

**TOWN OF BERTHOUD
RESOLUTION NO. 01**

**A RESOLUTION FINDING PETITION FOR ANNEXATION SUBMITTED BY
THE CASE PROPERTY TO BE IN SUBSTANTIAL COMPLIANCE WITH
COLORADO REVISED STATUTES 31-12-107 AND SETTING A HEARING
PURSUANT TO COLORADO REVISED STATUTES
31-12-108**

WHEREAS the owners of the property, Heron Lakes Investments LLC, submitted a petition for annexation, and the voters of the Town Board have authorized the processing of such petition by vote on Tuesday November 6, 2018, enabling the Town Board to consider the annexation of property to be known as the Case Property; and

WHEREAS, in response to the petition and the voter approval, the Board of Trustees for the Town of Berthoud desires to initiate annexation proceedings in accordance with law; and

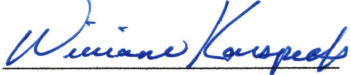
WHEREAS, the petition as submitted has been reviewed by staff and approved as alleging all requirements for annexation set forth in the Colorado Statutes, and should be set for a legislative public hearing to establish such assertions as required by statute;

IT IS THEREFORE RESOLVED by the Board of Trustees of the Town of Berthoud Colorado, this 22nd day of January 2019, as follows:

1. That the Board hereby accepts the annexation petition for the Case Property, more particularly described in Exhibit A.
2. That the Board hereby finds and determines that the annexation petition and accompanying map contains all allegations required for such a petition under the Municipal Annexation Act of 1965, which is referred to herein as the "Act", and that if such allegations are determined to be well founded, such property would be eligible for annexation to the Town of Berthoud.
3. That the Notice attached as Exhibit B be adopted as a part of this Resolution. Said Notice establishes the date, time, and place when a public hearing will be held to determine if the proposed annexation complies with Section 30 of article II of the Colorado Constitution and Sections 31-12-104 and 31-12-105 of the Colorado Revised Statutes or such provisions thereof as may be required to establish eligibility under the terms of the Act. The Town Clerk is directed to publish a copy of this Resolution and said Notice as provided in the Act.

DULY PASSED by the Board of Trustees this 22nd day of January, 2019.

TOWN OF BERTHOUD



William Karspeck, Mayor

ATTEST:


Christian Samora, Town Clerk



EXHIBIT B

TOWN OF BERTHOUD, COLORADO

NOTICE OF PUBLIC HEARINGS FOR A PROJECT
CASE Annexation and Zoning

PUBLIC NOTICE IS HEREBY GIVEN of a public hearing before the Berthoud Planning Commission on February 14th, 2019 and the Board of Trustees on February 26th, 2019 at the following time and place:

6:30 P.M. Town Board, 7:00 P.M. Planning Commission
Berthoud Town Hall
807 Mountain Avenue
Berthoud, Colorado 80513

This hearing is for the purpose of taking applicant testimony and public comment on a proposed annexation and zoning of 6.259 acres to Mixed Use district (R-4) regarding the property described below and for determining the eligibility of such property for annexation to the Town and the advisability of such an annexation, all as governed by the Berthoud Development Code.

That portion of the Northeast Quarter of Section 4, Township 4 North, Range 69 West of the 6th Principal Meridian, County of Larimer, State of Colorado, more particularly described as follows:

Parcel 2A, Amended Duffy Exemption, recorded at Reception No. 97052403, Larimer County Clerk and Recorder, more particularly described as follows:

Considering the North line of the Northeast corner of Section 4 as bearing South 89° 59' 58" West and with all bearings contained herein relative thereto:

COMMENCING at the North Quarter corner of Section 4; thence South 00° 13' 44" West, 50.15 feet to a point on the North line of Heron Lakes Lake Club Annexation To The Town of Berthoud; thence along the West and South lines of Heron Lakes Lake Club Annexation the following 2 courses and distances: South 00° 25' 45" West, 1337.29 feet; thence, North 77° 18' 05" East, 447.46 feet to the Southwest corner of Parcel 2A, Amended Duffy Exemption, said point being the POINT OF BEGINNING; thence along said Parcel 2A the following 10 courses and distances: North 07° 03' 49" West, 396.85 feet; thence, North 04° 08' 54" West, 128.40 feet; thence, North 02° 15' 08" West, 205.22 feet; thence, North 79° 55' 50" East, 337.02 feet; thence, South 28° 00' 27" East, 280.84 feet; thence, South 41° 52' 38" East, 164.83 feet; thence, South 51° 31' 52" West, 107.08 feet; thence, South 47° 26' 05" West, 419.26 feet; thence, South 54° 47' 05" West, 61.59 feet; thence South 65° 29' 05" West, 71.05 feet to the POINT OF BEGINNING, containing 272,633 square feet or 6.259 acres more or less.

GIVEN AND POSTED this 22nd day of January, 2019