

ORDINANCE NO. 1127

AN ORDINANCE APPROVING THE LUDLOW FARMS OVERALL DEVELOPMENT PLAN, THE CONVEYANCE PLAT FOR LUDLOW FARMS AND THAT CERTAIN ANNEXATION AND DEVELOPMENT AGREEMENT AS SITE SPECIFIC DEVELOPMENT PLANS ESTABLISHING VESTED PROPERTY RIGHTS BY THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO.

WHEREAS, the Board of Trustees of the Town of Berthoud (the "Board") has by Ordinance No. 1124, Ordinance No. 1125 and Ordinance No. 1126 approved that certain Annexation and Development Agreement, the Ludlow Farms Overall Development Plan and the Conveyance Plat for Ludlow Farms (the "Ludlow Approval Documents"), respectively; and

WHEREAS, the owners of the property subject to the Annexation and Development Agreement and included within the boundaries of the Ludlow Farms Overall Development Plan and the Conveyance Plat for Ludlow Farm, the legal description of which is attached hereto as Exhibit "A" and incorporated herein by this reference (the "Property"), have requested approval of the Ludlow Approval Documents as site specific development plans establishing vested property rights; and

WHEREAS, notice of this hearing by the Board to consider such request was given in accordance with Section C.R.S. 24-68-103(1)(b) and Section 30-4-102 of the *Development Code* of the Town of Berthoud; and

WHEREAS, at its meeting on November 30, 2010, the Board determined that the granting of vested property rights for a twenty (20)-year term will provide for orderly growth, ensure reasonable certainty in the land use planning process and otherwise achieve the goals and purposes of C.R.S. Sections 24-68-101, *et seq.*, and should therefore be approved.

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

Section 1. Approval of Site Specific Development Plans and Vested Property Rights:

The Annexation and Development Agreement, the Ludlow Farms Overall Development Plan and the Conveyance Plat for Ludlow Farms are hereby approved by the Board as site specific development plans establishing vested property rights for the Property for a twenty (20)-year term.

Section 2. Effective Date:

The Board herewith finds, determines and designates that this Ordinance shall take effect and be in force 30 days after publication of its adoption on second reading.

At its meeting on November 9, 2010, this Ordinance was introduced, read and ordered published in full by the Board.

RECEPTION#: 20110018206, 03/23/2011 at
02:27:10 PM,
1 OF 3, R \$21.00 TD Pgs: 0
Scott Doyle, Larimer County, CO

✓ TOWN OF BERTHOUD
PLANNING DEPT
PO BOX 1229
BERTHOUD, CO. 80513

ATTEST:

Mary K. Cowdin
Mary K. Cowdin - Town Clerk

TOWN OF BERTHOUD:

T.P. Patterson - Mayor

T.P. Patterson

At its meeting on November 30, 2010, which meeting was at least ten (10) days after first publication, this Ordinance was adopted and ordered published in full by the Board.

ATTEST:

Mary K. Cowdin
Mary K. Cowdin - Town Clerk

TOWN OF BERTHOUD:

T.P. Patterson - Mayor

T.P. Patterson

First Publication: November 18, 2010

Second Publication: December 16, 2010

Effective Date: January 15, 2011

EXHIBIT "A"
LEGAL DESCRIPTION OF THE PROPERTY

THE EAST ONE-HALF (E1/2) OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EXCEPT THOSE PORTIONS CONVEYED OR DEDICATED TO PUBLIC USE BY THE INSTRUMENTS RECORDED SEPTEMBER 22, 1925 IN BOOK 514 AT PAGE 115 AND RECORDED AUGUST 16, 1956 IN BOOK 1024 AT PAGE 558, RECORDED JUNE 5, 1997 AT RECEPTION NO. 97035299, AND RECORDED OCTOBER 23, 2001 AT RECEPTION NOS. 2001095115, 2001095116, AND 2001095117 OF THE LARIMER COUNTY RECORDS, AND EXCEPT PORTIONS LYING WITHIN THE RIGHT OF WAY FOR STATE HIGHWAYS 287 AND 56, COUNTY OF LARIMER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 22, AS MONUMENTED BY A RECOVERED 3-1/4" BRASS CAP IN A RANGE BOX, WHENCE THE NORTH QUARTER CORNER OF SAID SECTION 22 BY A RECOVERED 3-1/4" BRASS CAP IN A RANGE BOX IS ASSUMED TO BEAR S 88°43'55" W, WITH ALL BEARINGS RELATIVE TO HEREON THENCE ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22, S 00°41'14"E A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING;

THENCE ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22, S 00°41'14"E A DISTANCE OF 2623.05 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 22 AS MONUMENTED BY A 2" ALUMINUM CAP, "LS 12374"; THENCE ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 22, S 00°05'27"E A DISTANCE OF 2652.82 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 22 AS MONUMENTED BY A 2-1/2" ALUMINUM CAP, "LS 12374";

THENCE ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 22, S 88°58'41"W A DISTANCE OF 30.00; THENCE ALONG THE WEST RIGHT OF WAY LINE OF LARIMER COUNTY ROAD 17 N00°05'27"W A DISTANCE OF 2052.83; THENCE S89°54'33"W A DISTANCE OF 10.00; THENCE S00°05'27"E A DISTANCE OF 312.97; THENCE S89°54'33"W A DISTANCE OF 10.00; THENCE S00°05'27"E A DISTANCE OF 1072.00; THENCE N89°54'33"E A DISTANCE OF 10.00; THENCE S00°05'27"E A DISTANCE OF 668.02 TO THE SOUTH LINE OF THE SE 1/4 SEC 22; THENCE ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 22 S 88°58'41"W A DISTANCE OF 1282.43; THENCE N00°00'00"E A DISTANCE OF 15.02; THENCE S87°58'10"W A DISTANCE OF 188.67; THENCE N89°44'42"W A DISTANCE OF 152.83; THENCE

3

S89°41'13"W A DISTANCE OF 204.24; THENCE S89°27'38"W A DISTANCE OF 219.93; THENCE S89°09'36"W A DISTANCE OF 232.13; THENCE N88°08'48"W A DISTANCE OF 107.18;
THENCE N 07°32'40"W A DISTANCE OF 255.72;
THENCE N 00°11'45"W A DISTANCE OF 2122.27;
THENCE N 23°13'29"W A DISTANCE OF 420.99;
THENCE N 00°20'26"W A DISTANCE OF 403.19;
THENCE ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 75.00 FEET, A CENTRAL ANGLE OF 132°38'37", CHORD OF SAID ARC BEARS NORTH 00°20'26" WEST 137.37 FEET) A DISTANCE OF 173.63 FEET;
THENCE N 00°20'26"W A DISTANCE OF 1445.97;
THENCE N 46°06'35"E A DISTANCE OF 718.20 TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY-LINE OF COLORADO STATE HIGHWAY 56, SAID POINT ALSO BEING 30.00 FEET SOUTH OF AND PERPENDICULAR TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22;
THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND BEING PARALLEL TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22, N 88°43'55" E, A DISTANCE OF 2094.91 FEET TO A POINT ON THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22 AND THE **POINT OF BEGINNING**;

CONTAINING 13,226,428 SQUARE FEET OR 303.637 ACRES, MORE OR LESS.