

**ORDINANCE NO. 1199**

**AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF BERTHOUD TO REZONE A PORTION OF PROPERTY KNOWN AS "HERON POINTE FIRST ANNEXATION, SERIALS 3 and 4", "PARCEL ONE" FROM R-1 SINGLE-FAMILY TO R-3 MULTI-FAMILY AND "PARCEL TWO" FROM R-3 MULTI-FAMILY TO R-1 SINGLE-FAMILY**

**WHEREAS**, certain property known as "A Portion of Property known as the Heron Pointe First Annexation, Serials 3 and 4" has heretofore been zoned by the Town of Berthoud as R-1 Single-Family and R-3 Multi-Family; and

**WHEREAS**, the Planning Commission has considered the rezoning request of the current owners and, after proper notice and hearing, has recommended that such Parcels be rezoned to R-3 Multi-Family and R-1 Single-Family; and;

**WHEREAS**, notice was properly posted in the manner required by law and a public hearing was conducted on June 11, 2015, before the Berthoud Planning Commission and a public hearing was conducted on July 14, 2015 before the Board of Trustees as required by law; and

**WHEREAS**, after the Public hearing, the Berthoud Planning Commission, on a six to zero vote, recommended approval of the zoning change sought by the applicant to R-3 Multi-Family and to R-1 Single-Family.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD:**

**Section 1: Map Revision:** The official zoning map of the Town of Berthoud shall be amended hereinafter and which property is commonly known as "A Portion of Property known as the Heron Pointe First Annexation, Serials 3 and 4 – Parcel One" shall be rezoned from R-1 Single-Family to R-3 Multi-Family and "Parcel Two" shall be rezoned from R-3 Multi-Family to R-1 Single-Family.

**Section 2: Property Description:** The property is more fully described as follows:

**Parcel 1 (R-1 Single-Family to R-3 Multi-Family):**

That portion of the North Half of the Northeast Quarter of Section 3, Township 4 North, Range 69 West of the 6th P.M., Town of Berthoud, County of Larimer, State of Colorado, being more particularly described as follows;

Considering the East line of the Northeast Quarter of said Section 3 as bearing North 00°34'15" West and with all bearings contained herein relative thereto;

Beginning at the Northwest corner of the North Half of the Northeast Quarter of said Section 3; thence along the North line of the Northeast Quarter of said Section 3, North 89°22'33" East 891.93 feet; thence departing said North line, South 00°40'50" East 384.99 feet; thence North 89°21'54" East 357.96 feet to the TRUE POINT OF BEGINNING; thence South 00°07'40" East 694.11 feet; thence North 89°52'20" East 234.92 feet; thence North 01°11'05" East 696.51 feet; thence South 89°21'54" West 250.88 feet to the TRUE POINT OF BEGINNING.

The above described parcel contains 3.88 acres, more or less, and is subject to any existing easements and/or rights of way of record.

**Parcel 2 (R-3 Multi-Family to R-1 Single-Family):**

That portion of the North Half of the Northeast Quarter of Section 3, Township 4 North, Range 69 West of the 6th P.M., Town of Berthoud, County of Larimer, State of Colorado, being more particularly described as follows;

Considering the East line of the Northeast Quarter of said Section 3 as bearing North 00°34'15" West and with all bearings contained herein relative thereto;

Beginning at the Northwest corner of the North Half of the Northeast Quarter of said Section 3; thence along the North line of the Northeast Quarter of said Section 3, North 89°22'33" East 891.93 feet; thence departing said North line, South 00°40'50" East 384.99 feet; thence North 89°21'54" East 357.96 feet; thence South 00°07'40" East 694.11 feet; thence North 89°52'20" East 234.92 feet to the TRUE POINT OF BEGINNING; thence North 89°52'20" East 430.49 feet to the beginning of a tangent curve concave to the Northwest, having a central angle of 44°40'35" and a radius of 150.00 feet, the long chord of which bears North 67°32'03" East 114.02 feet; thence Northeasterly along the arc of said curve 116.96 feet; thence tangent from said curve North 45°11'45" East 150.40 feet to a point on the approximate centerline of Larimer County Road No. 17; thence along said approximate centerline the following two (2) courses and distances, South 44°48'15" East 330.30 feet to the beginning of a tangent curve concave to the West, having a central angle of 30°34'57" and a radius of 716.30 feet, the long chord of which bears South 29°30'47" East 377.81 feet; thence Southeasterly along the arc of said curve 382.34 feet to a point on the South line of the North Half of said Northeast Quarter; thence non-tangent from said curve and along said South line, South 89°52'20" West 1070.04 feet; thence departing said South line, North 01°11'05" East 415.11 feet to the TRUE POINT OF BEGINNING.

The above described parcel contains 9.67 acres, more or less, and is subject to any existing easements and/or rights of way of record.

**Section 3: Rezoning:** Parcel One is hereby rezoned to R-3 Multi-Family and Parcel Two is hereby rezoned to R-1 Single-Family.

**Section 4: Interpretation:** This Ordinance shall be so interpreted and construed to effectuate its general purpose.

**Section 5: Publication:** The Town Clerk shall certify to the passage of this Ordinance, and cause

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its contents to be published and shall cause the appropriate change to be made to the official Berthoud Zoning District Map.

**Section 6: Effective Date:** This Ordinance shall take effect and be in force thirty (30) days after its publication as required by law.

**PASSED, ADOPTED, SIGNED AND APPROVED this the 14<sup>th</sup> day of July, 2015.**

TOWN OF BERTHOUD

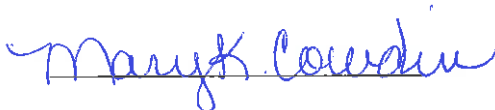
By



David Gregg, Mayor

ATTEST:

By:



Mary K. Cowdin, Town Clerk