

ORDINANCE NO. 1049

AN ORDINANCE APPROVING THE ANNEXATION AND ZONING OF LAND TO THE TOWN OF BERTHOUD, COUNTY OF LARIMER, STATE OF COLORADO, TO BE KNOWN AND DESIGNATED AS SCHELL-HICKS ANNEXATION NO. 1, NO. 2, NO. 3 AND NO. 4 TO THE TOWN OF BERTHOUD, COLORADO

WHEREAS, a Petition for Annexation together with seven copies of a Plat 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; and,

WHEREAS, the Board of Trustees 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.; Chapter 30-8 and Section 30-16-300 of the *Development Code* of the Town of Berthoud; and,

WHEREAS, the Board of Trustees 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 of Trustees 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 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 Schell-Hicks No. 1, No. 2, No. 3 and No. 4 Annexation to the Town of Berthoud:

The parcel contains approximately 120.4 acres more or less, and shall be zoned T-Transitional.

Section 2. 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.

✓ TOWN OF BERTHOUD  
PO BOX 1229  
BERTHOUD CO 80513

At its meeting January 23, 2007, the Ordinance was read, passed and ordered published by the Board of Trustees.

TOWN OF BERTHOUD:

Milan Karspeck

ATTEST:

Mary K. Cowdin  
Mary K. Cowdin - Town Clerk

Milan Karspeck - Mayor

Published: 2-1-07

**“EXHIBIT A”**  
OVERLOOK AT DRY CREEK

**ANNEXATION NO. 1**

A TRACT OF LAND LOCATED IN THE SE1/4 OF SECTION 22, AND IN THE SW1/4 OF SECTION 23, T4N, R69W OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 26, FROM WHICH THE W1/4 CORNER OF SAID SECTION 26 BEARS S00°00'00"E, 2653.02 FEET, THENCE N00°10'13"E, 670.50 FEET ALONG THE WEST LINE OF THE SW1/4 OF SAID SECTION 23 TO THE SOUTH LINE OF THE SCHMIDT FARM ANNEXATION AND THE TRUE POINT OF BEGINNING;

THENCE N88°15'59"W, 30.01 FEET ALONG THE SOUTH LINE OF SAID SCHMIDT FARM ANNEXATION TO THE WESTERLY RIGHT-OF-WAY LINE OF LARIMER COUNTY ROAD NO. 17;

THENCE S00°10'13"W, 1.00 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID LARIMER COUNTY ROAD NO. 17;

THENCE S88°15'59"E, 69.03 FEET;

THENCE S00°10'13"W, 139.01 FEET;

THENCE S89°49'41"E, 1.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID LARIMER COUNTY ROAD NO. 17 AS DESCRIBED IN DEED RECORDED AT RECEPTION NO. 97045864 OF THE RECORDS OF LARIMER COUNTY, COLORADO;

THENCE N00°10'13"W, 139.98 FEET ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID LARIMER COUNTY ROAD NO. 17 TO THE SOUTH LINE OF SAID SCHMIDT FARM ANNEXATION;

THENCE N88°15'59"W, 40.02 FEET ALONG THE SOUTH LINE OF SAID SCHMIDT FARM ANNEXATION TO THE WEST LINE OF THE SW1/4 OF SAID SECTION 23 AND THE TRUE POINT OF BEGINNING.

AREA = 208.99 SQUARE FEET, MORE OR LESS

## ANNEXATION NO. 2

A TRACT OF LAND LOCATED IN THE SE1/4 OF SECTION 22, THE SW1/4 OF SECTION 23, THE NE1/4 OF SECTION 27 AND THE NW1/4 OF SECTION 26, ALL IN T4N, R69W OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 26, FROM WHICH THE W1/4 CORNER OF SAID SECTION 26 BEARS S00°00'00"E, 2653.02 FEET, THENCE N00°10'13"E, 670.50 FEET ALONG THE WEST LINE OF THE SW1/4 OF SAID SECTION 23 TO THE SOUTH LINE OF THE SCHMIDT FARM ANNEXATION; THENCE N88°15'59"W, 30.01 ALONG THE SOUTH LINE OF SAID SCHMIDT FARM ANNEXATION TO THE WESTERLY RIGHT-OF-WAY LINE OF LARIMER COUNTY ROAD NO. 17; THENCE S00°10'13"W, 1.00 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID LARIMER COUNTY ROAD NO. 17 TO THE TRUE POINT OF BEGINNING;

THENCE S88°15'59"E, 69.03 FEET;

THENCE S00°10'13"W, 139.01 FEET;

THENCE S89°49'41"E, 1.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID LARIMER COUNTY ROAD NO. 17 AS DESCRIBED IN DEED RECORDED AT RECEPTION NO. 97045864 OF THE RECORDS OF LARIMER COUNTY, COLORADO;

THENCE S05°14'24"W, 452.65 FEET TO THE WEST LINE OF THE SW1/4 OF SAID SECTION 23;

THENCE N02°43'55"W, 592.53 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID LARIMER COUNTY ROAD NO. 17 AND THE TRUE POINT OF BEGINNING.

AREA = 0.535 ACRES, MORE OR LESS

## ANNEXATION NO. 3

A PORTION OF LOT 2, HICKS MRD 59-89 AND A TRACT OF LAND LOCATED IN THE NE1/4 OF SECTION 27, THE NW1/4 OF SECTION 26, AND THE SW1/4 OF SECTION 23, T4N, R68W OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 26 FROM WHICH THE W1/4 CORNER OF SAID SECTION 26 BEARS S00°00'00"E, 2653.02 FEET, THENCE N00°10'13"E, 670.50 FEET ALONG THE WEST LINE OF SAID SECTION 26 TO THE SOUTH LINE OF THE SCHMIDT FARM ANNEXATION; THENCE N88°15'59"W, 30.01 ALONG THE SAID SOUTH LINE OF SCHMIDT FARM ANNEXATION TO THE WESTERLY RIGHT-OF-WAY LINE OF LARIMER COUNTY ROAD NO. 17; THENCE S00°10'13"W, 1.00 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID LARIMER COUNTY ROAD NO. 17 TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING S00°10'13"W, 670.36 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID LARIMER COUNTY ROAD NO. 17;

THENCE S00°00'00"E, 2012.41 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID LARIMER COUNTY ROAD NO. 17;

THENCE N01°57'59"E, 2042.42 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID LARIMER COUNTY ROAD NO. 17;

THENCE N00°10'13"E, 500.45 FEET ALONG THE EASTERLY LINE OF SAID LARIMER COUNTY ROAD NO. 17;

THENCE S05°14'24"W, 452.65 FEET TO THE WEST LINE OF THE SW1/4 OF SAID SECTION 23;

THENCE N02°43'55"W, 592.53 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID LARIMER COUNTY ROAD NO. 17 AND THE TRUE POINT OF BEGINNING.

AREA = 2.133 ACRES, MORE OR LESS

#### ANNEXATION NO. 4

A PORTION OF LOT 2, HICKS MRD 59-89 AND A TRACT OF LAND LOCATED IN THE NE1/4 OF SECTION 27, THE NW1/4 OF SECTION 26, AND THE SW1/4 OF SECTION 23, T4N, R69W OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 26 FROM WHICH THE W1/4 CORNER OF SAID SECTION 26 BEARS S00°00'00"E, 2653.02 FEET, THENCE N00°10'13"E, 670.50 FEET ALONG THE WEST LINE OF SAID SECTION 26 TO THE SOUTH LINE OF THE SCHMIDT FARM ANNEXATION; THENCE N88°15'59"W, 30.01 ALONG THE SAID SOUTH LINE OF SCHMIDT FARM ANNEXATION TO THE WESTERLY RIGHT-OF-WAY LINE OF LARIMER COUNTY ROAD NO. 17; THENCE S00°10'13"W, 670.36 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID LARIMER COUNTY ROAD NO. 17; THENCE S00°00'00"W, 2012.41 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID LARIMER COUNTY ROAD NO. 17 TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING S00°00'00"E, 670.80 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID LARIMER COUNTY ROAD NO. 17 TO THE SOUTHERLY RIGHT-OF-WAY LINE OF LARIMER COUNTY ROAD NO. 4E;

THENCE N89°43'47"E, 1524.77 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID LARIMER COUNTY ROAD NO. 4E TO AN EAST LINE EXTENDED SOUTHERLY OF SAID LOT 2;

THENCE N00°01'45"W, 1353.65 FEET ALONG AN EAST LINE EXTENDED SOUTHERLY AND AN EAST LINE OF SAID LOT 2 TO THE SOUTH LINE OF THE N1/2 OF THE NW1/4 OF SAID SECTION 26;

THENCE N89°50'22"E, 1153.75 FEET ALONG A SOUTHERLY LINE OF SAID LOT 2 TO THE NORTHEAST CORNER OF THE S1/2 OF THE NW1/4 OF SAID SECTION 26;

THENCE N00°01'45"W, 1137.14 FEET ALONG THE EAST LINE OF THE NW1/4 OF SAID SECTION 26 TO THE NORTHERLY LINE OF SAID LOT 2;

THE FOLLOWING SEVEN (7) COURSES AND DISTANCES ARE ALONG THE NORTHERLY LINE OF SAID LOT 2:

THENCE N60°00'08"W, 293.89 FEET;

THENCE N89°43'45"W, 1045.83 FEET;

THENCE N61°25'22"W, 122.71 FEET;

THENCE S89°58'40"W, 460.00 FEET;

THENCE S47°47'32"W, 634.08 FEET;

THENCE N61°51'29"W, 199.76 FEET;

THENCE S89°17'23"W, 83.32 FEET TO THE EASTERLY RIGHT-OF-WAY OF LARIMER COUNTY ROAD NO. 17 AS DESCRIBED IN DEED RECORDED AT RECEPTION NO. 97042648 OF THE RECORDS OF LARIMER COUNTY, COLORADO;

THENCE N00°00'00"W, 304.40 FEET ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID LARIMER COUNTY ROAD NO. 17 TO THE NORTH LINE OF LOT 1, IN SAID HICKS MRD 59-89;

THENCE N00°10'13"E, 28.81 FEET ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID LARIMER COUNTY ROAD NO. 17;

THENCE N89°58'07"W, 10.00 FEET ALONG THE NORTH LINE OF SAID LOT 1 TO THE EASTERLY LINE OF LARIMER COUNTY ROAD NO. 17;

THENCE S01°57'59"W, 2042.42 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID LARIMER COUNTY ROAD NO. 17 TO THE TRUE POINT OF BEGINNING.

AREA = 122.041 ACRES, MORE OR LESS