

**ORDINANCE NO. 1206**

**AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF BERTHOUD TO REZONE A PORTION OF PROPERTY KNOWN AS "ROSE FARM ACRES PARCEL 1 AND PARCEL 2"; "PARCEL 1", FROM AGRICULTURAL TO R-3 MULTI-FAMILY, AND "PARCEL TWO" FROM AGRICULTURAL TO R-1 SINGLE-FAMILY**

**WHEREAS**, certain property known as "A Portion of Property known as the Rose Farm Acres" has heretofore been zoned by the Town of Berthoud as Agricultural; 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 September 24, 2015, before the Berthoud Planning Commission and a public hearing was conducted on November 17, 2015 before the Board of Trustees as required by law; and

**WHEREAS**, after the Public hearing, the Berthoud Planning Commission, on a seven 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 "Rose Farm Acres Parcel One and Parcel Two" "Parcel One" shall be rezoned from Agricultural to R-3 Multi-Family, and "Parcel Two" shall be rezoned from Agricultural to R-1 Single-Family .

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

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

A tract of land located in the Southwest Quarter of Section 23, Township 4 North, Range 69 West of the 6th Principal Meridian, County of Larimer, State of Colorado, more particularly described as follows:

Considering the West line of the Southwest Quarter of Section 23 as bearing South 00°13'45" West and with all bearings contained herein relative thereto:

COMMENCING at the West Quarter corner of said Section 23; thence along the North line of the Southwest Quarter, South 89°57'05" East, 50.00 feet; thence, South 00°13'45" West, 40.00 feet to a point on the South right-of-way line of Spartan Avenue, said point being the POINT OF BEGINNING; thence, South 89°57'05" East, 844.83 feet; thence, South 00°18'28" East, 185.88 feet; thence along a curve concave to the northwest having a central angle of 29°55'22" with a radius of 371.00 feet, an arc length of 193.75 feet and the chord of which bears South 14°39'13"

West, 191.56 feet; thence, South 29°36'54" West, 54.45 feet; thence along a curve concave to the southeast having a central angle of 06°47'00" with a radius of 529.00 feet, an arc length of 62.63 feet and the chord of which bears South 26°13'24" West, 62.59 feet; thence along a curve concave to the northwest having a central angle of 84°36'52" with a radius of 15.00 feet, an arc length of 22.15 feet and the chord of which bears South 65°08'20" West, 20.19 feet; thence along a curve concave to the south having a central angle of 17°26'46" with a radius of 525.00 feet, an arc length of 159.86 feet and the chord of which bears North 81°16'37" West, 159.24 feet; thence, North 90°00'00" West, 568.91 feet; thence, North 00°13'45" East, 459.75 feet to the Point of Beginning, containing 381,324 square feet or 8.754 acres more or less.

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

A tract of land located in the Southwest Quarter of Section 23, Township 4 North, Range 69 West of the 6th Principal Meridian, County of Larimer, State of Colorado, more particularly described as follows:

Considering the West line of the Southwest Quarter of Section 23 as bearing South 00°13'45" West and with all bearings contained herein relative thereto:

COMMENCING at the West Quarter corner of said Section 23; thence along the North line of the Southwest Quarter, South 89°57'05" East, 50.00 feet; thence, South 00°13'45" West, 40.00 feet to a point on the South right-of-way line of Spartan Avenue; thence along said South line, South 89°57'05" East, 844.83 feet to the POINT OF BEGINNING; thence, South 89°57'05" East, 68.75 feet to the West line of Block 1, Schmidt Farm First Subdivision; thence along the West and South lines of Block 1 the following 2 courses and distances: thence, South 00°02'55" West, 374.29 feet; thence, South 89°46'15" East, 357.05 feet to a point on the West line of Hillsdale 2nd Subdivision, Hillsdale 3rd Subdivision, Hillsdale 4th Subdivision, and Hillsdale 5th Subdivision; thence along said West line; thence, South 00°10'48" West, 1747.51 feet; thence, North 89°49'12" West, 110.91 feet; thence, North 41°24'02" West, 186.23 feet; thence, North 00°13'45" East, 53.00 feet; thence, North 88°36'07" West, 495.00 feet; thence, South 00°13'45" West, 42.00 feet; thence, North 88°12'24" West, 543.98 feet to the East right-of-way line of Taft Avenue; thence along said East line North 00°13'45" East, 1484.13 feet; thence, North 90°00'00" East, 568.91 feet; thence along a curve concave to the south having a central angle of 17°26'46" with a radius of 525.00 feet, an arc length of 159.86 feet and the chord of which bears South 81°16'37" East, 159.24 feet; thence along a curve concave to the northwest having a central angle of 84°36'52" with a radius of 15.00 feet, an arc length of 22.15 feet and the chord of which bears North 65°08'20" East, 20.19 feet; thence along a curve concave to the southeast having a central angle of 06°47'00" with a radius of 529.00 feet, an arc length of 62.63 feet and the chord of which bears North 26°13'24" East, 62.59 feet; thence, North 29°36'54" East, 54.45 feet; thence along a curve concave to the northwest having a central angle of 29°55'22" with a radius of 371.00 feet, an arc length of 193.75 feet and the chord of which bears North 14°39'13" East, 191.56 feet; thence, North 00°18'28" West, 185.88 feet to the Point of Beginning, containing 1,986,002 square feet or 45.592 acres more or less.

**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 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 17<sup>th</sup> day of November, 2015.

TOWN OF BERTHOUD

By



David Gregg, Mayor

ATTEST:

By:



Mary K. Cowdin, Town Clerk