

RESOLUTION NO. 8-14

A RESOLUTION OF THE TOWN OF BERTHOUD DECLARING THE VOTE ON THE PETITION REFERRED TO THE PEOPLE OF THE TOWN AT THE REGULAR BIENNIAL ELECTION HELD ON APRIL 1, 2014 AND VOIDING TOWN ORDINANCE 1170

WHEREAS, the Town passed and adopted Ordinance 1170 on or about October 22, 2013; and

WHEREAS, a referendum petition asking residents of the Town to either ratify or void Ordinance 1170 received a sufficient number of signatures to be placed on the ballot at the regular biennial election held on April 1, 2014 (“Referendum Petition”); and

WHEREAS, a majority of the votes cast at the regular biennial election were in favor of rejecting and voiding Ordinance 1170;


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

The measures referred to the people of the Town of Berthoud in the Referendum Petition shall take effect from and after the date of this Resolution. Effective immediately Ordinance 1170 shall be null and void and have no further legal effect and the initiated ordinance attached hereto shall take effect and is styled as initiated ordinance No. 1179.

RESOLVED THIS 6th day of May, 2014.

TOWN OF BERTHOUD

BY: _____


David Gregg, Mayor

ATTEST:


Mary K. Cowdin, Town Clerk

ORDINANCE 1179

Full text of Ordinance Subject to Referendum Petition

The full text of Ordinance No. 1170 which is the subject of this referendum petition, follows this first page of the petition.

We the undersigned registered voters of the Town of Berthoud, hereby petition to have Ordinance 1170, adopted on October 22, 2013, referred to a vote of the registered voters of the Town of Berthoud for approval or rejection at an election to be held in accordance with Article V, Section 1 (9) of the Colorado Constitution.

Designated representatives of proponents for the matter related to this petition:

Name and address:

Stephen Randall Byers
201 E. Michigan Ave
Berthoud, CO 80513

Name and address:

Craig Marshall Wilks
406 Longs Peak Ave
Berthoud, CO 80513

Passed by a vote of the registered electors on April 1, 2014.

AN ORDINANCE APPROVING THE ANNEXATION OF LAND TO THE TOWN OF BERTHOUD, COUNTIES OF LARIMER AND WELD, STATE OF COLORADO, TO BE KNOWN AND DESIGNATED AS THE HAWORTH ESTATES FIRST AND SECOND ANNEXATIONS TO THE TOWN OF BERTHOUD, COLORADO.

WHEREAS, a Petition for Annexation together with seven copies of a Plat of said land as required by ordinance were filed with the Town of Berthoud by the owners of one hundred percent (100%) of the area of the land hereinafter described: and,

WHEREAS, the Board of Trustees by motion at its regular meeting accepted said Petition and found that the Petition substantially complied with the statutory requirements set forth in Sections 31-12-104, 31-12-105 and 31-12-107, C.R.S.; Chapter 30-8 and Section 30-16-300 of the *Development Code* of the Town of Berthoud; and,

WHEREAS, the Board of Trustees has determined that an election is not required under Section 31-12-107(2), C.R.S., as provided in Section 31-12-111, C.R.S.; and,

WHEREAS, the Board of Trustees has determined that additional terms and conditions were not to be imposed and that the Petition was signed by owners of one hundred percent (100%) of the property proposed to be annexed, exclusive of streets and alleys. Therefore, in accordance with Section 31-12-107, C.R.S., the Board of Trustees of the Town of Berthoud has determined that an ordinance to annex such land to the municipality should be considered.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO:

Section 1.

The land described on Exhibit "A" and depicted on Exhibit "B" attached hereto and incorporated herein by reference is hereby annexed and shall be known and described as the Haworth Estates First and Second Annexations to the Town of Berthoud:

The parcel contains approximately 89.204 acres more or less.

Section 2. Effective Date:

The Board of Trustees of the Town of Berthoud herewith finds, determines and designates that this Ordinance shall take effect and be in force 30 days after publication.

At its meeting October 22, 2013 the Ordinance was read, passed and ordered published by the Board of Trustees.

TOWN OF BERTHOUD:

ATTEST:

David Gregg – Mayor

Mary K. Cowdin – Town Clerk

Approved as to form:

Greg Bell, Attorney

Published: October 31, 2013

EXHIBIT "A"

HAWORTH ESTATES FIRST AND SECOND ANNEXATIONS

HAWORTH ESTATES FIRST ANNEXATION:

Those portions of the Southwest Quarter of Section 15, the Southeast Quarter of Section 16, the North Half of Section 21 and the Northwest Quarter of Section 22, all being in Township 4 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado being more particularly described as follows:

Considering the South line of the Southeast Quarter of said Section 16 as bearing South 89°34'24" East and with all bearings contained herein relative thereto:

Beginning at the Southeast corner of said Section 16; thence along the South line of the Southwest Quarter of the Southwest Quarter of said Section 15 North 89°18'12" East 30.00 feet, more or less, to a point on the Southerly prolongation of the Easterly right-of-way line for Larimer County Road No. 19 and the TRUE POINT OF BEGINNING; thence departing said South line of the Southwest Quarter of the Southwest Quarter of said Section 15 and along said Southerly prolongation of the Easterly right-of-way line for Larimer County Road No. 19 and along the Easterly right-of-way line for Larimer County Road No. 19 North 00°00'00" East 1327.30 feet; thence departing said Easterly right-of-way line for Larimer County Road No. 19 South 89°14'34" West 30.00 feet, more or less, to a point on the East line of the Southeast Quarter of said Section 16; thence along said East line of the Southeast Quarter of said Section 16 North 00°00'00" East 90.18 feet, more or less, to the Southeast corner of the Plat of Condon M.L.D. S-95-89, County of Larimer, State of Colorado; thence departing said East line of the Southeast Quarter of said Section 16 and along the Southerly line of said Condon M.L.D. S-95-89 North 89°31'13" West 826.14 feet; thence departing said Southerly line of said Condon M.L.D. S-95-89 South 00°28'47" West 1448.18 feet, more or less, to a point on the Southerly right-of-way line of Larimer County Road No. 8; thence along said Southerly right-of-way line of Larimer County Road No. 8 South 89°34'24" East 838.32 feet and again North 89°18'12" East 29.93 feet, more or less, to a point on the Southerly prolongation of the Easterly right-of-way line for Larimer County Road No. 19; thence departing said Southerly right-of-way line of Larimer County Road No. 8 and along said Southerly prolongation of the Easterly right-of-way line for Larimer County Road No. 19 North 00°00'00" East 30.00 feet, more or less, to a point on the South line of the Southwest Quarter of the Southwest Quarter of said Section 15 and the TRUE POINT OF BEGINNING.

Containing 28.594 Acres (Gross), more or less, and being subject to all existing easements and/or rights-of-way of record.

HAWORTH ESTATES SECOND ANNEXATION:

Those portions of the Southeast Quarter of Section 16 and the North Half of Section 21, all being in Township 4 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado being more particularly described as follows:

Considering the South line of the Southeast Quarter of said Section 16 as bearing South 89°34'24" East and with all bearings contained herein relative thereto:

Beginning at the Southeast corner of said Section 16; thence along the South line of the Southwest Quarter of the Southwest Quarter of said Section 15 North 89°18'12" East 30.00 feet, more or less, to a point on the Southerly prolongation of the Easterly right-of-way line for Larimer County Road No. 19; thence departing said South line of the Southwest Quarter of the Southwest Quarter of said Section 15 and along said Southerly prolongation of the Easterly right-of-way line for Larimer County Road No. 19 and along the Easterly right-of-way line for Larimer County Road No. 19 North 00°00'00" East 1327.30 feet; thence departing said Easterly right-of-way line for Larimer County Road No. 19 South 89°14'34" West 30.00 feet, more or less, to a point on the East line of the Southeast Quarter of said Section 16; thence along said East line of the Southeast Quarter of said Section 16 North 00°00'00" East 90.18 feet, more or less, to the Southeast corner of the Plat of Condon M.L.D. S-95-89, County of Larimer, State of Colorado; thence departing said East line of the Southeast Quarter of said Section 16 and along the Southerly line of said Condon M.L.D. S-95-89 North 89°31'13" West 826.14 feet to the TRUE POINT OF BEGINNING; thence continuing along said Southerly line of said

Page 3 of 7

Condon M.L.D. S-95-89 North 89°31'13" West 1831.28 feet, more or less, to the Southwest corner of said Condon M.L.D. S-95-89; said Southwest corner being a point on the West line of the Southeast Quarter of said Section 16; thence departing said Southerly line of said Condon M.L.D. S-95-89 and along said West line of the Southeast Quarter of said Section 16 and along the Southerly prolongation of said West line of the Southeast Quarter of said Section 16 South 00°01'16" West 1449.90 feet, more or less, to a point on the Southerly right-of-way line of Larimer County Road No. 8; thence departing said Southerly prolongation of said West line of the Southeast Quarter of said Section 16 and along said Southerly right-of-way line of Larimer County Road No. 8 South 89°34'24" East 1819.68 feet; thence departing said Southerly right-of-way line of Larimer County Road No. 8 North 00°28'47" East 1448.18 feet, more or less, to a point on the Southerly line of said Condon M.L.D. S-95-89 and the TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM that portion of that certain parcel of land as described in Deed recorded in Book 1816 at Page 289, records of said County, situate in the Southeast Quarter of said Section 16 and being more particularly described as follows:

Beginning at the Southeast corner of said Section 16; thence along the South line of the Southeast Quarter of said Section 16 North 89°34'24" West 1833.57 feet; thence departing said South line of the Southeast Quarter of said Section 16 North 00°25'36" East 30.00 feet, more or less, to a point on the Northerly right-of-way line of Larimer County Road No. 8; thence departing said Northerly right-of-way line of Larimer County Road No. 8 and along the Easterly, Northerly and Westerly lines of said parcel of land as described in Deed recorded in Book 1816 at Page 289 the following three (3) courses and distances: 1) North 00°25'36" East 100.00 feet; 2) North 89°34'24" West 50.00 feet; 3) South 00°25'36" West 100.00 feet, more or less, to a point on said Northerly right-of-way line of Larimer County Road No. 8; thence departing said Westerly line of said parcel of land as described in Deed recorded in Book 1816 at Page 289 and along said Northerly right-of-way line of Larimer County Road No. 8 South 89°34'24" East 50.00 feet, more or less, to the TRUE POINT OF BEGINNING.

Containing 60.610 Acres (Gross), more or less, and being subject to all existing easements and/or rights-of-way of record.

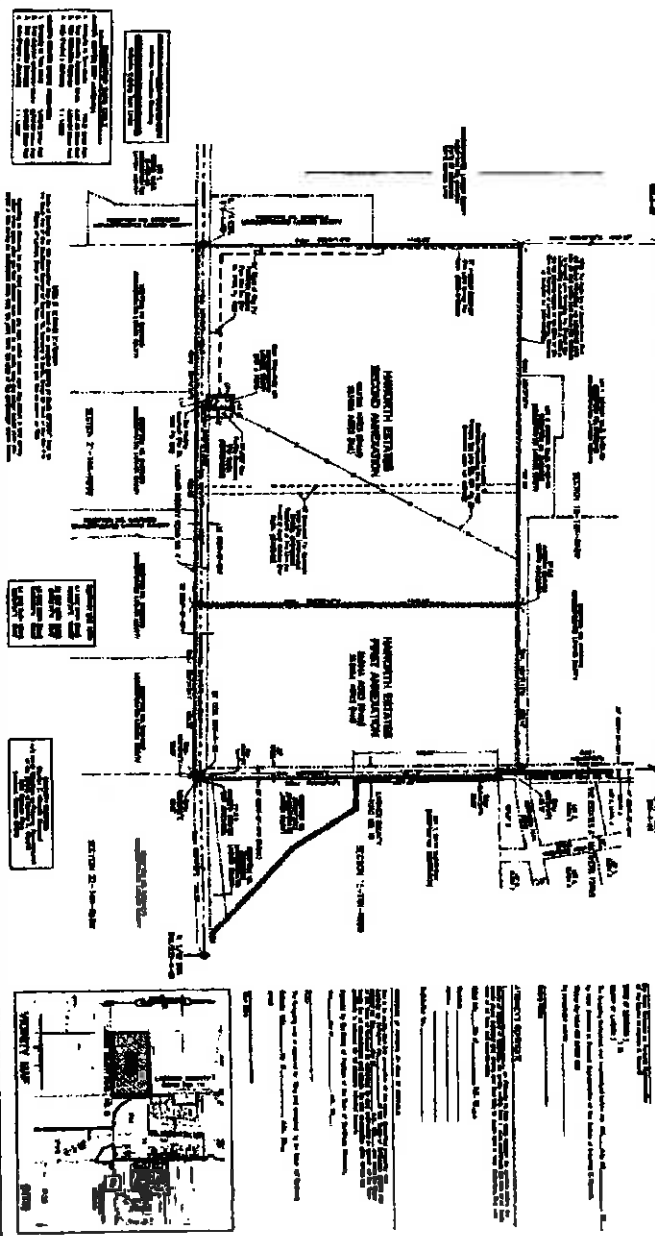
HAWORTH ESTATES FIRST AND SECOND ANNEXATIONS

HAWORTH ESTATES FIRST AND SECOND ANNEXATIONS

THIS PLAN IS THE FIRST AND SECOND ANNEXATIONS TO THE HAWORTH ESTATES FIRST AND SECOND ANNEXATIONS, AS SHOWN ON THE ORIGINAL SURVEY MAP OF SAID ESTATES, FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF THE COUNTY OF HENRI, MISSOURI, ON FEBRUARY 1, 1911, AND AS AMENDED BY THE ORIGINAL SURVEY MAP OF SAID ESTATES, FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF THE COUNTY OF HENRI, MISSOURI, ON FEBRUARY 1, 1911.



THESE ANNEXATIONS ARE MADE TO THE HAWORTH ESTATES FIRST AND SECOND ANNEXATIONS, AS SHOWN ON THE ORIGINAL SURVEY MAP OF SAID ESTATES, FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF THE COUNTY OF HENRI, MISSOURI, ON FEBRUARY 1, 1911, AND AS AMENDED BY THE ORIGINAL SURVEY MAP OF SAID ESTATES, FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF THE COUNTY OF HENRI, MISSOURI, ON FEBRUARY 1, 1911.



INTERMILL LAND SURVEYING, INC. 100 WEST BROADWAY CHICAGO, ILLINOIS 9007		HAWORTH FAMILY
THE SURVEYING AND MAPPING DIVISION OF THE MISSOURI DEPARTMENT OF REVENUE HAS REVIEWED THIS SURVEY AND HAS DETERMINED THAT IT IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE MISSOURI SURVEYING ACT.		DATE OF SURVEY: _____ DATE OF RECORDING: _____

RESERVED FOR THE ORIGINAL SURVEY MAP OF SAID ESTATES, FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF THE COUNTY OF HENRI, MISSOURI, ON FEBRUARY 1, 1911, AND AS AMENDED BY THE ORIGINAL SURVEY MAP OF SAID ESTATES, FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF THE COUNTY OF HENRI, MISSOURI, ON FEBRUARY 1, 1911.