

ORDINANCE NO. 988

AN ORDINANCE APPROVING THE ANNEXATION AND ZONING OF LAND TO THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO, TO BE KNOWN AND DESIGNATED AS THE WILSON RANCH ANNEXATION TO THE TOWN OF BERTHOUD, COLORADO

WHEREAS, a Petition for Annexation together with seven copies of an annexation map of said land as required by ordinance were filed with the Town of Berthoud by the owners of one hundred percent (100%) of the area of the land hereinafter described, except for rights-of-way; and,

WHEREAS, the Board of Trustees of the Town of Berthoud (the "Board") by motion at its regular meeting accepted said Petition and found that the Petition substantially complied with the statutory requirements set forth in Sections 31-12-104, 31-12-105 and 31-12-107, C.R.S.; and,

WHEREAS, the Board has determined that an election is not required under Section 31-12-107(2), C.R.S., as provided in Section 31-12-111, C.R.S.; and,

WHEREAS, the Board has determined that additional terms and conditions were not to be imposed and that the Petition was signed by owners of one hundred percent (100%) of the property proposed to be annexed, exclusive of streets and alleys. Therefore, in accordance with Section 31-12-107, C.R.S., the Board has determined that an ordinance to annex such land to the municipality should be considered.

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

Section 1. Approval of Annexation:

The land described on Exhibit "A", which is attached hereto and incorporated herein by reference, is hereby annexed and shall be known and described as the Wilson Ranch Annexation to the Town of Berthoud.

Section 2. Approval of Zoning:

The land described on Exhibit "A", which is attached hereto and incorporated herein by reference, is hereby zoned T-Transitional.

Section 3. Approval and Grant:

The Board hereby approves and authorizes the Mayor to execute the Wilson Ranch Annexation and Development Agreement, including the Wilson Ranch Overall Development Plan and Development Manual, dated February 24, 2004, on file with the Town and incorporated herein by this reference (collectively referred to herein as the "Agreement"), and grants an exception pursuant to Ordinance No. 986 for the

provisions of the Agreement which the Board finds are equal to or exceed the provisions of the Town's Development Code.

Section 4. Effective Date:

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

At its meeting February 24, 2004, the Ordinance was read, passed and ordered published by the Board of Trustees at its meeting this 24th day of February, 2004.

TOWN OF BERTHOUD:

Milan Karspeck
Milan Karspeck - Mayor

ATTEST:

Mary K. Cowdin
Mary K. Cowdin - Town Clerk

Published: 2-26-04

EXHIBIT "A"

WILSON RANCH ANNEXATION – PROPERTY DESCRIPTION

A TRACT OF LAND LOCATED IN SECTIONS 23 AND 26, THE WEST HALF OF SECTIONS 24 AND 25, THE SOUTH HALF OF SECTION 14, AND THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING 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 ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 24, T4N, R68W, N89°50'09"E, 30.00 FEET TO THE POINT OF BEGINNING;
THENCE PARALLEL TO AND 30.00 FEET EAST OF THE EAST LINE OF SAID SECTION 23, S00°01'33"E, 1,331.82 FEET TO A POINT ON THE NORTHERLY LINE OF NORTHOOR ACRES SECOND FILING;
THENCE ALONG SAID NORTHERLY LINE, N89°52'15"E, 20.00 FEET;
THENCE ALONG THE EASTERN AND NORTHERLY RIGHT-OF-WAY LINES OF COUNTY ROADS 11 AND 42, AS SHOWN ON THE PLATS OF NORTHOOR ACRES AND NORTHOOR ACRES SECOND FILING, THE FOLLOWING THREE COURSES:
1. S00°01'33"E, 3,894.16 FEET;

2. ALONG A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET, AN ARC LENGTH OF 78.94 FEET, A CENTRAL ANGLE OF 90°27'17", AND A CHORD WHICH BEARS S45°15'12"E, 70.99 FEET;

3. N89°31'10"E, 1,265.28 FEET;

THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF WELD COUNTY ROAD 42, THE FOLLOWING THREE COURSES:

1. S00°34'45"E, 20.00 FEET;

2. N89°31'10"E, 400.00 FEET;

3. N00°34'45"W, 20.00 FEET;

THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF WELD COUNTY ROAD 42 AS SHOWN ON SAID PLAT OF NORTHMOOR ACRES SECOND FILING, N89°31'10"E, 880.29 FEET;

THENCE S00°00'44"E, 50.00 FEET TO THE NORTH QUARTER CORNER OF SECTION 25, T4N, R68W;

THENCE ALONG THE EAST LINE OF THE WEST HALF OF SECTION 25, S00°00'44"E, 5304.42 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 25;

THENCE ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 25, S89°45'21"W, 2,644.82 FEET TO THE SOUTHEAST CORNER OF SECTION 26;

THENCE ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 26, S89°56'36"W, 2,639.66 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 26;

THENCE ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 26, S89°07'14"W, 2,621.77 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 25;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE, N00°06'57"E, 200.00 FEET;

THENCE S89°53'03"E, 105.00 FEET;

THENCE N00°06'57"E, 5,083.30 FEET;

THENCE N89°57'48"E, 469.35 FEET;

THENCE N40°40'35"W, 691.15 FEET;

THENCE N00°08'56"W, 3,950.06 FEET;

THENCE N30°10'02"E, 941.02 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WELD COUNTY ROAD 44;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, N89°14'20"E, 2,004.68 FEET;

THENCE S00°05'20"E, 170.00 FEET;

THENCE N89°14'23"E, 100.01 FEET;

THENCE N00°05'20"W, 200.01 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 23;

THENCE ALONG SAID NORTH LINE, S89°14'23"W, 100.01 FEET TO THE NORTH QUARTER CORNER OF SECTION 23;

THENCE ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 23, S89°14'20"W, 2,604.74 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 25;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE, N00°04'55"W, 30.00 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF WELD COUNTY ROAD 44;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, N89°14'20"E, 2604.38 FEET;
THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, N89°14'23"E, 2655.54 FEET;
THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, N89°50'09"E, 29.96 FEET;
THENCE S00°01'33"E, 30.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 1,575.23 ACRES (68,616,871 SQUARE FEET) MORE OR LESS AND IS SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIONS NOW IN USE OR OF RECORD.