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ORDINANCE NO. 924

AN ORDINANCE ANNEXING AND ZONING LAND OWNED BY THE TOWN OF BERTHOUD, COUNTY OF LARIMER, STATE OF COLORADO, TO BE KNOWN AND DESIGNATED AS THE TOWN OF BERTHOUD UTILITY SECOND ANNEXATION TO THE TOWN OF BERTHOUD, COLORADO

WHEREAS, pursuant to §31-12-106(3), C.R.S., the Town of Berthoud may annex land owned by it, which land is eligible for annexation without notice or hearing; and,

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

WHEREAS, the Board of Trustees has determined that additional terms and conditions were not to be imposed and the property does not consist exclusively of streets and alleys. Therefore, in accordance with §31-12-106, C.R.S., the Board of Trustees of the Town of Berthoud 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.

The land described on Exhibit "A" attached hereto and incorporated herein by reference is hereby annexed and shall be known and described as the Town of Berthoud Utility Second Annexation to the Town of Berthoud:

The parcel described on Exhibit "A" contains approximately 14.193 acres, more or less, and shall be zoned T-transitional.

Section 2. Emergency Clause:

The Board of Trustees of the Town of Berthoud hereby finds that an emergency exists involving the health, safety and welfare of the citizens of the Town of Berthoud. This is based upon letters and conversations with the Colorado Department of Health and Environmental Protection Agency. In addition, the Weld County Planning Department has notified the Town that it is discouraging the continued operation of the wastewater transfer station by Larimer County on property located in Weld County and possible violation of its ordinances, resolutions and codes concerning the health, safety and welfare of Weld County's residents. An emergency therefore exists justifying the adoption of this ordinance to take effect immediately upon passage this 26th day of March, 2002, by a vote of 6 in favor and 0 opposed.

ATTEST:

Mary K. Cowdin
Mary K. Cowdin - Town Clerk

Published: 3-28-02

TOWN OF BERTHOUD:

Milan Karspeck
Milan Karspeck - Mayor

TOWN OF BERTHOUD
PO BOX 1229
BERTHOUD CO 80513



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PROPERTY DESCRIPTION:

That portion of the Southwest Quarter of Section 19, Township 4 North, Range 68 West of the 6th P.M., County of Weld, State of Colorado and the Southeast Quarter of Section 24, Township 4 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado being more particularly described as follows:

Considering the East-West centerline of said Section 19 as bearing North 89°38'26" East and with all bearings contained herein relative thereto:

Beginning at the Northwest corner of the Southwest Quarter of said Section 19; thence along the East-West centerline of said Section 19 North 89°38'26" East 1136.81 feet to the TRUE POINT OF BEGINNING; thence continuing along said East-West centerline North 89°38'26" East 10.00 feet, more or less, to the Northeast corner of the Northwest Quarter of the Southwest Quarter of said Section 19; thence along the East line of the Northwest Quarter of the Southwest Quarter of said Section 19 South 00°16'38" West 520.96 feet; thence departing said East line South 89°38'26" West 349.87 feet; thence North 00°36'48" East 491.00 feet, more or less, to a point on the Southerly right of way line for a road as described in Book 603 at Page 26, records of said County; thence along said Southerly right of way line for a road as described in said Book 603 at Page 26 South 89°38'26" West 770.00 feet, more or less, to a point on the Easterly right of way line of Weld County Road No. 1; thence along said Easterly right of way line of said Weld County Road No. 1 South 00°36'48" West 1309.91 feet, more or less, to a point on the Northerly line of a twenty-five (25) foot Access, Sewer Trunk Line and Power Easement as shown on and according to Recorded Exemption No. RE-2055, records of Weld County, Colorado; thence along said Northerly line of said twenty-five (25) foot Access, Sewer Trunk Line and Power Easement the following five (5) courses and distances: South 89°07'25" East 425.88 feet; South 89°05'46" East 327.00 feet; South 89°03'30" East 233.14 feet; South 89°11'09" East 141.68 feet; South 89°28'32" East 669.96 feet, more or less, to a point on the Westerly line of Lot A, of said Recorded Exemption No. RE-2055; thence departing said Northerly line of said twenty-five (25) foot Access, Sewer Trunk Line and Power Easement and along the Westerly line of said Lot A North 00°29'18" East 54.69 feet, more or less to the Northwest corner of said Lot A; said point also being on the North line of the Southeast Quarter of the Southwest Quarter of said Section 19; thence along the Northerly line of said Lot A and the North line of the Southeast Quarter of the Southwest Quarter of said Section 19 North 89°37'32" East 660.07 feet to the Northeast corner of said Lot A; said point also being on the East line of the Southeast Quarter of the Southwest Quarter of said Section 19; thence along the Easterly line of said Lot A and the East line of the Southeast Quarter of the Southwest Quarter of said Section 19 South 00°29'18" West 660.00 feet to the Southeast corner of said Lot A; thence departing said East line of the Southeast Quarter of the Southwest Quarter of said Section 19 and along the Southerly line of said Lot A South 89°37'32" West 660.07 feet to the Southwest corner of said Lot A; thence along the West line of said Lot A North 00°29'18" East 580.31 feet to a point on the Southerly line of a twenty-five (25) foot Access, Sewer Trunk Line and Power Easement as shown on and according



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to Recorded Exemption No. RE-2055, records of Weld County, Colorado; thence along said Southerly line of said twenty-five (25) foot Access, Sewer Trunk Line and Power Easement the following five (5) courses and distances: North 89°28'32" West 670.04 feet; North 89°11'09" West 141.77 feet; North 89°03'30" West 233.16 feet; North 89°05'46" West 326.99 feet; North 89°07'25" West 425.88 feet, more or less, to a point on the Easterly right of way line of Weld County Road No. 1; thence along said Easterly right of way line of said Weld County Road No. 1 and the Southerly prolongation of said Easterly right of way line South 00°36'48" West 1276.33 feet to a point on the South line of the Southwest Quarter of said Section 19; thence along said South line of the Southwest Quarter of said Section 19 South 89°36'37" West 30.00 feet, more or less, to the Southeast corner of said Section 24; thence along the South line of the Southeast Quarter of said Section 24 South 89°53'18" West 30.00 feet, more or less, to a point on the Southerly prolongation of the Westerly right of way line of Weld County Road No. 1; thence along said Southerly prolongation of said Westerly right of way line North 00°36'48" East 991.63 feet; thence departing said Westerly right of way line South 89°23'12" East 30.00 feet, more or less, to a point on the West line of the Southwest Quarter of said Section 24; thence along said West line North 00°36'48" East 1640.01 feet; thence departing said West line North 89°38'26" East 810.00 feet; thence South 00°36'48" West 501.00 feet; thence North 89°38'26" East 329.81 feet; thence North 00°16'38" East 510.96 feet, more or less, to a point on the North line of the Northwest Quarter of the Southwest Quarter of said Section 19 and the TRUE POINT OF BEGINNING.

The above described parcel contains 14.193 acres, more or less.