TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 6, SERIES 2016

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF TIMNATH
FOR THE PURPOSE OF ZONING CERTAIN REAL PROPERTY LOCATED IN THE
HARMONY SUBDIVISION, GENERALLY LOCATED WEST OF AND ADJACENT TO
LATHAM PARKWAY AND NORTH OF AND ADJACENT TO HARMONY ROAD

WHEREAS, Harmony, LLC (the "Developer") has submitted a request for zoning of real
property within the Town of Timnath, more particularly described in Exhibit A (legal description)
and Exhibit B (Zoning Map) and attached hereto and incorporated herein by this reference (the
"Property"); and

WHEREAS, a properly noticed public hearing was held on March 15, 2016, and the above
described Zoning change was recommended for approval to the Town Council by the Town of
Timnath Planning Commission with the following conditions:

1. Allow staff to continue to work with applicant to address all unresolved non-
   substantive technical comments to the satisfaction of Town Staff and Referral
   Agencies
2. Town Council approves the Harmony Subdivision Comprehensive Plan Amendment
   prior to the Harmony Subdivision Zoning Amendment approval.

WHEREAS, a properly noticed public hearing with the Town Council was held on April 12, 2016
and upon hearing the statements of staff, the applicant(s) and giving consideration to the
recommendations, the Town Council determines as provided below.

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 Code 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:

R-E (Estate Residential), R-3 (Two Family & Multi-Family Residential), and MU (Mixed
Use) – See attached Exhibits A&B

Section 2. Conditions
1. Allow staff to continue to work with applicant to address all unresolved non-
   substantive technical comments to the satisfaction of Town Staff and Referral
   Agencies

Section 3. Public Hearing
The Town Council held a public hearing on Tuesday, April 12, 2016 regarding the zoning of the
property.

RECEIPTION#: 20160022253, 04/13/2016 at
10:34:41 AM, 1 OF 6, R $36.00 TD Pgs: 0
Angela Myers, Clerk & Recorder, Larimer
County, CO

Please Return to:
Town of Timnath
4800 Goodman Street
Timnath, CO 80547
✓
Section 4. 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 5. 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 MARCH 22, 2016, AND SET FOR PUBLIC HEARING, AND SECOND READING AT 6:00 P.M. ON APRIL 12, 2016 AT THE TIMNATH ADMINISTRATION BUILDING, 4800 GOODMAN STREET, TIMNATH COLORADO AND ORDERED PUBLISHED BY TITLE THIS 12 DAY OF APRIL, 2016.

MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON APRIL 12, 2016.

TOWN OF TIMNATH, COLORADO

Jill Grossman-Belisle, Mayor

ATTEST:

Milissa Peters, CMC
Town Clerk

TOWN OF TIMNATH, COLORADO SEALE
LEGAL DESCRIPTION R-E ZONING DISTRICT

A PARCEL OF LAND BEING ALL OF SECTION 30, TOWNSHIP 7 NORTH, RANGE 58 EAST OF THE 9TH PRINCIPAL MERIDIAN, COUNTY OF LAMAR, STATE OF COLORADO.

EXCEPT FOR A PORTION OF THE SOUTHERN HALF OF SAID SECTION 30 BEING DESCRIBED AS FOLLOWS:

BASE OF BEARING: THE SOUTHEAST CORNER OF SAID SECTION 30, TOWNSHIP 7 NORTH, RANGE 58 EAST OF THE 9TH PRINCIPAL MERIDIAN.

AND AN ANGULAR DISTANCE OF ALONG THE LINE OF THE SOUTHWEST 1/4 OF SECTION 30, TOWNSHIP 7 NORTH, RANGE 58 EAST OF THE 9TH PRINCIPAL MERIDIAN, BEARING 32° 10' 33" NORTH 219° 42' 52" WEST, AND AN ANGULAR DISTANCE OF 2046.84 FEET, BEING SUBDIVIDED AT THE EAST END BY A 2 1/2" ALUMINUM CAP STAMPED "81, 104 58W, 53, 10N, 1/4".

SUBMITTED TO: J. W. INČI, CONSULTING ENGINEERS AND AT THE WEST END BY AN ELIGIBLE 2 1/2" ALUMINUM CAP.

BEGIN AT THE SOUTHEAST CORNER OF SAID SECTION 30.

THEN, ON THE WEST LINE OF SAID SECTION 30, N00° 00' 00" W A DISTANCE OF 1048.36 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF GRAND TREE BOULEVARD, AS SHOWN IN THE PLAT OF GRAND TREE SUBDIVISION SECOND FILING RECORDED UNDER RECEPTION NO. 20070220818 IN THE RECORDS OF THE LAMAR COUNTY CLERK AND RECORDER.

THEN, ON THIS NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES:

1) N00° 00' 00" W A DISTANCE OF 2071.35 FEET.

2) S89° 28' 26" E A DISTANCE OF 851.14 FEET.

THENCE N30° 29' 05" W A DISTANCE OF 402.70 FEET.

THENCE N03° 34' 24" W A DISTANCE OF 103.92 FEET.

THENCE N00° 00' 00" W A DISTANCE OF 87.50 FEET.

THENCE N00° 00' 00" W A DISTANCE OF 88.20 FEET.

THENCE N00° 00' 00" W A DISTANCE OF 86.92 FEET.

THENCE S89° 28' 26" E A DISTANCE OF 206.32 FEET.

THENCE S03° 34' 24" E A DISTANCE OF 410.22 FEET.

THENCE S00° 00' 00" W A DISTANCE OF 26.22 FEET.

THENCE S03° 34' 24" W A DISTANCE OF 122.14 FEET.

THENCE S89° 28' 26" W A DISTANCE OF 380.23 FEET TO A POINT ON THE SOUTHERLY LINE OF A 55-FT WIDE WATERLINE EASEMENT DESCRIBED IN THE DOCUMENT RECORDED UNDER RECEPTION NO. 20070220818.

THEN, ON THE EASTLY LINE OF SAID WATERLINE EASEMENT A DISTANCE OF 2071.35 FEET.

THEN, ON THIS SOUTHERLY LINE S00° 00' 00" W A DISTANCE OF 851.14 FEET.

THEN, ON THE SOUTHERLY LINE OF SAID WATERLINE EASEMENT A DISTANCE OF 851.14 FEET.

THEN, ON THE OUTLINE OF SAID WATERLINE EASEMENT A DISTANCE OF 66.35 FEET.

THEN, ON THE NORTHERLY RIGHT-OF-WAY LINE OF GRAND TREE BOULEVARD THE FOLLOWING FIVE (5) COURSES:

1) ON THE ARC OF A TANGENT CURVE TO THE LEFT WHOSE CENTER BEARS N00° 00' 00" E, HAVING A RADIUS OF 3002.56 FEET, A CENTRAL ANGLE OF 807° 24' 54" AND AN ARC LENGTH OF 246.35 FEET, TO A POINT OF REVERSE CURVE TO THE LEFT.

2) ON THE ARC OF A CURVE WITH A RADIUS OF 60.00 FEET, HAVING A CHORD Bearing of N03° 14' 59" E AND A CHORD DISTANCE OF 55.83, HAVING A CENTRAL ANGLE OF 45° 13' 42" AND AN ARC LENGTH OF 41.02 FEET, TO A POINT OF REVERSE CURVE TO THE RIGHT.

3) ON THE ARC OF A CURVE, HAVING A CHORD Bearing of N00° 00' 00" E AND A CHORD DISTANCE OF 102.18, HAVING A CENTRAL ANGLE OF 807° 24' 54" AND AN ARC LENGTH OF 102.18 FEET, TO A POINT OF REVERSE CURVE TO THE LEFT.

4) ON THE ARC OF A CURVE, HAVING A RADIUS OF 60.00 FEET, HAVING A CHORD Bearing of N03° 14' 59" E AND A CHORD DISTANCE OF 55.83, HAVING A CENTRAL ANGLE OF 45° 13' 42" AND AN ARC LENGTH OF 41.02 FEET.

5) ON THE NORTHERLY RIGHT-OF-WAY LINE OF GRAND TREE BOULEVARD A DISTANCE OF 122.14 FEET, TO A POINT LYING ON THE NORTHERLY LINE OF AN 80-FT DITCH EASEMENT DESCRIBED IN THE DOCUMENT RECORDED UNDER RECEPTION NO. 20070220818.

THEN, ON THIS NORTHERLY LINE S00° 00' 00" W A DISTANCE OF 2071.35 FEET.

THEN, ON THIS EASTLY LINE OF CLAY DRIVE THE FOLLOWING THREE (3) COURSES:

1) N00° 00' 00" W A DISTANCE OF 90.00 FEET.

2) ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N00° 00' 00" E, HAVING A RADIUS OF 850.14 FEET, A CENTRAL ANGLE OF 807° 24' 54" AND AN ARC LENGTH OF 56.62 FEET.

3) ON THE ARC OF A CURVE, HAVING A RADIUS OF 60.00 FEET, HAVING A CHORD Bearing of N03° 14' 59" E AND A CHORD DISTANCE OF 55.83, HAVING A CENTRAL ANGLE OF 45° 13' 42" AND AN ARC LENGTH OF 41.02 FEET.

THEN, ON THE SOUTHERLY LINE OF GRAND TREE BOULEVARD A DISTANCE OF 122.14 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID 80-DITCH EASEMENT.
LEGAL DESCRIPTION M-U ZONING DISTRICT

A PARCEL OF LAND LOCATED THE SOUTH 5% OF SECTION 36, TOWNSHIP 7 NORTH, RANGE 56 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LINCOLN, STATE OF COLORADO, BEING DESCRIBED AS FOLLOWS:

BASE OF BEGINNING: THE SOUTH LINE OF THE SOUTHWEST 5% OF SECTION 36, TOWNSHIP 7 NORTH, RANGE 56 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEARING N 89°32'54"E A DISTANCE OF 2,465.82 FEET, BEING MONUMENTED AT THE EAST END BY A 2 1/2" ALUMINUM CAP STAMPED "71-179156W 3807 THF 179155F 34 179155F 12005 4032-H1".

THEENCE ON THE WEST LINE OF SAID SECTION 36, N 89°32'54"E A DISTANCE OF 1,064.83 FEET, TO A POINT ON THE NORTHERLY RIGHT-WAY LINE OF GRAND TREE BOULEVARD, BEING SHOWN IN THE PLAT OF HARMONY SUBDIVISION SECOND FILING RECORDED UNDER RECEIPT NO. 20210202818 IN THE RECORDS OF THE LANDER COUNTY CLERK AND RECORDER.

THEN ON BAD NORTHERLY RIGHT-WAY LINE THE FOLLOWING SEVEN (7) COURSES:
1. N 89°32'54"E A DISTANCE OF 2121.32 FEET;
2. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 640.00 FEET, A CENTRAL ANGLE OF 4°0'31"54" (AND AN ARC LENGTH OF 503.35 FEET);
3. N 89°32'54"E A DISTANCE OF 267.91 FEET;
4. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 560.00 FEET, A CENTRAL ANGLE OF 4°12'51"50" AND AN ARC LENGTH OF 460.40 FEET;
5. N 89°32'54"E A DISTANCE OF 1,100.80 FEET, TO A POINT ON THE NORTHERLY RIGHT-WAY LINE OF OUTLOT 1 (HARMONY 2ND FILING);
6. N 89°32'54"E A DISTANCE OF 3.02 FEET, TO A POINT ON THE SOUTHERLY LINE OF A 50 WIDE WATERLINE EASEMENT DESCRIBED IN THE DOCUMENT RECORDED UNDER THE RECEIPT NO. 2005009560;
7. N 89°32'54"E A DISTANCE OF 1,111.61 FEET;
8. N 89°32'54"E A DISTANCE OF 181.01 FEET.

THEN DEPARTING BAD NORTHERLY LINE, N 89°32'54"E A DISTANCE OF 304.29 FEET, TO A POINT ON THE SOUTHERLY LINE OF A 50 WIDE WATERLINE EASEMENT DESCRIBED IN THE DOCUMENT RECORDED UNDER THE RECEIPT NO. 2005009562;

THEN ON BAD SOUTH LINE, S 89°32'54"W A DISTANCE OF 231.10 FEET;

THEN ON BAD SOUTH LINE, S 89°32'54"W A DISTANCE OF 88.03 FEET;

THEN DEPARTING BAD SOUTH LINE, S 89°32'54"W A DISTANCE OF 248.33 FEET;

THEN DEPARTING BAD SOUTH LINE, N 89°32'54"W A DISTANCE OF 70.46 FEET;

THEN DEPARTING BAD SOUTH LINE, N 89°32'54"W A DISTANCE OF 45.06 FEET;

THEN DEPARTING BAD SOUTH LINE, S 89°32'54"E A DISTANCE OF 109.75 FEET;

THEN DEPARTING BAD SOUTH LINE, S 89°32'54"E A DISTANCE OF 60.44 FEET;

CONTAINING A CALCULATED AREA OF 2,790,273 SQUARE FEET OR 64.066 ACRES.

LEGAL DESCRIPTION R-3 ZONING DISTRICT

A PARCEL OF LAND LOCATED THE SOUTH 5% OF SECTION 36, TOWNSHIP 7 NORTH, RANGE 56 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LINCOLN, STATE OF COLORADO, BEING DESCRIBED AS FOLLOWS:

BASE OF BEGINNING: THE SOUTH LINE OF THE SOUTHWEST 5% OF SECTION 36, TOWNSHIP 7 NORTH, RANGE 56 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEARING N 89°32'54"E A DISTANCE OF 2,465.82 FEET, BEING MONUMENTED AT THE EAST END BY A 2 1/2" ALUMINUM CAP STAMPED "71-179156W 3807 THF 179155F 34 179155F 12005 4032-H1".

COMMENTS AT THE SOUTHWEST CORNER OF BAD SECTION 36;

THEN ON THE WEST LINE OF BAD SECTION 36, N 89°32'54"E A DISTANCE OF 1,064.83 FEET, TO A POINT ON THE NORTHERLY RIGHT-WAY LINE OF GRAND TREE BOULEVARD, BEING SHOWN IN THE PLAT OF HARMONY SUBDIVISION SECOND FILING RECORDED UNDER RECEIPT NO. 20210202818 IN THE RECORDS OF THE LANDER COUNTY CLERK AND RECORDER.

THEN ON BAD NORTHERLY RIGHT-WAY LINE THE FOLLOWING THREE (3) COURSES:
1. ON BAD RIGHT-WAY LINE, N 89°32'54"E A DISTANCE OF 2121.32 FEET;
2. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 640.00 FEET, A CENTRAL ANGLE OF 4°0'31"54" (AND AN ARC LENGTH OF 503.35 FEET);
3. N 89°32'54"E A DISTANCE OF 267.91 FEET;

THEN DEPARTING BAD NORTHERLY RIGHT-WAY LINE THE FOLLOWING FIVE (5) COURSES:
1. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 560.00 FEET, A CENTRAL ANGLE OF 4°12'51"50" AND AN ARC LENGTH OF 460.40 FEET;
2. N 89°32'54"E A DISTANCE OF 1,100.80 FEET, TO A POINT ON THE NORTHERLY RIGHT-WAY LINE OF OUTLOT 1 (HARMONY 2ND FILING);
3. N 89°32'54"E A DISTANCE OF 3.02 FEET, TO A POINT ON THE SOUTHERLY LINE OF A 50 WIDE WATERLINE EASEMENT DESCRIBED IN THE DOCUMENT RECORDED UNDER THE RECEIPT NO. 2005009560;
4. N 89°32'54"E A DISTANCE OF 1,111.61 FEET;
5. N 89°32'54"E A DISTANCE OF 181.01 FEET.

THEN DEPARTING BAD SOUTH LINE, N 89°32'54"W A DISTANCE OF 304.29 FEET, TO A POINT ON THE SOUTHERLY LINE OF A 50 WIDE WATERLINE EASEMENT DESCRIBED IN THE DOCUMENT RECORDED UNDER THE RECEIPT NO. 2005009562;

THEN ON BAD SOUTH LINE, S 89°32'54"W A DISTANCE OF 231.10 FEET;

THEN ON BAD SOUTH LINE, S 89°32'54"W A DISTANCE OF 88.03 FEET;

THEN DEPARTING BAD SOUTH LINE, S 89°32'54"W A DISTANCE OF 248.33 FEET;

THEN DEPARTING BAD SOUTH LINE, N 89°32'54"W A DISTANCE OF 70.46 FEET;

THEN DEPARTING BAD SOUTH LINE, N 89°32'54"W A DISTANCE OF 45.06 FEET;

THEN DEPARTING BAD SOUTH LINE, S 89°32'54"E A DISTANCE OF 109.75 FEET;

THEN DEPARTING BAD SOUTH LINE, S 89°32'54"E A DISTANCE OF 60.44 FEET;

CONTAINING A CALCULATED AREA OF 2,790,273 SQUARE FEET OR 64.066 ACRES.
EXHIBIT B

Zoning Map

[attached]