S. 31-12-108.5, as the area being annexed is less than 10 acres in size; and

WHEREAS, the Town Council has completed a public hearing to determine if the proposed annexation complies with Sections 31-12-104 and 105, Colorado Revised Statutes, to establish eligibility for annexation.

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

Section 1. Findings.

A. The Town Council hereby finds and concludes with regard to the annexation of the property described in **Exhibit A** attached hereto and incorporated herein, that not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the existing boundaries of the Town; and therefore, because of such contiguity, a community of interest exists between the property proposed to be annexed and the Town; the property proposed to be annexed is urban or will be urbanized in the near future, and that the property proposed to be annexed is integrated or is capable of being integrated with the Town.

B. The Town Council hereby finds and concludes that no land held in identical ownership has been divided or included without written consent of the owner thereof; that no annexation proceedings have been commenced by another municipality; that the annexation will not result in the detachment of the area from a school district; that the annexation will not result in the extension of a municipal boundary more than three miles; that the Town has in place a plan for said three mile

area; and that in establishing the boundaries of the area to be annexed the entire width of any street or alley is included within the area annexed.

C. The Town Council hereby finds and concludes that an election is not required, and no additional terms or conditions are to be imposed upon the area to be annexed other than set forth in the Annexation Agreement attached hereto as **Exhibit B**.

Section 2. Effective Date

This Resolution shall be effective upon adoption.

PASSED, APPROVED AND ADOPTED THIS 12th DAY OF NOVEMBER, 2013.
THE VOTE UPON ROLL CALL BEING AS FOLLOWS:

For: 4

Against: 0

Abstain: 0

FOR THE TOWN COUNCIL OF THE TOWN OF TIMNATH, COLORADO

TOWN OF TIMNATH

By: 
Jill Grossman-Belisle, Mayor

ATTEST:


Milissa Peters, Town Clerk



EXHIBIT A

Legal Description of Proposed Annexation

(See Attached)

PROPERTY DESCRIPTION

I-25 AND HARMONY SE ANNEXATION

A parcel of land being a portion of the Northeast Quarter of Section Three (3), Township Six North (T.6N.), Range Sixty-eight West (R.68W.), Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado:

COMMENCING at the North Quarter Corner of said Section 3 and assuming the North line of the Northeast Quarter of said Section 3 as bearing South 89°47'25" East a distance of 2634.70 feet with all other bearings contained herein relative thereto:

THENCE South 89°47'25" East along the North line of the Northeast Quarter of said Section 3 a distance of 198.83 feet to the West line of the Harmony Road Second Annexation to the Town of Timnath;

THENCE South 00°12'35" West along the West line of the Harmony Road Second Annexation to the Town of Timnath a distance of 69.00 feet to the Southwest corner thereof;

THENCE South 89°47'25" East along the South line of the Harmony Road Second Annexation to the Town of Timnath a distance of 147.11 feet to the **POINT OF BEGINNING**;

THENCE South 89°47'25" East continuing along the South line of the Harmony Road Second Annexation to the Town of Timnath a distance of 51.17 feet to the Westerly line of the Harmony Road Enterprises, LLLP First Annexation to the Town of Timnath;

The following Two (2) courses are along the Westerly lines of the Harmony Road Enterprises, LLLP First Annexation to the Town of Timnath:

THENCE South 14°18'05" West a distance of 367.05 feet;

THENCE South 22°35'27" East a distance of 91.93 feet to the most Northeasterly corner of the I-25 Annexation No. 2 to the Town of Timnath;

The following Four (4) courses are along the Northerly, Westerly and Southerly lines of the I-25 Annexation No. 2 to the Town of Timnath:

THENCE South 44°24'41" West a distance of 108.12 feet;

THENCE North 22°35'34" West a distance of 84.24 feet;

THENCE South 11°06'35" East a distance of 213.47 feet;

THENCE North 44°24'41" East a distance of 98.23 feet to the Westerly line of the Harmony Road Enterprises, LLLP Second Annexation to the Town of Timnath;

THENCE South 20°05'29" East along the Westerly line of the Harmony Road Enterprises, LLLP Second Annexation a distance of 724.35 feet to the Northerly line of that parcel of land conveyed to the Town of Timnath for use as a Public Road in a Special Warranty Deed recorded November 13, 2008 as Reception No. 20080070753 of the Records of Larimer County;

The following Six (6) courses are along the perimeter lines of said parcel of land conveyed for use as a Public Road in a Special Warranty Deed recorded as Reception No. 20080070753:

THENCE North 89°31'13" East a distance of 504.07 feet to the Northeast corner thereof;

THENCE South 00°28'47" East a distance of 60.00 feet to the Southeast corner thereof;

THENCE South 89°31'13" West a distance of 794.29 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Southeast a distance of 373.41 feet, said curve has a Radius of 246.00 feet, a Delta of 86°58'11" and is subtended by a Chord bearing South 46°02'08" West a distance of 338.58 feet to the West line of the Northeast Quarter of said Section 3;

THENCE North 02°04'05" West a distance of 163.25 feet to the beginning point of a curve non-tangent to this course;

THENCE along the arc of a curve concave to the Southeast a distance of 292.91 feet, said curve has a Radius of 306.00 feet, a Delta of 54°50'38" and is subtended by a Chord bearing North 62°05'54" East a distance of 281.85 feet to the South line of Lot 2 of the Northeast Quarter of said Section 3;

THENCE South 89°31'13" West along said South line a distance of 253.78 feet to the West line of the Northeast Quarter of said Section 3;

THENCE North 02°04'05" West along the West line of the Northeast Quarter of said Section 3 a distance of 85.27 feet to the Easterly line of Tract No. 19 of the Colorado Department of Highways Project No. I 25-3 (31)258;

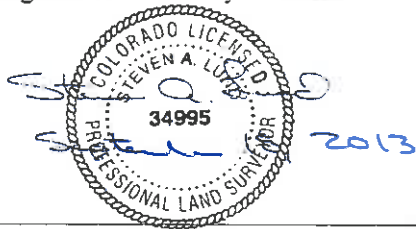
THENCE North 14°18'03" East along the Easterly line of said Tract No. 19 a distance of 1216.81 feet to the South line of the Harmony Road Second Annexation and the **POINT OF BEGINNING**;

TOTAL ANNEXED AREA for the I-25 and Harmony Road SE Annexation is 7.805 acres, more or less (±).

SURVEYOR'S STATEMENT

I, Steven A. Lund, a Colorado Registered Professional Land Surveyor do hereby state that this Property Description of land proposed to be annexed to the Town of Timnath, County of Larimer, State of Colorado, 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.

I further state that not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous to the boundary line of the Town of Timnath, County of Larimer, State of Colorado.



Steven A. Lund - on behalf of King Surveyors
Colorado Registered Professional
Land Surveyor#34995

KING SURVEYORS
650 Garden Drive
Windsor, Colorado 80550
(970) 686-5011

EXHIBIT B

Annexation Agreement

(See Attached)