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## ORDINANCE NO. 992

AN ORDINANCE REZONING PROPERTY LOCATED IN THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6<sup>TH</sup> P.M. IN THE TOWN OF BERTHOUD, COUNTY OF LARIMER, STATE OF COLORADO FROM C-2 TO PUD

WHEREAS, extensive commercial and residential development has, is and will take place west of 10<sup>th</sup> Street, on both sides of Mountain Avenue; and,

WHEREAS, most of the commercial development proposed for this area has been zoned PUD; and,

WHEREAS, no comprehensive development plan for this area has been submitted to or approved by the Berthoud Planning Commission or the Board of Trustees; and,

WHEREAS, development without a comprehensive plan in this area may result in traffic congestion, unsightly structures, jeopardize the health, safety and welfare of the Town of Berthoud, its citizens and impact the property values of other adjoining property owners; and,

WHEREAS, PUD zoning allows for the same uses presently permitted in C-2 zoning, but requires a plan for such development that is acceptable to the Town; and,

WHEREAS, it is appropriate and necessary for the Planning Commission to review proposed changes in zoning; and,

WHEREAS, it is also appropriate and necessary to notify the adjoining property owners within 500 feet of the property being rezoned;

WHEREAS, this matter has been reviewed by the Town's Planning Commission and staff with respect to the proposed rezoning and the town's staff has provided notification to the adjoining property owners, with no objections by the Town's Planning Commission, staff and adjoining property owners;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO, THAT:

### PARCEL I.

Lots 1 through 6 of the Bein Seventh Addition to the Town of Berthoud, being a re-subdivision of Bein Fifth Addition to the Town of Berthoud; and,

✓ TOWN OF BERTHOUD  
PO BOX 1229  
BERTHOUD CO 80513

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PARCEL II.

A tract of land located in the Northwest Quarter of Section 23, Township 4N, Range 69W of the 6<sup>th</sup> P.M., Town of Berthoud, County of Larimer, state of Colorado, described as follows:

Commencing at the Northwest corner of the Northwest Quarter of said Section 23, from which the North Quarter corner of said Section 23 bears S 88°59'18" E; thence S 88°59'18" E, 1165.54 feet along the North line of the Northwest Quarter of said Section 23 to a Northeast corner of Bein Sixth Annexation as recorded in Book 2296 as Page 1460 of the Records of Larimer County, Colorado; thence S 00°15'21" E, 50.01 feet along an Easterly line of said Bein Sixth Annexation to the Southerly Right-of-Way of Colorado State Highway No. 56 and the TRUE POINT OF BEGINNING:

Thence continuing S 00°15'21" E, 405.27 feet along an Easterly line of said Bein Sixth Annexation to the North Right-of-Way line of Welch Avenue in the Town of Berthoud, Colorado, as shown on the recorded plat of Berthoud Common, a Subdivision in the Town of Berthoud, County of Larimer, state of Colorado, according to the recorded plat thereof;

Thence N 89°16'00" W, 1133.40 feet along the North Right-of-Way line of said Welch Avenue to a line 30.00 feet East as measured at right angles from and parallel with the West line of the Northwest Quarter of said Section 23;

Thence N 00°30'25" W, 410.82 feet along a line 30.00 feet Easterly as measured at right angles from and parallel with the West line of the Northwest Quarter of said Section 23 to the Southerly Right-of-Way line of said Colorado State Highway No. 56;

Thence S 88°59'18" E, 1135.31 feet along the Southerly Right-of-Way line of said Colorado State Highway No. 56 to an Easterly line of said Bein Sixth Annexation and the TRUE POINT OF BEGINNING. Area = 10.623 acres✓

Are hereby re-zoned from C-2 to PUD.

Effective Date:

First reading and public hearing of this Ordinance is set for the meeting of the Board of Trustees of the Town of Berthoud on November 11, 2003 with second reading and public hearing at the meeting of the Board of Trustees of the Town of Berthoud on January 13, 2004, which was continued to February 24, 2004. After the public hearing,

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this ordinance was read, passed and ordered published by the Board of Trustees at its meeting this 24<sup>th</sup> day of February, 2004.

ATTEST:

TOWN OF BERTHOUD:

Mary K. Cowdin  
Mary K. Cowdin, Town Clerk

Milan Karspeck  
Milan Karspeck - Mayor

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