

RESOLUTION NO. 05
(Series 2018)

**A RESOLUTION OF THE TOWN OF BERTHOUD,
COLORADO, SUBMITTING TO THE REGISTERED
ELECTORS VOTING IN THE MUNICIPAL MAIL BALLOT
ELECTION TO BE HELD APRIL 3, 2018 A BALLOT
QUESTION CONCERNING WHETHER THE TOWN OF
BERTHOUD SHALL BE AUTHORIZED TO ANNEX A PARCEL
OF LAND ABUTTING THE HERON LAKES GOLF COURSE
AND DEVELOPMENT, WHICH PARCEL LIES OUTSIDE THE
2012 GROWTH MANAGEMENT AREA OF THE TOWN**

WHEREAS, the Town of Berthoud, Colorado ("Town"), is a statutory town; and

WHEREAS, in April 2014 the Voters of the Town passed a voter initiative requiring that any annexation to the Town outside the Town's Growth Management Area as it existed on December 31, 2012 shall require approval of the voters of the Town; and

WHEREAS, the Heron Lakes Golf Course and Development, which is annexed to the Town, owns a parcel of approximately 33 acres which lies between the existing approved development and the Lake, which property the owners desire to annex for the purpose of developing recreational opportunities at the lake; and

WHEREAS, such parcel lies outside the December 31, 2012 Growth Management Area, and therefore annexation requires approval of the voters of the Town of Berthoud, and is more particularly described as:

HERON LAKES LAKE CLUB ANNEXATION:

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:

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, 30.01 feet to a point on the South line of Jaskowski Annexation No. 2 To The Town of Berthoud, said point being the POINT OF BEGINNING; thence along said South line, South 89° 59' 59" East, 2021.36 feet; thence, South 00° 01' 41" East, 20.00 feet to the Northeast corner of Parcel 1A, Amended Duffy Exemption, thence along said Parcel 1A the following 13 courses: South 36° 35' 56" West, 678.16 feet; thence, South 74° 55' 06" West, 257.32 feet; thence, South 69° 33' 14" West, 194.87 feet; thence, South 61° 46' 08" West, 190.89 feet; thence, South 57° 10' 05" West, 99.74 feet; thence, North 41° 52' 38" West, 164.83 feet; thence, North 28° 00' 27" West, 280.84 feet; thence, South 79° 55' 50" West, 337.02 feet; thence, South 02° 15' 08" East, 205.22 feet; thence, South 04° 08' 54"

East, 128.40 feet; thence, South 07° 03' 49" East, 396.85 feet; thence South 77° 18' 05" West, 447.46 feet; thence, North 00° 25' 45" East, 1337.29 feet; thence, North 00° 13' 44" East, 20.15 feet to the POINT OF BEGINNING, containing 1,413,271 square feet or 32.444 acres more or less; and

WHEREAS, presentation of the question to the public requires a resolution establishing the question to be placed on the Ballot; and

WHEREAS, the Board finds and determines that it is necessary and desirable to submit to the electors of the Town voting at the April municipal election to be held on April 3, 2018, the question of authorizing the Town Board of Trustees to consider the annexation of the Heron Lakes Lake Club Annexation Parcel to the Town of Berthoud.

THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO, AS FOLLOWS:

Section 1. All actions heretofore taken (not inconsistent with the provisions of this resolution) by the Town and the officers thereof, directed toward the election in relation to the objects and purposes herein stated are hereby ratified, approved and confirmed.

Section 2. The following Ballot Question shall be submitted to the qualified electors of the Town voting at the Municipal Election to be held on April __, 2018:

Annexation of Heron Lakes Lake Club Annexation

Shall the Town of Berthoud be authorized to annex parcel of property consisting of approximately 32.44 acres lying between the Heron Lakes development and the lake, more particularly described as:

HERON LAKES LAKE CLUB ANNEXATION:

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:

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, 30.01 feet to a point on the South line of Jaskowski Annexation No. 2 To The Town of Berthoud, said point being the POINT OF BEGINNING; thence along said South line, South 89° 59' 59" East, 2021.36 feet; thence, South 00° 01' 41" East, 20.00 feet to the Northeast corner of Parcel 1A, Amended Duffy Exemption, thence along said Parcel 1A the following 13 courses: South 36° 35' 56" West, 678.16 feet; thence, South 74° 55' 06"

West, 257.32 feet; thence, South 69° 33' 14" West, 194.87 feet; thence, South 61° 46' 08" West, 190.89 feet; thence, South 57° 10' 05" West, 99.74 feet; thence, North 41° 52' 38" West, 164.83 feet; thence, North 28° 00' 27" West, 280.84 feet; thence, South 79° 55' 50" West, 337.02 feet; thence, South 02° 15' 08" East, 205.22 feet; thence, South 04° 08' 54" East, 128.40 feet; thence, South 07° 03' 49" East, 396.85 feet; thence South 77° 18' 05" West, 447.46 feet; thence, North 00° 25' 45" East, 1337.29 feet; thence, North 00° 13' 44" East, 20.15 feet to the POINT OF BEGINNING, containing 1,413,271 square feet or 32.444 acres more or less.

Provided that the Board of Trustees, after considering the annexation application and holding a public hearing, as required by law, determines that such annexation is in the best interests of the Town?

YES

NO

Section 3. This Resolution shall serve to set the ballot title for the ballot question set forth above, and the ballot title for the ballot question shall be the text of such ballot question.

Section 4. The officers and employees of the Town are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 5. Upon approval of the above Ballot Question by the majority of the registered electors voting thereon, the Board shall enact an implementing ordinances to carry out all legal and regulatory requirements associated with the above Ballot Question.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 30th DAY OF JANUARY, 2018

TOWN OF BERTHOUD

ATTEST:

Christian Samora, Town Clerk

BY:

Steve Mulvihill, Mayor

