

**TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 10, SERIES 2023**

**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 WHITEWING ANNEXATION LOCATED NORTH OF BUSS
GROVE ROAD**

WHEREAS, The Property Owner – Timnath Land Holdings, LLC 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 RE-Estate Residential at a public hearing held by the Town of Timnath Planning Commission on Tuesday, March 7, 2023.

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:

RE – Estate 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, March 28, 2023 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, ADOPTED AND ORDERED PUBLISHED BY TITLE BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH ON FIRST READING, ON MARCH 14, 2023, AND SET FOR PUBLIC HEARING AND SECOND READING AT 6:00 P.M. ON MARCH 28, 2023 AT THE TIMNATH ADMINISTRATION BUILDING, 4750 SIGNAL TREE DRIVE, TIMNATH COLORADO.

MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON MARCH 28, 2023.

TOWN OF TIMNATH, COLORADO



Mark J. Soukup, Mayor

ATTEST:



Milissa Peters-Garcia, CMC
Town Clerk



EXHIBIT A

Legal Description of Property Proposed for Zoning

The South half of the Southeast quarter of Section 26, Township 7 North, Range 68 West of the 6th P.M.,
Except that part conveyed in Deed recorded in Book 1711 at Page 95.

County of Larimer, State of Colorado

EXHIBIT B

Zoning Map

[attached]

WHITEWING AT TIMNATH MANOR ZONING AMENDMENT MAP

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 7 NORTH, RANGE 68 WEST,
LARIMER COUNTY, COLORADO

CERTIFICATE OF OWNERSHIP

THE CERTIFICATE OF OWNERSHIP IS THE PROPERTY OF THE OWNER OF THE SUDAS PROPERTY WITH THE LINES AS SHOWN ON THE MAP. THE CERTIFICATE OF OWNERSHIP IS NOT TO BE USED TO RECLAIM OR RECLAIM THE SUDAS PROPERTY AND TO RECLAIM THE SUDAS PROPERTY.

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH, LARIMER COUNTY, COLORADO, RECORDED AS FOLLOWS:

COMMENCING AT A CORNER ALUMINUM CAP AT THE SOUTHWEST CORNER OF SAID SECTION 26, FROM SAID ALUMINUM CAP AT THE SOUTH QUARTER-CORNER OF SECTION 26, TOWNSHIP 7 NORTH, RANGE 68 WEST, TO THE POINT OF BEGINNING, A BEARING OF 284°14' FEET;

THENCE ALONG THE SUDAS LINE OF SAID SOUTHWEST QUARTER NORTH 80 DEGREES 21 MINUTES 40 SECONDS WEST, 120.57 FEET;

THENCE NORTH 80 DEGREES 21 MINUTES 40 SECONDS WEST, 120.57 FEET;

THENCE NORTH 80 DEGREES 21 MINUTES 40 SECONDS EAST, 120.57 FEET;

THENCE SOUTH 80 DEGREES 21 MINUTES 40 SECONDS EAST, 120.57 FEET;

THENCE SOUTH 80 DEGREES 21 MINUTES 40 SECONDS WEST, 120.57 FEET, TO THE POINT OF BEGINNING.

SAID PORTION OF LAND CONTAINING 1.716 AC. SQUARE FEET, OR QUOTE 2 ACRES, MORE OR LESS, AND BEING SUBJECT TO ANY EASEMENTS, RESTRICTIONS, AND/OR RIGHTS-OF-WAYS OF RECORD OR OTHERWISE.

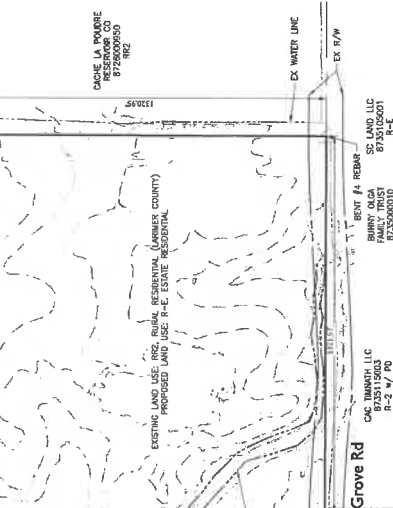
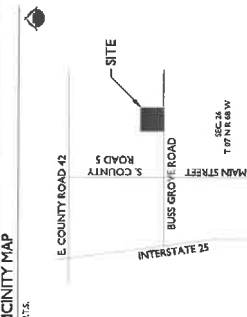
THIS DESCRIPTION SHALL BE USED TO LOCATE SUBDIVISION RECORDS OF THE STATE, COUNTY, MUNICIPAL, OR ANY OTHER LAND DESIGN RESTRICTIONS.

OWNER: _____
 BY: _____
 STATE OF COLORADO) JSS
 COUNTY OF LARIMER)
 THE FOLLOWING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2022, A.D. BY _____
 WITNESS MY HAND AND OFFICIAL SEAL _____
 MY COMMISSION EXPIRES _____

TOWN COUNCIL
 APPROVED THIS _____ DAY OF _____, 2022, A.D. BY _____
 NECESSARY APPROVALS FOR ALL UTILITIES SERVICES, PAVING, SIGNAGE, LANDSCAPING, CURBS, OUTSIDE STREET LIGHTS, STREETS, SIGNS, AND SIGNAGE SHALL BE FRANKED BY OWNER AND NOT THE TOWN.

PLANNING COMMISSION CERTIFICATE
 APPROVAL THIS _____ DAY OF _____, 2022, A.D. BY _____
 THE PLANNING COMMISSION, TOWN OF TIMNATH, COLORADO

 THE CHAIRMAN, COMMISSION



Whitewing At Timnath Manor
 ZONING AMENDMENT MAP
 Larimer County, CO



Drawn By: BJV
 Date: 7/21/2021
 Sheet No: 1 of 1
 Project No: ZA01

LEGAL DESCRIPTION
 THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH P.M., BEING RECORDED IN BOOK 1771, AT PAGE 95, COUNTY OF LARIMER, STATE OF COLORADO.

GENERAL NOTES
 1. THIS PLAN IS NOT A CONSTRUCTION DOCUMENT.

EXISTING STREETS
 BUS GROVE ROAD IS THE INTERSECTED POINT OF ENTRY INTO THE PROPOSED LAND USE. THE REDEVELOPMENT WOULD PROVIDE A NEW ALIGNMENT FOR THE ROADWAY.

CERTIFICATION

I, ROBERT A. JOHNSON, A COLORADO LICENSED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS ZONING AMENDMENT MAP IS THE PROPERTY OF THE COUNTY OF LARIMER, STATE OF COLORADO AND WAS PREPARED FROM A SURVEY MADE BY ME OR BY ME AND THAT INFORMATION AS INCORPORATED HEREIN WAS FORWARDED TO ME AS SHOWN, AND THAT THE INFORMATION IS A REPRESENTATION OF THE INFORMATION AS SHOWN. I FURTHER STATE THAT NOT LESS THAN ONE-SIXTH OF THE PERIMETER OF THE AREA PROPOSED TO BE REDEVELOPED IS TO THE NEAREST ONE OF THE TOWNSHIP, COUNTY OR COUNTY, STATE OF COLORADO.

ROBERT A. JOHNSON
 COLORADO PROFESSIONAL LAND SURVEYOR NO. 38943
 1130 N ALMA SCHOOL ROAD, SUITE 120
 FORT COLLINS, CO 80501
 PROJECT NO. ZA-001