

RESOLUTION NUMBER 08

(SERIES 2025)

A RESOLUTION OF SUBSTANTIAL COMPLIANCE REGARDING PETITION FOR
ANNEXATION FILED BY HT LAND PARTNERS, LLC AND SETTING THE MATTER
FOR A PUBLIC HEARING

WHEREAS, HT Land Partners, LLC as property owner (“the Petitioner”), filed with the Town Clerk a Petition for Annexation on February 20, 2023; and

WHEREAS, thereafter, Petitioner let lapse its application for annexation following said Petition for Annexation being found to be in substantial compliance with the applicable provisions of Chapter 31, Article 12, Colorado Revised Statutes by the Town Board of Trustees on March 28, 2023; and

WHEREAS, Petitioner has requested that the Town consider its Petition for Annexation (the “Petition”) as if newly filed; and

WHEREAS, at its meeting held May 13, 2025, the Town Board of Trustees of the Town of Berthoud has considered whether to initiate annexation proceedings and whether the Petition is in substantial compliance with the applicable provisions of Chapter 31, Article 12, Colorado Revised Statutes.


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

1. The Town Board of Trustees hereby finds that the Petition substantially complies with the applicable provisions of Chapter 31, Article 12, Colorado Revised Statutes and that annexation proceedings should be initiated upon the Petition of the following described territory to the Town: An approximately 35-acre property commonly known as Parcel Number 9427000011, further described in Exhibit A, and generally located approximately 1,300 feet west of South Berthoud Parkway and approximately one mile south of Mountain Avenue, in Larimer County, Colorado.
2. 6:30 P.M. on June 24, 2025 is thereby established as the date and time, and Berthoud Town Board of Trustees Chambers, 807 Mountain Avenue, Berthoud, Colorado, as the place for a public hearing to be held to determine if the proposed annexation complies with Sections 31-12-104 and 31-12-105, Colorado Revised Statutes or such parts thereof as may be required to establish eligibility under Part 1 of Chapter 31, Article 12 of said statutes.

MOVED, SECONDED AND ADOPTED BY THE TOWN BOARD OF TRUSTEES
OF THE TOWN OF BERTHOUD, COLORADO THIS 13th DAY OF MAY, 2025

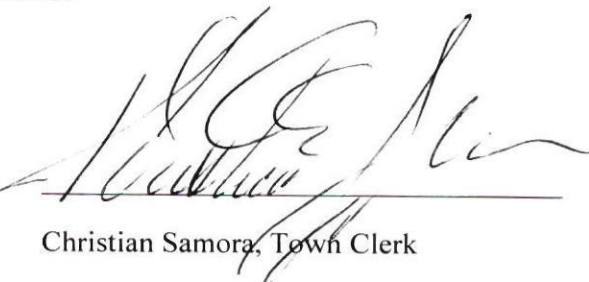
TOWN OF BERTHOUD

By


William Karspeck, Mayor

ATTEST:

By:


Christian Samora, Town Clerk



Published in the

Lafeland Reporter-Herald

First Publication:

May 25, 2025

Second Publication:

June 1, 2025

Third Publication:

June 8, 2025

Fourth Publication:

June 15, 2025

EXHIBIT A

Legal Description of Territory Proposed to be Annexed

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO, EXCEPTING THEREFROM THOSE PARCELS DESCRIBED IN RULE AND ORDER RECORDED JULY 19, 2000 AT RECEPTION NO. 2000048368 AND JANUARY 22, 2004 AT RECEPTION NO. 20040006992, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 27 AS BEARING SOUTH 00°20'18" EAST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 27; THENCE SOUTH 89°08'40" WEST ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27 A DISTANCE OF 1186.23 FEET TO THE EAST RIGHT-OF-WAY LINE OF HIGHWAY 287; THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF HIGHWAY 287 THE FOLLOWING FIVE (5) COURSES: NORTH 00°18'39" WEST A DISTANCE OF 6.04 FEET; NORTH 25°13'09" EAST A DISTANCE OF 80.00 FEET; NORTH 00°18'39" WEST A DISTANCE OF 820.56 FEET; NORTH 08°11'06" EAST A DISTANCE OF 338.44 FEET; NORTH 00°18'39" WEST A DISTANCE OF 81.62 FEET TO THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27; THENCE NORTH 88°51'21" EAST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27 A DISTANCE OF 1101.18 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27; THENCE SOUTH 00°20'18" EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27 A DISTANCE OF 1319.88 FEET TO THE POINT OF BEGINNING, CONTAINING 34.56 ACRES MORE OR LESS.

Harvest West
PETITION FOR ANNEXATION

We represent that we are the landowners of 100% of the land described in this Petition, excluding public streets, alleys, roads, and easements, which is legally described on **Exhibit "A"** and depicted on **Exhibit "B"**, and affirm the following to be true and correct as of March 3, 2025, our petition for annexation is filed with the Town of Berthoud. Please refer to **Exhibit "C"** Supplement to Petition for Annexation for additional information narrative on the statutory requirements being met.

CONTIGUITY:

1. The perimeter of the total proposed annexations has a distance of 4934 feet of which 2421 feet are contiguous to the existing Town Limits of Berthoud.
2. The annexation is 49.1% contiguous.
3. The proposed annexations contain approximately 34.6 acres.
4. The requirements of Colorado Revised Statutes §31-12-104 and §31-12-105, exist or have been met.
5. We further allege:
 - a. It is desirable and necessary that the territory be annexed to the Town of Berthoud. Per the Town's Future Land Use Map, this parcel is within the Town's Growth Management Area.
 - b. A community of interest exists between the territory and the Town of Berthoud. This parcel has been designated as a Suburban zoning in the Town's Future Land Use Map.
 - c. The territory is integrated or capable of being integrated with the Town of Berthoud. Due to this site being located adjacent to past developments, city utilities are available to serve the parcel.
 - d. The territory is urban or will be urbanized in the near future. This site is adjacent to past developments with suburban zoning and this site has also been designated as suburban per the Future Land Use Map.
 - e. No land held in identical ownership is divided into separate parcels unless the owner of said tract has consented in writing or joins in this Petition.

- f. No proceedings for annexation of the land described in this Petition have been commenced for annexation to another municipality.
- 6. The requested zoning classification is SR (Suburban Residential) and is consistent with the Town of Berthoud Comprehensive Plan.
- 7. The Petitioners understand that there may be a significant period of time before municipal utilities will be available but anticipate that urbanization will be able to take place at a pace acceptable to them without immediate access to these utilities. Until urbanization takes place the petitioners intend to maintain their properties in their current uses, which uses are acceptable to the Town of Berthoud.
- 8. The Petitioners have submitted the petition with the intention that the property will be developed in accordance with Berthoud's Development Code, Comprehensive Plan, Municipal Code, resolutions, and ordinances.
- 9. The Petitioners are aware that Berthoud has enacted fees and policies with the intention that growth should pay its own way and that growth should improve the health, safety, and welfare of its citizens. Examples of Berthoud's fees which are acceptable to the petitioners include fees for: building, electric, construction meter, plan review, building permit administration, parks, trails and open space, public facilities infrastructure, streets, drainage, police facility infrastructure, general administration facility infrastructure, water administration, water meter, water tap, sewer tap, raw water, and other supplemental fees as appropriate.
- 10. The Petitioners understand that Berthoud is required by Colorado Revised Statutes to prepare and file an annexation impact report. The Petitioners will prepare a proposed annexation impact report and provide it to Berthoud for review and consideration six (6) weeks prior to the hearing.
- 11. The Petitioners agree to dedicate free and clear of all liens and encumbrances of any kind, and at no charge to the Town, all easements and rights-of-way for streets and other public ways and for other public purposes, within the Property as outlined in a Subdivision Improvements Agreement (approved at the time of final subdivision plat).
- 12. The Petitioners agree to dedicate, with the subdivision of the Property and at no cost to the Town, all required easements and right-of-way for installation and maintenance of infrastructure.
- 13. The Petitioners agree to design and install transportation infrastructure, utility infrastructure, and stormwater improvements to serve the Property prior to the issuance of any building permits for all or any portion of the property in accordance with Town standards. The Petitioners shall make such other improvements as

required by Town ordinances and resolutions, to guarantee construction of all required improvements, and, if requested by Berthoud, to dedicate to Berthoud any or all other required improvements. The Petitioners agrees to enter into a subdivision improvements agreement pertaining to such improvements and other matters at time of final plat.

14. The Petitioners agree that oversizing agreements may exist that the Petitioners may be responsible for his/her fair share for oversizing of infrastructure. Likewise, Petitioners acknowledges that the Town may require the Petitioners to oversize infrastructure, which would be reimbursed by subsequent developers. The Petitioners acknowledge that the Town shall facilitate reimbursement of any financial participation by the Petitioners, over and above the proportionate impact of the development. Such reimbursement shall come from new development directly connecting to the improvements.
15. The Petitioners agree to satisfy the public land dedication and landscaping requirements specified in the Town's Development Code.
16. The Petitioners agree that future development of the site will comply with any adopted infrastructure plans including but not limited to transportation, drainage, water, sewer, land use, parks, trails, open space and comprehensive plans.
17. The Petitioners agree that the design, improvement, construction, development, and use of the property shall be in conformance with, and that Petitioners shall comply with, all municipal, county, state and federal statutes, ordinances, rules and regulations.
18. The Petitioners agree that all land use approvals and building permits for the development of the Property shall be subject to requirements including, but not limited to, the payment of impact fees and development charges and other land use and development requirements in effect at the time that such proposed development applies for a building permit.
19. The Petitioners agree to convey to the Town, all water rights necessary for development and all irrigation water rights and associated carrying rights and groundwater rights associated with the property, and any related stock certificates evidencing ownership of the water rights, free and clear of all encumbrances and with all taxes and assessments related hereto paid in full, unless the Town in writing rejects any or all such water rights. Water rights may be conveyed on a pro-rata basis as building permits are issued.
20. Berthoud has various enterprise funds through which the utilities provided by Berthoud are financed. Examples of Berthoud's services are its water, wastewater, and drainage utilities. Berthoud's Board of Trustees believe that the provision of

utilities by Berthoud assists in complying with the *Berthoud Comprehensive Plan* and *Berthoud Development Code* and the petitioners request that Berthoud provide all utility services which are available now or in the future through Berthoud at a cost comparable to that which can be provided by any third party.

21. The Petitioners understand that the R2-J School District forms an integral part of the Berthoud community. Berthoud has enacted fees to support the acquisition of land by this School District. The Petitioners are aware of these fees and agree to financially support the District's land acquisition programs.

The terms of this Petition are binding on the heirs, devisers, successors and assigns of the parties. Therefore, the undersigned hereby request that the Town of Berthoud approve the annexation of the areas described herein.



Alex Hoime

3/10/2025

Date

EXHIBIT A
Harvest West
Annexation
LEGAL DESCRIPTION

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO, EXCEPTING THEREFROM THOSE PARCELS DESCRIBED IN RULE AND ORDER RECORDED JULY 19, 2000 AT RECEPTION NO. 2000048368 AND JANUARY 22, 2004 AT RECEPTION NO. 20040006992, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 27 AS BEARING SOUTH 00°20'18" EAST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 27; THENCE SOUTH 89°08'40" WEST ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27 A DISTANCE OF 1186.23 FEET TO THE EAST RIGHT-OF-WAY LINE OF HIGHWAY 287; THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF HIGHWAY 287 THE FOLLOWING FIVE (5) COURSES: NORTH 00°18'39" WEST A DISTANCE OF 6.04 FEET; NORTH 25°13'09" EAST A DISTANCE OF 80.00 FEET; NORTH 00°18'39" WEST A DISTANCE OF 820.56 FEET; NORTH 08°11'06" EAST A DISTANCE OF 338.44 FEET; NORTH 00°18'39" WEST A DISTANCE OF 81.62 FEET TO THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27; THENCE NORTH 88°51'21" EAST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27 A DISTANCE OF 1101.18 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27; THENCE SOUTH 00°20'18" EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27 A DISTANCE OF 1319.88 FEET TO THE POINT OF BEGINNING, CONTAINING 34.56 ACRES MORE OR LESS.

TOWN OF BERTHOUD, COLORADO
NOTICE OF PUBLIC HEARINGS FOR A PROJECT
Harvest West Annexation, Zoning, and Neighborhood Master Plan

PUBLIC NOTICE IS HEREBY GIVEN of a public hearing before the Berthoud Planning Commission to consider the Annexation, Zoning and a Neighborhood Master Plan on May 22, 2025 at the following time and place:

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

PUBLIC NOTICE IS HEREBY GIVEN of a public hearing before the Town Board of Trustees to consider the Annexation, Annexation Agreement, Zoning and a Neighborhood Master Plan on June 24, 2025 at the following time and place:

6:30 P.M. Town Trustees
Berthoud Town Hall
807 Mountain Avenue
Berthoud, Colorado 80513

The project is known as the Harvest West property located approximately ¼ mile west of South Berthoud Parkway and approximately ¼ mile north of County Road 4E. These hearings are for the purpose of taking applicant testimony and public comment on a proposed annexation, zoning and neighborhood master plan for land described below. The zoning request is for SR Suburban Residential. The hearing regarding the property described below will be for determining the advisability of such an annexation, the suitability of the proposed zoning, and the acceptability of the Neighborhood Master Plan, all as governed by the Berthoud Development Code.

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO, EXCEPTING THEREFROM THOSE PARCELS DESCRIBED IN RULE AND ORDER RECORDED JULY 19, 2000 AT RECEPTION NO. 2000048368 AND JANUARY 22, 2004 AT RECEPTION NO. 20040006992, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 27 AS BEARING SOUTH 00°20'18" EAST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 27; THENCE SOUTH 89°08'40" WEST ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27 A DISTANCE OF 1186.23 FEET TO THE EAST RIGHT-OF-WAY LINE OF HIGHWAY 287; THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF HIGHWAY 287 THE FOLLOWING FIVE (5) COURSES: NORTH 00°18'39" WEST A DISTANCE OF 6.04 FEET; NORTH 25°13'09" EAST A DISTANCE OF 80.00 FEET; NORTH 00°18'39" WEST A DISTANCE OF 820.56 FEET; NORTH 08°11'06" EAST A DISTANCE OF 338.44 FEET; NORTH 00°18'39" WEST A DISTANCE OF 81.62 FEET TO THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27; THENCE NORTH 88°51'21" EAST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27 A DISTANCE OF 1101.18 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE

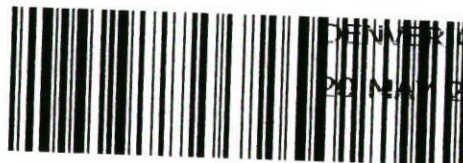
NORTHEAST QUARTER OF SECTION 27; THENCE SOUTH 00°20'18" EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27 A DISTANCE OF 1319.88 FEET TO THE POINT OF BEGINNING, CONTAINING 34.56 ACRES MORE OR LESS.

GIVEN AND POSTED this 4 day of May, 2025 and also posted for four consecutive weeks starting the week of May 25, 2025



Town of Berthoud
807 Mountain Ave
PO Box 1229
Berthoud CO 80513

CERTIFIED MAIL®



DENVER CO 802

20 MAY 2025PM 5 L

9589 0710 5270 1393 9601 38

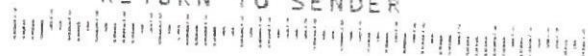
Berthoud Community Library
District
PO Box 1259 / 236 Welch Avenue
Berthoud, Colorado 80513

802 NEE 2 42418885/22/25
FORWARD TIME EXP RTN TO SEND
BERTHOUD COMMUNITY LIBRARY DISTRICT
236 WELCH AVE
BERTHOUD CO 80513-5028

INT

80513-5028

RETURN TO SENDER



ANNEXATION
34.56 ACRES



TOTAL PERIMETER OF ANNEXED PARCEL - 4,911.95'
TOTAL CONTIGUOUS BOUNDARY REQUIRED (1/8) - 822.35'
CONTIGUOUS TO PRESENT TOWN BOUNDARY - 2421.06'

[illegible]

1. BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, AS SOUTH 02°22'21" EAST ACCORDING TO THE PLATTS OF HANSEN MOORE NORTH.
2. OLD REPUBLIC NATIONAL LIFE INSURANCE COMPANY.
3. THE TOTAL AREA OF PROPERTY ADJACENT IS 34.56 ACRES.

TRANSFERRIBLE
6. THE CURRENT ZONING OF THE ANNOXED PROPERTY IN LUNNOCK-CORRATED LARGER ZONING IS R9-2, RURAL, RESIDENTIAL, THE PROPOSED ZONING IN THE TOWN OF BERTHOLOD IS SR, SUBURBAN RESIDENTIAL.

THERE ARE NO KNOWN OR ANTICIPATED MINING OPERATIONS ASSOCIATED WITH THE EXISTING SITE OR PROPOSED WITH THE PROJECT. THERE ARE NO KNOWN COMMERCIALY VIABLE MINERAL DEPOSITS ON-SITE.

WILLIAMS, JULIA, 1933-1934

THIS IS TO CERTIFY THAT THE ANNUATION OF THE ABOVE DESCRIBED PROPERTY WAS APPROVED BY ORDINANCE NO. _____ OF THE TOWN OF BETHOOD, PASSED AND ADORDED ON _____ DAY OF _____ A.D. 18____, AND THAT THE TOWN OF BETHOOD IS ALIENATED BY SAID ORDINANCE TO THE SAID ANNUATION OF THE SAID PROPERTY FOR ALL KNOWLEDGE, AND ADOPTS THE SAID ANNUATION UPON WHICH THE CERTIFICATE IS ENDORSED FOR ALL PURPOSES INDICATED HEREON.

APPROVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BETHOOD, CO. 00400 1845

DAY OF _____ A.D. _____

THE FOREGOING MAP IS APPROVED FOR FILING AND ACCEPTED BY THE TOWN OF BETHOOL,
CONNECTICUT, THIS _____ DAY OF _____ A.D., _____

ATTEST:

OWNERS CERTIFICATE

STATE OF COLORADO
SS)
COUNTY OF LAWRER)
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED TO
BE THE FREE AND VOLUNTARY ACT AND DEED OF
BY KETL HONE, MANAGER FOR HT LAND PARTNERS, L.P.
WITNESS MY HAND AND OFFICIAL SEAL
AT COMMISSION OFFICE

COMPLIONS CONTINUATI

BOUNDARY IS UNLIQUID TO THE TOWN OF BETHLEHEM, COLORADO. THE MAP WAS COMPILED USING CRISTING PLATS, DEEDS, AND LEGAL DESCRIPTIONS AND IS CORRECT TO THE

DATED THIS _____ DAY OF _____ 20____

MADE SINGAPORE, P.S. 38705



LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION
27, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY
OF LARIMER, STATE OF COLORADO.