

ORDINANCE NO. 990

AN ORDINANCE REZONING CERTAIN REAL PROPERTY FROM T-TRANSITIONAL TO P.U.D. - PLANNED UNIT DEVELOPMENT BY THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO

Section 1.

WHEREAS, the owners of approximately 1,604 acres of land in Weld County, Colorado, the legal description of which is attached hereto and incorporated herein by this reference as Exhibit A (the "Property"), has submitted an application for rezoning and paid the attendant fee and has requested the Town of Berthoud to rezone the Property from T- Transitional to P.U.D. - Planned Unit Development; and

WHEREAS, the Planning and Zoning Commission held a public meeting on this matter on October 23, 2003 and recommended approval of the rezoning.

Section 2.

WHEREAS, pursuant to the Planning and Zoning Ordinances of the Town of Berthoud, the Board of Trustees determines that the hereinafter described area of the Town requires rezoning.

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

Section 3. Approval of the Rezoning:

The Property described on Exhibit "A", which is attached hereto and incorporated herein by reference, is rezoned from T-Transitional to P.U.D. - Planned Unit Development with a maximum density of 4,000 dwelling units, excluding ancillary dwelling units, and a maximum of 5,300,000 square feet of floor area for commercial, office and industrial uses.

Section 4. Approval of the Wilson Ranch Overall Development Plan and Development Manual:

The Wilson Ranch Overall Development Plan and Development Manual
dated February 24, 2004 and on file with the Planning Department of the
Town, is herewith approved.

Section 5. Effective Date:

The Board of Trustees of the Town of Berthoud herewith finds, determines and designates that this Ordinance shall take effect and be in force 30 days after publication.

At its meeting February 17, 2004, a public hearing was set by the Board of Trustees of the Town of Berthoud for its meeting held on the 24th day of February, 2004. After the public hearing, this Ordinance was read, passed and ordered published by the Board of Trustees at its meeting this 24th day of February, 2004.

ATTEST:

Mary K. Cowdin

Mary K. Cowdin - Town Clerk

TOWN OF BERTHOUD:

Milan Karspeck

Milan Karspeck - Mayor

Published: 2-26-04

EXHIBIT "A"

WILSON RANCH ZONING – PROPERTY DESCRIPTION

A TRACT OF LAND LOCATED IN SECTIONS 23 AND 26, AND THE WEST HALF OF SECTION 25, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 23, AND CONSIDERING THE EAST LINE OF SAID SECTION 23 TO HAVE AN ASSUMED BEARING OF S00°01'33"E WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE S00°01'33"E, 5326.67 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 23;
THENCE N89°31'10"E, 2645.96 FEET TO THE NORTH QUARTER CORNER OF SECTION 25;
THENCE S00°00'44"E, 5304.42 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 25;
THENCE S89°45'21"W, 2,644.82 FEET TO THE SOUTHEAST CORNER OF SECTION 26;
THENCE S89°56'36"W, 2,639.66 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 26;

THENCE S89°07'14"W, 2,671.78 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 26;
THENCE N00°06'57"E, 5333.76 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 23;

3173571 04/23/2004 03:55P Weld County, CO
3 of 3 R 16.00 D 0.00 Steve Moreno Clerk & Recorder

THENCE ALONG THE NORTH LINE OF SAID SECTION 26, N89°57'49"E, 50.00 FEET TO THE
EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 25;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING FIVE
COURSES:

1) N00°08'56"W, 1150.32 FEET;

2) S89°59'26"E, 25.00 FEET;

3) N00°08'56"W, 2197.15 FEET;

4) N89°59'26"W, 25.00 FEET

5) N00°08'56"W, 1912.73 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST
QUARTER OF SAID SECTION 23, WHENCE THE NORTHWEST QUARTER OF SAID SECTION 23
BEARS S89°14'20"W, 50.00 FEET;

THENCE ALONG SAID NORTH LINE, N89°14'20"E, 2604.74 FEET TO THE NORTH QUARTER
CORNER OF SAID SECTION 23;

THENCE S00°05'20"E, 200.02 FEET;

THENCE N89°14'23"E, 100.01 FEET;

THENCE N00°05'20"W, 200.02 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST
QUARTER OF SAID SECTION 23;

THENCE N89°14'23"E, 2555.11 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS A TOTAL OF 1,604.44 ACRES (69,889,330 SQUARE FEET) MORE OR
LESS AND IS SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIONS NOW IN
USE OR OF RECORD