

TOWN OF BERTHOUD

ORDINANCE NO. 1260

**AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF BERTHOUD
TO ESTABLISH THE ZONING OF PROPERTY KNOWN AS THE “CASE ANNEXATION”
NEWLY ANNEXED TO THE TOWN OF BERTHOUD**

WHEREAS, an ordinance approving the annexation of certain property known as the “Case,” as more particularly described in Exhibit A attached hereto (the “Property”), to the Town of Berthoud by Ordinance No. 1259 was passed by the Board of Trustees of the Town of Berthoud on February 26th, 2019; and,

WHEREAS, Section 31-12-115, Colorado Revised Statutes, requires that newly annexed property be zoned within 90 days of the effective date of the annexation ordinance; and,

WHEREAS, the Planning Commission previously has considered the zoning request related to Resolution No. R-1-2019 and pending Annexation Ordinance 1259, and has recommended that the Property be zoned “Mixed-Use (R-4)” upon its annexation into the Town; and,

WHEREAS, notice previously was been posted and published as required by law and a public hearing was conducted before the Board of Trustees on February 26, 2019, at which time the zoning of the Property to “Mixed-Use (R-4)” was approved by the Board, to become effective upon the completion of the annexation of the Property into the Town; and

WHEREAS, the Board desires to ratify and confirm the zoning approval for the Property to become effective concurrent with the legal effectiveness of Annexation Ordinance 1259.

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

Section 1. Upon the legal effectiveness of the annexation of the Property to the Town of Berthoud in accordance with Section 31-12-113(2)(b), Colorado Revised Statutes, the official zoning map of the Town of Berthoud shall be amended by the inclusion of the Property zoned as “Mixed-Use Residential (R-4).”

Section 2. The Property known as the “Case Annexation” is hereby zoned “Mixed-Use Residential (R-4),” subject to the terms and conditions approved by the Town.

Section 3. Interpretation. This Ordinance shall be so interpreted and construed to effectuate its general purpose.

Section 4. Publication. The Town Clerk shall certify to the passage of this Ordinance, cause its contents to be published, and, when the annexation of the Property becomes effective in accordance with section 31-12-113(2)(b), Colorado Revised Statutes, shall cause the appropriate change to be made to the official Berthoud Zoning District Map.

Section 5. Effective Date: The effective date of this ordinance shall be the later of the effective date of the Annexation of "Case" and thirty days after publication of this ordinance.

PASSED, ADOPTED, SIGNED AND APPROVED this the 26th day of February, 2019

TOWN OF BERTHOUD

William Karspeck
William Karspeck, Mayor

ATTEST:

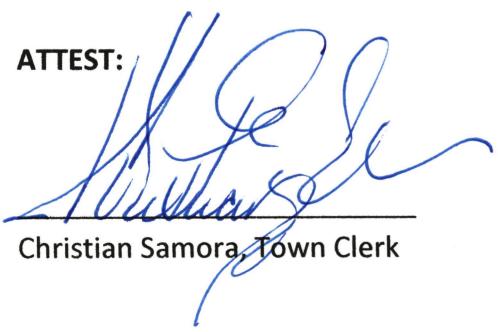

Christian Samora, Town Clerk



EXHIBIT A
Legal Description of the Property

The property is described as follows:

A portion of the Northeast Quarter of Section 27, Township 4 North, Range 69 West of the 6th Principal Meridian, County of Larimer, State of Colorado, Commencing at the Northeast corner of said Section 27; thence South 88°51'21" West along the North line of the Northeast Quarter of Section 27, a distance of 40 feet to the Point of Beginning; thence along the West line of Larimer County Road 17 right-of-way and the Shell-Hicks Annexation the following three courses: South 00°23'47" East a distance of 405.11 feet; North 89°36'13" East a distance of 10.00 feet; South 00°23'47" East a distance of 921.16 feet to the South line of the Northeast Quarter of the Northeast Quarter of Section 27; thence South 89°08'40" West along said South line a distance of 1296.12 feet to the Southwest corner of the Northeast Quarter of the Northeast Quarter of Section 27; thence North 00°28'18" West along the West line of the Northeast Quarter of the Northwest Quarter of Section 27 a distance of 1319.88 feet to the North line of the Northwest Quarter of Section 27; thence North 88°51'21" East along the North line of the Northeast Quarter of Section 27 And the South line of Ludlow Farms Annexation a distance of 1284.85 feet to the Point of Beginning, containing 1,709,948 square feet or 39.25 acres more or less