

**TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 16, SERIES 2018**

**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 NORTH OF AND ADJACENT TO
HARMONY ROAD AND WEST OF AND ADJACENT TO LATHAM PARKWAY**

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 October 2, 2018, 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

WHEREAS, a properly noticed public hearing with the Town Council was held on October 23, 2018 and the action was tabled to the November 13, 2018 meeting; and

WHEREAS, a properly noticed public hearing with the Town Council was held on November 13, 2018 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-3 (Two Family/Multi-Family Residential)– See attached **Exhibits A&B**

Section 2. Conditions

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, November 13, 2018 regarding the zoning of the property.

Section 4. Severability

RECEPTION #20180075875, 12/12/2018 10:26:28 AM,
1 of 5, \$33.00
Angela Myers, Clerk & Recorder, Larimer County, CO

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.

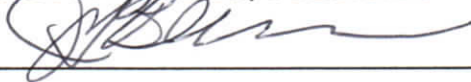
Section 5. Effective Date

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 OCTOBER 9, 2018, AND SET FOR PUBLIC HEARING, AND SECOND READING AT 6:00 P.M. ON NOVEMBER 13, 2018 AT THE TIMNATH ADMINISTRATION BUILDING, 4800 GOODMAN STREET, TIMNATH COLORADO AND ORDERED PUBLISHED BY TITLE THIS 9 DAY OF OCTOBER, 2018.

MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON NOVEMBER 13, 2018.

TOWN OF TIMNATH, COLORADO



Jill Grossman-Belisle, Mayor

ATTEST:



Milissa Peters-Garcia, CMC
Town Clerk



EXHIBIT A

Legal Description of Property Proposed for Zoning

A PARCEL OF LAND BEING A PORTION OF OUTLOT 1, HARMONY SUBDIVISION - FOURTH FILING RECORDED UNDER RECEPTION NO. 20130055319 IN THE RECORDS OF THE LARIMER COUNTY CLERK AND RECORDER, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE SOUTHEAST CORNER BY A 3.25" ALUMINUM CAP "ILLEGIBLE" AND AT THE SOUTH QUARTER CORNER BY A 2.5" ALUMINUM CAP "ILLEGIBLE" BEARING N89°33'48"W A DISTANCE OF 2,649.82 FEET AS SHOWN ON THE PLAT OF HARMONY SUBDIVISION - FOURTH FILING

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN;

THENCE N41°10'40"W A DISTANCE OF 904.77 FEET, TO THE POINT OF BEGINNING;

THENCE S55°28'31"W A DISTANCE OF 50.40 FEET;

THENCE S55°23'20"W A DISTANCE OF 150.39 FEET;

THENCE S72°09'34"W A DISTANCE OF 145.19 FEET;

THENCE S82°04'25"W A DISTANCE OF 108.70 FEET;

THENCE S82°37'36"W A DISTANCE OF 42.79 FEET;

THENCE N54°26'58"W A DISTANCE OF 437.61 FEET;

THENCE N40°51'57"E A DISTANCE OF 135.84 FEET, TO A POINT OF NON-TANGENT CURVE;

THENCE ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N39°00'30"E, HAVING A RADIUS OF 390.00 FEET, A CENTRAL ANGLE OF 136°17'41" AND AN ARC LENGTH OF 927.73 FEET, WITH A CHORD OF N60°51'39"E A DISTANCE OF 723.95 FEET, TO A POINT OF TANGENT;

THENCE N07°17'12"W A DISTANCE OF 149.76 FEET, TO A POINT OF CURVE;

THENCE ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 975.00 FEET, A CENTRAL ANGLE OF 03°38'05" AND AN ARC LENGTH OF 61.85 FEET, WITH A CHORD OF N05°28'09"W A DISTANCE OF 61.84 FEET, TO A POINT OF REVERSE CURVE;

THENCE ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 975.00 FEET, A CENTRAL ANGLE OF 01°48'47" AND AN ARC LENGTH OF 30.85 FEET, WITH A CHORD OF N02°44'44"W A DISTANCE OF 30.85 FEET, TO A POINT OF NON-TANGENT

THENCE S89°53'29"E A DISTANCE OF 143.55 FEET;

THENCE S06°22'04"E A DISTANCE OF 324.46 FEET;

THENCE S09°50'33"E A DISTANCE OF 81.21 FEET;

THENCE S10°09'00"E A DISTANCE OF 85.00 FEET;

THENCE S09°32'34"E A DISTANCE OF 61.53 FEET;

THENCE S11°11'00"W A DISTANCE OF 71.65 FEET;

THENCE S18°14'22"W A DISTANCE OF 66.46

THENCE S37°09'21"W A DISTANCE OF 114.40 FEET, FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 299,842 SQUARE FEET OR 6.8834 ACRES.

EXHIBIT B
Zoning Map
[attached]

