

**TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 14, SERIES 2023**

AN ORDINANCE VACATING PUBLIC RIGHT-OF-WAY

WHEREAS, The Town of Timnath (the "Town") is a home rule municipality operating under the Timnath Home Rule Charter (the "Charter") adopted on November 7, 2006, and the Town's Municipal Code (the "Code"). Pursuant to the Charter, the Code and the authority given home rule municipalities, the Town may adopt and amend ordinances; and

WHEREAS, a public Right-of-Way was annexed to the Town on December 17, 2013 by I-25 and Harmony Road Southeast Annexation recorded in the real property records of the Larimer County Clerk and Recorder at Reception Number 201400010816;

WHEREAS, the Town has determined that it no longer has need for such portion of right-of-way, as shown on **Exhibit A**, attached hereto and incorporated herein (such portion is referred to herein as the "Subject Right-of-Way"), and the applicant has applied for vacation of the Subject Right-of-Way; and

WHEREAS, the Town has determined that there are no public utilities that have facilities located within the Subject Right-of-Way for which the Town would reserve easements upon vacation;

WHEREAS, the Town of Timnath Planning Commission held a properly noticed public hearing on the proposed vacation of the Subject Right-of-Way on August 1, 2023, and the Planning Commission recommended that the Town Council approve vacation of the Subject Right-of-Way, by vote of (5-0); and

WHEREAS, the Town Council held a properly noticed public hearing on the proposed vacation and upon hearing the statements of staff, the applicant, and any public comments and giving consideration to the recommendation of the Planning Commission and considering the Review Criteria set forth in Section 2.9.12.9 of the Town's Land Use Code, the Town Council determines as provided below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH, COLORADO:

Section 1. Approval

The Town Council hereby approves the application for vacation of the Subject Right-of-Way, finding that the review criteria set forth in Section 2.9.12.9 of the Town's Land Use Code are satisfied. The Town hereby vacates the Subject Right-of-Way, effective upon adoption of this Ordinance.

The Town Council hereby authorizes the transfer of the vacated right-of-way property by plat to the property owners per Sec. 43-2-302, C.R.S., and record it in the real property records of the Larimer County Clerk and Recorder.

Section 2. 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 AUGUST 8, 2023, AND SET FOR PUBLIC HEARING AND SECOND READING AT 6:00 P.M. ON AUGUST 22, 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 AUGUST 22, 2023.

TOWN OF TIMNATH, COLORADO


Mark J. Soukup, Mayor

ATTEST:


Milissa Peters-Garcia, CMC
Town Clerk



CAPTION: THIS VACATION OF RIGHT-OF-WAY INSTRUMENT IS A PART OF THE PROPERTY OF GALLOWAY AND COMPANY, INC. AND IS SUBJECT TO THE RESTRICTIONS AND CONDITIONS SET FORTH IN THE INSTRUMENTS RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF LARIMER, COLORADO, AND IS SUBJECT TO THE RESTRICTIONS AND CONDITIONS SET FORTH IN THE INSTRUMENTS RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF LARIMER, COLORADO, AND IS SUBJECT TO THE RESTRICTIONS AND CONDITIONS SET FORTH IN THE INSTRUMENTS RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF LARIMER, COLORADO.

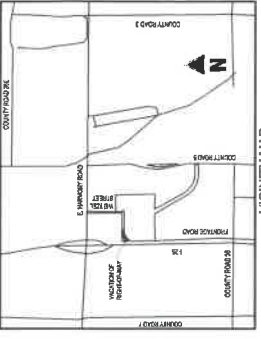


VACATION OF RIGHT-OF-WAY
PART OF THE NORTHEAST QUARTER OF SECTION 3,
TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE 6TH P.M.,
COUNTY OF LARIMER, COLORADO

6. **City/County:** Larimer, Colorado
7. **Section:** Section 3
8. **Township:** Township 6 North
9. **Range:** Range 68 West
10. **County:** Larimer, Colorado
11. **Project Name:** Galloway
12. **Drawn By:** [Signature]
13. **Checked By:** [Signature]
14. **Date:** 6/20/2023

VACATION OF RIGHT-OF-WAY
PART OF THE NORTHEAST QUARTER OF SECTION 3,
TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE 6TH P.M., TOWN OF TIMNATH,
COUNTY OF LARIMER, STATE OF COLORADO

- OWNER/DEVELOPER:**
1700 W. UNIVERSITY BLVD., SUITE 200
FORT COLLINS, CO 80504
TEL: 970-227-1518
- OWNER/DEVELOPER:**
505 BOWMAN ROAD, SUITE 210
FORT COLLINS, CO 80504
TEL: 970-227-1518
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FORT COLLINS, CO 80504
TEL: 970-227-1518



CERTIFICATE OF OWNERSHIP
I, the undersigned, being the owner of the property and hereby consent to this plat and join in the confirmation and recording of all street, public, utility, easement, paving, utility and placed shown hereon.

OWNER: TOWN OF TIMNATH

BY: _____

NATURAL CERTIFICATE: _____

STATE OF COLORADO: _____

COUNTY OF LARIMER: _____

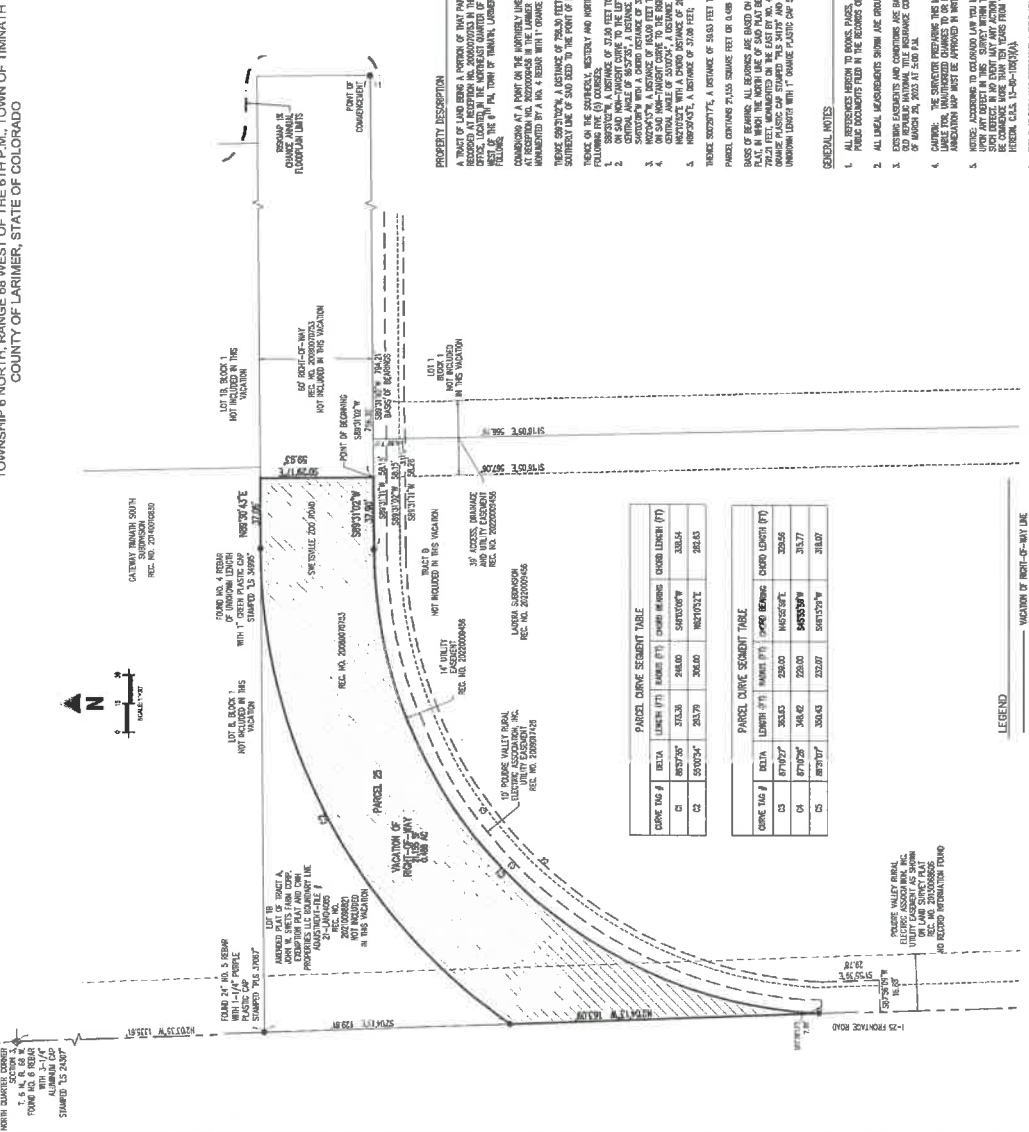
THE FOREGOING INSTRUMENT HAS ACKNOWLEDGED BEFORE ME THIS DAY OF _____, 2023, BY _____ OF _____ COUNTY OF LARIMER, COLORADO, AND IS SUBJECT TO THE RESTRICTIONS AND CONDITIONS SET FORTH IN THE INSTRUMENTS RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF LARIMER, COLORADO, AND IS SUBJECT TO THE RESTRICTIONS AND CONDITIONS SET FORTH IN THE INSTRUMENTS RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF LARIMER, COLORADO.

TOWN COUNCIL CERTIFICATE:
I, the undersigned, being the duly authorized officer of the Town of Timnath, Colorado, do hereby certify that the foregoing instrument was duly adopted by the Town Council of the Town of Timnath, Colorado, on this _____ day of _____, 2023, and is hereby approved for recording.

PLANNING COMMISSION CERTIFICATE:
I, the undersigned, being the duly authorized officer of the Planning Commission of the Town of Timnath, Colorado, do hereby certify that the foregoing instrument was duly adopted by the Planning Commission of the Town of Timnath, Colorado, on this _____ day of _____, 2023, and is hereby approved for recording.

PUBLIC UTILITY APPROVAL:
I, the undersigned, being the duly authorized officer of _____, do hereby certify that the foregoing instrument has been reviewed and approved by _____ on this _____ day of _____, 2023.

GENERAL NOTES:
1. ALL REFERENCES HEREIN TO RECORDS, PLATS, MAPS AND RESOLUTION NUMBERS ARE PUBLIC RECORDS FILED IN THE PUBLIC RECORDS OF LARIMER COUNTY, COLORADO.
2. ALL LEGAL MEASUREMENTS SHOWN ARE GIVEN IN FEET AND U.S. SURVEY FEET.
3. EXISTING EASEMENTS AND CONDITIONS ARE SHOWN AS SHOWN AND ARE HEREBY APPROVED TOGETHER WITH ALL EXISTING EASEMENTS AND CONDITIONS.
4. THE VACATION OF RIGHT-OF-WAY MAPS SHALL BE SUBJECT TO THE AMENDMENT MAP MUST BE APPROVED BY THE SURVEYOR IN WRITING.
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PARCEL CHIRIC SEGMENT TABLE

CORNER TAG #	AREA	LENGTH (FT)	WIDTH (FT)	CHIRIC NUMBER	CORNER LENGTH (FT)
C1	87'07"00"	270.00	240.00	945533'00"	305.65
C2	50'00"04"	263.79	260.00	945533'07"	265.65

PARCEL CHIRIC SEGMENT TABLE

CORNER TAG #	AREA	LENGTH (FT)	WIDTH (FT)	CHIRIC NUMBER	CORNER LENGTH (FT)
C3	87'07"02"	263.65	260.00	945533'07"	305.65
C4	87'07"02"	268.62	220.00	945533'09"	315.77
C5	87'07"07"	306.65	220.00	945533'09"	316.87

LEGEND

- VACATION OF RIGHT-OF-WAY LINE
- ADJACENT PROPERTY LINE
- PLAT SECTION LINE
- EXISTING EASEMENT
- VACATION OF RIGHT-OF-WAY
- RECEPTION NUMBER
- ADJUT COVER (AS RECORDED)
- FOUND NO. 4 BEARING OF UNKNOWN LENGTH WITH 4" CHIRIC PLASTIC CAP
- FOUND NO. 5 BEARING OF UNKNOWN LENGTH WITH 4" CHIRIC PLASTIC CAP
- FOUND NO. 6 BEARING OF UNKNOWN LENGTH WITH 4" CHIRIC PLASTIC CAP
- FOUND NO. 7 BEARING OF UNKNOWN LENGTH WITH 4" CHIRIC PLASTIC CAP
- FOUND NO. 8 BEARING OF UNKNOWN LENGTH WITH 4" CHIRIC PLASTIC CAP
- FOUND NO. 9 BEARING OF UNKNOWN LENGTH WITH 4" CHIRIC PLASTIC CAP
- FOUND NO. 10 BEARING OF UNKNOWN LENGTH WITH 4" CHIRIC PLASTIC CAP
- FOUND NO. 11 BEARING OF UNKNOWN LENGTH WITH 4" CHIRIC PLASTIC CAP
- FOUND NO. 12 BEARING OF UNKNOWN LENGTH WITH 4" CHIRIC PLASTIC CAP
- FOUND NO. 13 BEARING OF UNKNOWN LENGTH WITH 4" CHIRIC PLASTIC CAP
- FOUND NO. 14 BEARING OF UNKNOWN LENGTH WITH 4" CHIRIC PLASTIC CAP
- FOUND NO. 15 BEARING OF UNKNOWN LENGTH WITH 4" CHIRIC PLASTIC CAP
- FOUND NO. 16 BEARING OF UNKNOWN LENGTH WITH 4" CHIRIC PLASTIC CAP
- FOUND NO. 17 BEARING OF UNKNOWN LENGTH WITH 4" CHIRIC PLASTIC CAP
- FOUND NO. 18 BEARING OF UNKNOWN LENGTH WITH 4" CHIRIC PLASTIC CAP
- FOUND NO. 19 BEARING OF UNKNOWN LENGTH WITH 4" CHIRIC PLASTIC CAP
- FOUND NO. 20 BEARING OF UNKNOWN LENGTH WITH 4" CHIRIC PLASTIC CAP

ALL LEGAL UNITS ARE US SURVEY FEET