

## ORDINANCE NO. 1124

### AN ORDINANCE APPROVING THE ANNEXATION AND ZONING OF LAND TO THE TOWN OF BERTHOUD, COLORADO, KNOWN AND DESIGNATED AS THE LUDLOW FARMS ANNEXATION, AND APPROVING AN ANNEXATION AND DEVELOPMENT AGREEMENT BY THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO.

WHEREAS, a petition for annexation ("Petition for Annexation") together with seven copies of an annexation map of the land described in the Petition for Annexation as required by ordinance were filed with the Town of Berthoud by more than fifty percent (50%) of the owners of the area of the land described and depicted on Exhibits "A" and "B" attached hereto and incorporated herein by reference and containing approximately 318.224 acres more or less (the "Property"), which petitioners own more than fifty percent (50%) of the Property, exclusive of streets and alleys; and,

WHEREAS, on June 23, 2009, the Board of Trustees of the Town of Berthoud (the "Board") by Resolution No. 12-09 accepted said Petition for Annexation and found that the Petition for Annexation substantially complied with the statutory requirements set forth in Section 31-12-107, C.R.S.; and Chapter 30-8 of the *Development Code* of the Town of Berthoud; and,

WHEREAS, following notice as required by Section 31-12-108(2), C.R.S. and hearings before the Board on August 11, August 18 and August 25, 2009, the Board by Resolution No. 13-09 determined the applicable provisions of Sections 31-12-104 and 31-12-105, C.R.S. had been met; that an election is not required under Section 31-12-107(2), C.R.S.; and that the property was eligible for annexation; and,

WHEREAS, the applicants have requested approval of an annexation and development agreement which contains the terms and conditions for development of the Property (excepting existing rights of way within the Property), a copy of which is attached hereto as Exhibit "C" and incorporated herein by this reference ("Agreement"); and,

WHEREAS, notice of this hearing has been given in accordance with the requirements of the *Development Code* of the Town of Berthoud; and

WHEREAS, the Board has reviewed the annexation, zoning and Agreement for the Property in a public hearing, and finds that the proposed annexation, zoning to T-Transitional and Agreement comply with the requirements of the *Development Code* of the Town of Berthoud and are in the best interest of the Town of Berthoud and the health, safety and welfare of the general public, and should therefore be approved.

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 Property is hereby annexed to the Town of Berthoud and shall be known and designated as the Ludlow Farms Annexation.

RECEPTION#: 20110018199, 03/23/2011 at  
02:27:03 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

Section 2. Approval of Zoning:

The Property is hereby zoned T-Transitional.

Section 3. Approval of Annexation and Development Agreement:

The Agreement, which contains the terms and conditions for development of the Property (excepting existing rights of way within the Property), is hereby approved, and the Board authorizes the Mayor to execute the Agreement.

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 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.

ATTEST:

  
Mary K. Cowdin - Town Clerk

TOWN OF BERTHOUD:

  
T.P. Patterson - Mayor

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 - Town Clerk

TOWN OF BERTHOUD:

  
T.P. Patterson - Mayor

First Publication: November 18, 2010

Second Publication: December 16, 2010

Effective Date: January 15, 2011

**EXHIBIT "A"**  
**LEGAL DESCRIPTION OF THE PROPERTY**

A PARCEL OF LAND LOCATED IN THE WEST HALF OF SECTION 22 AND THE EAST HALF OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 22, WHENCE THE NORTH ONE-QUARTER OF SECTION 22 BEARS SOUTH 88° 43'55" WEST 2,645.34 FEET; THENCE ALONG THE EAST LINE OF SECTION 22 SOUTH 00° 41'14" EAST 30.00 FEET TO THE TRUE POINT OF BEGINNING;

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THENCE CONTINUING ALONG SAID EAST LINE SOUTH  $00^{\circ} 41'14''$  EAST 2,623.05 FEET TO THE EAST ONE-QUARTER OF SECTION 22; THENCE SOUTH  $89^{\circ} 43'43''$  WEST 30.00 FEET; THENCE SOUTH  $00^{\circ} 05'27''$  EAST 1,981.44 FEET; THENCE NORTH  $88^{\circ} 31'36''$  WEST 10.00 FEET; THENCE SOUTH  $00^{\circ} 05'27''$  EAST 672.22 FEET; THENCE ALONG THE SOUTH LINE OF THE EAST HALF OF SECTION 22 SOUTH  $88^{\circ} 58'41''$  WEST 1,284.43 FEET; THENCE NORTH  $00^{\circ} 00'00''$  EAST 15.02 FEET TO A POINT 0.50 FEET NORTH OF THE SOUTHERLY FENCE LINE OF THE LUDLOW FARMS PROPERTY; THENCE ALONG A LINE 0.50 FEET NORTH OF AND PARALLEL TO THE FENCE LINE THE FOLLOWING SIX COURSES; 1) THENCE SOUTH  $87^{\circ} 58'10''$  WEST 188.67 FEET; 2) THENCE NORTH  $89^{\circ} 44'42''$  WEST 152.83 FEET; 3) THENCE SOUTH  $89^{\circ} 41'13''$  WEST 204.24 FEET; 4) THENCE SOUTH  $89^{\circ} 27'38''$  WEST 219.93 FEET; 5) THENCE SOUTH  $89^{\circ} 09'36''$  WEST 232.13 FEET; 6) THENCE NORTH  $88^{\circ} 08'48''$  WEST 107.18 FEET TO A POINT ON THE EASTERNLY CDOT RIGHT-OF-WAY LINE OF STATE HIGHWAY 287; THENCE ALONG SAID LINE SOUTH  $07^{\circ} 32'40''$  EAST 25.76 FEET TO A POINT ON THE SOUTH LINE OF THE EAST HALF OF SECTION 22; THENCE ALONG SAID LINE SOUTH  $88^{\circ} 58'41''$  WEST 223.67 FEET TO THE SOUTH ONE-QUARTER OF SECTION 22; THENCE ALONG THE SOUTH LINE OF THE WEST HALF OF SECTION 22 SOUTH  $88^{\circ} 58'41''$  WEST 69.78 FEET; THENCE NORTH  $00^{\circ} 20'26''$  WEST 836.70 FEET; THENCE NORTH  $05^{\circ} 22'04''$  EAST 201.00 FEET; THENCE NORTH  $00^{\circ} 20'26''$  WEST 287.99 FEET; THENCE NORTH  $88^{\circ} 55'36''$  EAST 79.79 FEET; THENCE NORTH  $00^{\circ} 20'26''$  WEST 3,311.46 FEET; THENCE SOUTH  $89^{\circ} 47'26''$  WEST 30.00 FEET; THENCE NORTH  $63^{\circ} 52'51''$  WEST 33.51 FEET; THENCE NORTH  $00^{\circ} 20'26''$  WEST 612.75 FEET; THENCE NORTH  $88^{\circ} 49'17''$  EAST 60.01 FEET; THENCE SOUTH  $00^{\circ} 20'26''$  EAST 249.73 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 613.00 FEET, A CENTRAL ANGLE OF  $33^{\circ} 44'09''$ , CHORD OF SAID ARC BEARS NORTH  $44^{\circ} 09'06''$  EAST 355.74 FEET) A DISTANCE OF 360.94 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY 56; THENCE ALONG SAID SOUTH LINE NORTH  $88^{\circ} 43'55''$  EAST 2,366.17 FEET TO THE POINT OF BEGINNING CONTAINING 318.224 ACRES MORE OR LESS.

**EXHIBIT "B"**  
**LUDLOW FARMS ANNEXATION MAP**

See copy of Ludlow Farms Annexation Map on file with  
the Planning Department of the Town of Berthoud.

**EXHIBIT "C"**  
**ANNEXATION AND DEVELOPMENT AGREEMENT**

See copy of Annexation and Development Agreement on file with  
the Planning Department of the Town of Berthoud.