TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 5, SERIES 2017

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF TIMNATH FOR THE PURPOSE OF ZONING CERTAIN REAL PROPERTY TO BE KNOWN AS THE FEWELL AND FELDMAN FARMS ANNEXATIONS GENERALLY LOCATED SOUTH OF AND ADJACENT TO HARMONY ROAD AND WEST OF AND ADJACENT TO THREE BELL PARKWAY

WHEREAS, J.L. and G.D. Fewell Living Trust and Feldman Family Revocable Trust has submitted a request for zoning of real property within the Town of Timnath more particularly described in Exhibit A and attached hereto and incorporated herein by this reference; 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 to CC – Community Commercial and R-3 – Two Family & Multi-Family Residential at a public hearing held by the Town of Timnath Planning Commission on Tuesday, December 5, 2017.

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:

CC – Community Commercial and R-3 – Two Family & Multi-Family Residential – See attached Exhibit A (legal description) and Exhibit B (zoning map)

Section 2. Public Hearing
The Town Council held a public hearing on Tuesday, January 9, 2018 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 DECEMBER 12, 2017, SET FOR PUBLIC HEARING AND SECOND READING AT 6:00 P.M. ON JANUARY 9, 2018 AT THE TIMNATH ADMINISTRATION BUILDING, 4800 GOODMAN STREET, TIMNATH, COLORADO AND ORDERED PUBLISHED BY TITLE THIS 12TH DAY OF DECEMBER, 2017.

MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON THE 9TH DAY OF JANUARY, 2018.

TOWN OF TIMNATH, COLORADO

Jill Grossman-Belisle, Mayor

ATTEST:

Milissa Peters, CMC
Town Clerk
EXHIBIT A

Legal Description of Property Proposed for Zoning

PARCEL 1
A TRACT OF AND BEING A PORTION OF THE NORTH HALF AND THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE 6TH P.M., AND BEING DESCRIBED AS FOLLOWS:

BASIS OF Bearings:
The north line of said section 2 assumed to bear north 89° 58' 33" east and being monumented at its northeast corner by a number 6 rebar with a 24/20 aluminum cap, inscribed "LS 25516" and at its northwest corner by a number 6 rebar with a 3/14" aluminum cap, inscribed "IS 2500" in pls 107234 and with all bearings contained herein being referenced from.

COMMENCING AT THE NORTHWEST CORNER OF THE SAID SECTION 2, THEN, ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER OF SECTION 2, NORTH 89° 58' 33" east a distance of 1834.80 FEET and SOUTH 09° 58' 20" east a distance of 32.48 FEET to a point on the north line of reception No. 221501/2193 as recorded in the Larimer county clerk and recorder's office and being the beginning,

THEN, ALONG THE NORTH LINE, NORTH 09° 50' 30" east a distance of 622.77 FEET to the southwesterly right of way line of Great Western Railroad;
THEN, ALONG SAID SOUTHWEST RIGHT OF WAY LINE, SOUTH 09° 48' 27" east a distance of 685.02;
THEN, SOUTH 39° 03' 25" west a distance of 441.02 FEET to a point of tangent curve to the right;
THEN, ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 165.00 FEET, A CENTRAL ANGLE OF 42° 29' 57", A DISTANCE OF 122.38, A CHORD BEARING OF SOUTH 60° 22' 34" west with a chord distance of 116.00 FEET;
THEN, ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 165.00 FEET, A CENTRAL ANGLE OF 42° 29' 57", A DISTANCE OF 122.38, A CHORD BEARING OF NORTH 29° 45' 18" west with a chord distance of 116.00 FEET;
THEN, ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 275.26 FEET, A CENTRAL ANGLE OF 42° 29' 57", A DISTANCE OF 203.17, A CHORD BEARING OF NORTH 35° 23' 29" west with a chord distance of 198.24 FEET;
THEN, SOUTH 01° 28' 29" east, a distance of 227.30 FEET;
THEN, SOUTH 01° 28' 29" east, a distance of 163.18 FEET;
THEN, NORTH 01° 28' 29" west, a distance of 163.18 FEET;
THEN, NORTH 01° 28' 29" west, a distance of 203.17 FEET TO THE POINT OF BEGINNING.

SAID DESCRIBED TRACT CONTAINS 5.254 ACRES (666.77 SQUARE FEET), MORE OR LESS AND IS SUBJECT TO ALL EASEMENTS, CONDITIONS AND/OR RESTRICTIONS THAT MAY EXIST ON OR WITHIN ITS LINES.

PARCEL 2 (FELLEW & FELLEW TRACT)
A TRACT OF LAND BEING A PORTION OF THE NORTH HALF AND THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE 6TH P.M., AND BEING DESCRIBED AS FOLLOWS:

BASIS OF Bearings:
The north line of said section 2 assumed to bear north 89° 58' 33" east and being monumented at its northeast corner by a number 6 rebar with a 24/20 aluminum cap, inscribed "LS 25516" and at its northwest corner by a number 6 rebar with a 3/14" aluminum cap, inscribed "IS 2500" in pls 107234 and with all bearings contained herein being referenced from.

COMMENCING AT THE NORTHWEST CORNER OF THE SAID SECTION 2, THEN, ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER OF SECTION 2, NORTH 89° 58' 33" east a distance of 1834.80 FEET and SOUTH 09° 58' 20" east a distance of 32.48 FEET to a point on the north line of reception No. 221501/2193 as recorded in the Larimer county clerk and recorder's office and being the beginning,

THEN, ALONG THE NORTH LINE, NORTH 09° 50' 30" east a distance of 622.77 FEET to the southwesterly right of way line of Great Western Railroad;
THEN, ALONG SAID SOUTHWEST RIGHT OF WAY LINE, SOUTH 09° 48' 27" east a distance of 685.02;
THEN, SOUTH 39° 03' 25" west a distance of 441.02 FEET to a point of tangent curve to the right;
THEN, ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 165.00 FEET, A CENTRAL ANGLE OF 42° 29' 57", A DISTANCE OF 122.38, A CHORD BEARING OF SOUTH 60° 22' 34" west with a chord distance of 116.00 FEET;
THEN, ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 165.00 FEET, A CENTRAL ANGLE OF 42° 29' 57", A DISTANCE OF 122.38, A CHORD BEARING OF NORTH 29° 45' 18" west with a chord distance of 116.00 FEET;
THEN, ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 275.26 FEET, A CENTRAL ANGLE OF 42° 29' 57", A DISTANCE OF 203.17, A CHORD BEARING OF NORTH 35° 23' 29" west with a chord distance of 198.24 FEET;
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EXHIBIT B

Zoning Map

[attached]