

RESOLUTION NO: 16-13

**A RESOLUTION AMENDING RESOLUTION NO. 11 - 13 AND FINDING AN ANNEXATION
PETITION FOR THE PRO SWING FIRST ANNEXATION – SERIALS 1, 2, AND 3
SUBMITTED BY LARRY MCVAY TO ANNEX APPROXIMATELY 9.32 ACRES
SUBSTANTIALLY COMPLIES WITH THE REQUIREMENTS OF SECTION 31-12-107(1),
C.R.S. AND SETTING A PUBLIC HEARING ON THE PETITION TO CONSIDER
ANNEXATION OF THE PROPERTY.**

WHEREAS, C.R.S. § 31-12-101 *et seq.*, the Municipal Annexation Act of 1965 ("the Act") provides that a municipality may accept petitions for annexation of property upon finding substantial compliance of the petitions with the Act and annex such properties separately or in a series considered together; and

WHEREAS, the Town of Berthoud has received a Petition for Annexation to annex the property described in said Petition to the Town of Berthoud; and

WHEREAS, the Board of Trustees of the Town of Berthoud finds the Petition to be in substantial compliance with the requirements of C.R.S. § 31-12-107(1); and

WHEREAS, the Board of Trustees of the Town of Berthoud must set a public hearing to determine if the proposed annexation complies with the Act and the Berthoud Development Code.

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

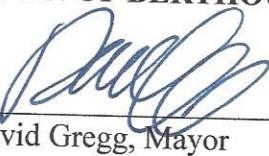
Section 1. The Board of Trustees of the Town of Berthoud finds that the Petition for Annexation of the Pro Swing First Annexation – Serials 1, 2, and 3 as described in **Exhibit A** and depicted in **Exhibit B**, is in substantial compliance with the requirements of Section 31-12-107(1), C.R.S. and Chapter 30-8 of the Town's Development Code and the annexation proceedings to consider the annexation of the properties described therein to the Town of Berthoud have been initiated.

Section 2. A public hearing is set for a regular meeting of the Board of Trustees of the Town of Berthoud on December 10, 2013 at 7:00 p.m. at the Berthoud Town Hall, 328 Massachusetts Avenue, Berthoud, Colorado to determine if the proposed annexation complies with the Municipal Annexation Act of 1965 and the Berthoud Municipal Code, and determine whether the property will be annexed to the Town of Berthoud.

Section 3. The Town Clerk shall give such notice as required by law and the Town staff shall develop and deliver any annexation impact report as required by law.

PASSED, ADOPTED AND APPROVED THIS 5th DAY OF NOVEMBER, 2013.

TOWN OF BERTHOUD:



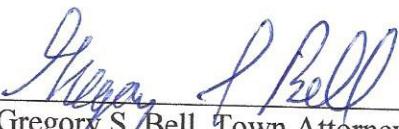
David Gregg, Mayor

ATTEST:



Mary K. Cowdin, Town Clerk

APPROVED AS TO FORM:



Gregory S. Bell, Town Attorney

Publish: November 14, 21, 28, December 5, 2013

EXHIBIT A

PRO SWING FIRST ANNEXATION – SERIALS 1, 2, AND 3 LEGAL DESCRIPTION

PRO SWING FIRST ANNEXATION SERIAL 1:

Those portions of the Southwest Quarter of Section 1 and the Southeast Quarter of Section 2, All 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 East line of the Southeast Quarter of said Section 2 as bearing North $00^{\circ}18'00''$ West and with all bearings contained herein relative thereto:

BEGINNING at the Southeast corner of said Section 2; thence along the South line of the Southeast Quarter of said Section 2 South $89^{\circ}36'00''$ West 30.00 feet, more or less, to a point on the Westerly right-of-way line for First Street (U.S. Highway No. 287); thence departing said Westerly right-of-way line for First Street (U.S. Highway No. 287) North $11^{\circ}14'13''$ East 150.00 feet, more or less, to a point on the East line of the Southeast Quarter of said Section 2; thence departing said East line of the Southeast Quarter of said Section 2 South $11^{\circ}50'36''$ East 149.92 feet, more or less, to a point on the Easterly right-of-way line for First Street (U.S. Highway No. 287); said point also being on the South line of the Southwest Quarter of said Section 1; thence departing said Easterly right-of-way line for First Street (U.S. Highway No. 287) and along said South line of the Southwest Quarter of said Section 1 South $89^{\circ}38'50''$ West 30.00 feet, more or less, to the Southeast corner of said Section 2 and the POINT OF BEGINNING.

Containing 4,407.51 Square Feet (0.10 Acres), more or less.

PRO SWING FIRST ANNEXATION SERIAL 2:

Those portions of the Southwest Quarter of Section 1 and the Southeast Quarter of Section 2, All 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 East line of the Southeast Quarter of said Section 2 as bearing North $00^{\circ}18'00''$ West and with all bearings contained herein relative thereto:

Beginning at the Southeast corner of said Section 2; thence along the South line of the Southeast Quarter of said Section 2 South $89^{\circ}36'00''$ West 30.00 feet, more or less, to a point on the Westerly right-of-way line for First Street (U.S. Highway No. 287) and the TRUE POINT OF BEGINNING; thence departing said Westerly right-of-way line for First Street (U.S. Highway No. 287) North $11^{\circ}14'13''$ East 150.00 feet, more or less, to a point on the East line of the Southeast Quarter of said Section 2 South $11^{\circ}50'36''$ East 149.92 feet, more or less, to a point on the Easterly right-of-way line for First Street (U.S. Highway No. 287); said point also being on the South line of the Southwest Quarter of said Section 1; thence departing said Easterly right-of-way line for First Street (U.S. Highway No. 287) and departing said South line of the Southwest Quarter of said Section 1 North $04^{\circ}58'43''$ West 367.82 feet, more or less, to a point on the East line of the Southeast Quarter of said Section 2; thence departing said East line of the Southeast Quarter of said Section 2 South $04^{\circ}22'38''$ West 367.90 feet, more or less, to a point on the Westerly right-of-way line for First Street (U.S. Highway No. 287); said point also being on the South line of the Southeast Quarter of said Section 2 and the TRUE POINT OF BEGINNING.

Containing 6,591.14 Square Feet (0.15 Acres), more or less.

PRO SWING FIRST ANNEXATION SERIAL 3

Those portions of the Southwest Quarter of Section 1 and the Southeast Quarter of Section 2, All 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 East line of the Southeast Quarter of said Section 2 as bearing North 00°18'00" West and with all bearings contained herein relative thereto:

Beginning at the Southeast corner of said Section 2; thence along the South line of the Southeast Quarter of said Section 2 South 89°36'00" West 30.00 feet, more or less, to a point on the Westerly right-of-way line for First Street (U.S. Highway No. 287) and the TRUE POINT OF BEGINNING; thence departing said Westerly right-of-way line for First Street (U.S. Highway No. 287) North 04°22'38" East 367.90 feet, more or less, to a point on the East line of the Southeast Quarter of said Section 2; thence departing said East line of the Southeast Quarter of said Section 2 South 04°58'43" East 367.82 feet, more or less, to a point on the Easterly right-of-way line for First Street (U.S. Highway No. 287); said point also being on the South line of the Southwest Quarter of said Section 1; thence departing said South line of the Southwest Quarter of said Section 1 and along said Easterly right-of-way line for First Street (U.S. Highway No. 287) North 00°18'00" West 391.59 feet; thence departing said Easterly right-of-way line for First Street (U.S. Highway No. 287) South 89°42'00" West 60.00 feet, more or less, to a point on the Westerly right-of-way line for First Street (U.S. Highway No. 287); said point also being a point on the Southerly right-of-way line for U.S. Highway No. 287 Bypass; said Southerly right-of-way line for U.S. Highway No. 287 Bypass as described in Deed recorded at Reception No.

2002005600, records of said County; thence departing said Westerly right-of-way line for First Street (U.S. Highway No. 287) and along said Southerly right-of-way line for U.S. Highway No. 287 Bypass as described in Deed recorded at Reception No. 2002005600 the following six courses and distances: 1) North 65°31'31" West 49.43 feet; 2) North 07°01'14" West 140.39 feet; 3) North 66°54'55" West 102.87 feet; 4) South 48°51'58" West 376.49 feet; 5) South 77°17'05" West 664.51 feet; 6) North 89°10'13" West 343.08 feet, more or less, to a point on the Easterly right-of-way line for the Colorado and Southern Railroad; thence departing said Southerly right-of-way line for U.S. Highway No. 287 Bypass as described in Deed recorded at Reception No.

2002005600 and along said Easterly right-of-way line for the Colorado and Southern Railroad South 03°09'19" East 213.12 feet, more or less, to a point on the South line of the Southeast Quarter of said Section 2; thence departing said Easterly right-of-way line for the Colorado and Southern Railroad and along said South line of the Southeast Quarter of said Section 2 North 89°36'00" East 1152.82 feet, more or less, to the Southwest corner of that certain parcel of land as described in Deed recorded at Reception No. 2003011109, records of said County; thence departing said South line of the Southeast Quarter of said Section 2 and along the Westerly and Northerly lines of said certain parcel of land as described in Deed recorded at Reception No. 2003011109 North 00°11'15" West 302.74 feet and again North 89°40'26" East 268.54 feet, more or less, to a point on the Westerly right-of-way line for First Street (U.S. Highway No. 287); thence departing said Northerly line of said certain parcel of land as described in Deed recorded at Reception No. 2003011109 and along said Westerly right-of-way line for First Street (U.S. Highway No. 287) South 00°18'00" East 302.39 feet, more or less, to a point on the South line of the Southeast Quarter of said Section 2 and the TRUE POINT OF BEGINNING.

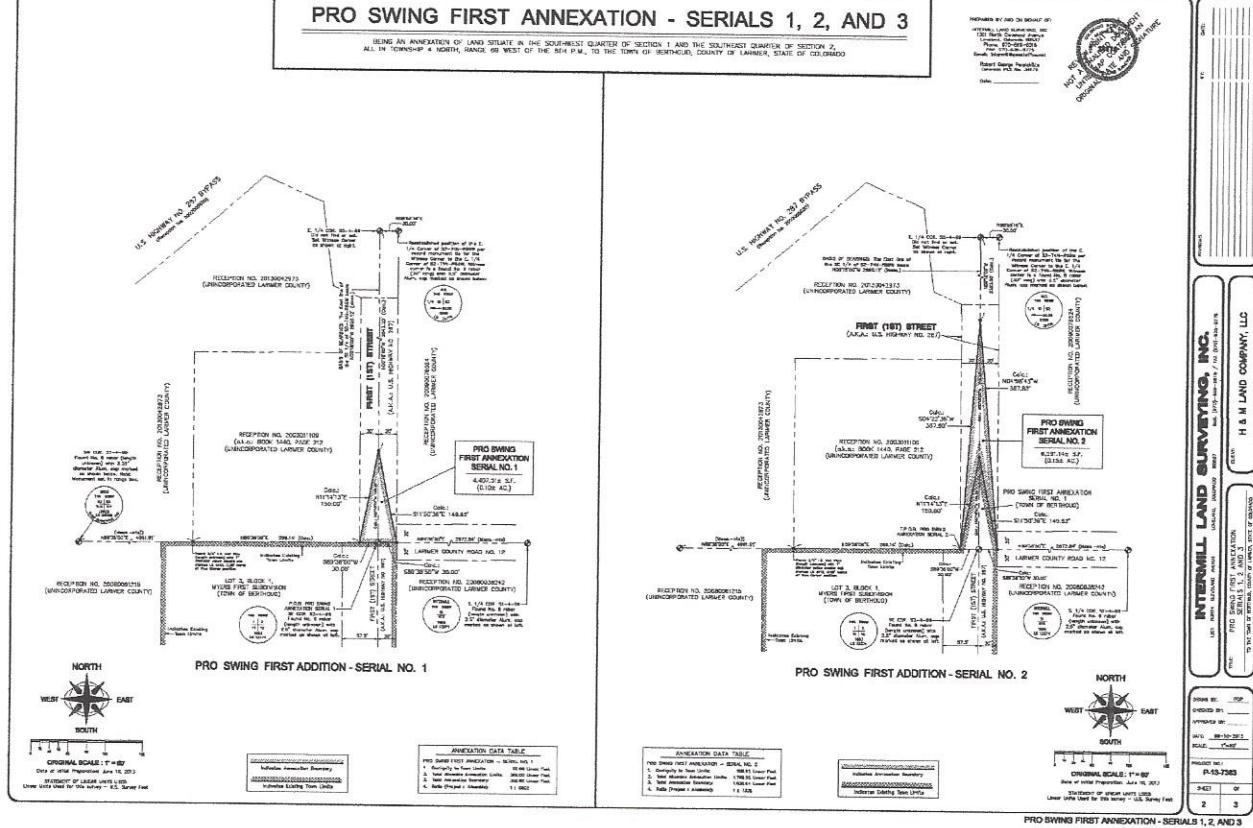
Containing 395,067.33 Square Feet (9.07 Acres), more or less.

EXHIBIT B
PRO SWING FIRST ANNEXATION – SERIALS 1, 2, AND 3
ANNEXATION MAPS

PRO SWING FIRST ANNEXATION - SERIALS 1, 2, AND 3

BEING AN ANNEXATION OF LAND SITUATE IN THE SOUTHWEST QUARTER OF SECTION 1 AND THE SOUTHEAST QUARTER OF SECTION 2, ALL IN TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 16TH P.M., TO THE TOWN OF BERTHOUD, COUNTY OF LARIMER, STATE OF COLORADO.

PRO SWING FIRST ANNEXATION - SERIALS 1, 2, AND 3



PRO SWING FIRST ANNEXATION - SERIALS 1, 2, AND 3

BEING AN ANNEXATION OF LAND SITUATE IN THE SOUTHWEST QUARTER OF SECTION 1 AND THE SOUTHEAST QUARTER OF SECTION 2, ALL IN TOWNSHIP 4 NORTH, RANGE 89 WEST OF THE 3RD P.M., TO THE TOWN OF BERTHOUD, COUNTY OF LARIMER, STATE OF COLORADO.

PRO SWING FIRST ANNEXATION - SERIALS 1, 2, AND 3

