

ORDINANCE NO. 344

AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY TO THE TOWN OF BERTHOUD,
COLORADO, TO BE KNOWN AND DESIGNATED AS WHEEL ESTATES ADDITION TO THE TOWN OF
BERTHOUD, COLORADO

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO:

Section 1. That a petition for Annexation together with four copies of a Plat of said territory as required by law was filed with the Board of Trustees October 13, 1970, by the owners of more than fifty per cent (50%) of the area of the territory hereinafter described and the Petition for Annexation contains signatures of one hundred per cent (100%) of the landowners. That the Trustees by resolution, at their regular meeting held on October 13, 1970, accepted said petition and found that the petition substantially complied with the statutory requirements set forth in C.R.S. 1963, as amended, 139-21-3, 139-21-4, and 139-21-6. The Board of Trustees determined that the applicable parts of Sections 139-21-3 and 129-21-4 have been met and further determined that an election is not required under Section 139-21-6(2) as provided in 139-21-10. The Board of Trustees determined that additional terms and conditions were not to be imposed and that the petition was signed by owners of 100% of the property proposed to be annexed, exclusive of streets and alleys. Therefore, in accordance with 139-21-6(1)(h) the Town Board determined that an ordinance to annex such territory to the municipality should be adopted without notice or hearing and without election.

Section 2. That the annexation to the Town of Berthoud of the following described territory, to be known and designated as "Wheel Estates Addition to the Town of Berthoud" is hereby approved:

A tract of land located in Section 23, Township 4 North, Range 69 West of the Sixth Principal Meridian, County of Larimer, State of Colorado, more particularly described as follows: Beginning at the Southeast corner of Mason Addition to the Town of Berthoud, Colorado; thence along the South line of said Mason Addition South $89^{\circ}04'30''$ West 339.87 feet to a point on the Easterly right-of-way line of the Colorado and Southern Railroad, said point being on a curve concave to the East, having a central angle of $0^{\circ}32'50''$ and a radius of 1382.69 feet, a radial line bears South $77^{\circ}43'00''$ West through said point; thence South-easterly along the arc of said curve and Easterly right-of-way line of said Railroad 13.21 feet to the end of said curve; thence tangent from said curve and continuing along said Easterly right-of-way line South $12^{\circ}49'50''$ East to a line that is parallel with the North line of the Northeast Quarter of Section 23, Township 4 North, Range 69 West of the 6th Principal Meridian and is 577.00 feet North (measured along the East line of the Northeast Quarter) of the Southeast corner of said Northeast Quarter; thence along said parallel line North $89^{\circ}04'30''$ East 281.40 feet more or less to the West property line of Second Street; thence along said West property line North $0^{\circ}09'40''$ East 254.80 feet to the point of beginning.

Section 3. The Board of Trustees herewith finds, determines and designates that this ordinance is necessary for the immediate preservation of the public peace, health, and safety, and whereas, in the opinion of the Board of Trustees an emergency exists, this ordinance shall take effect and be in force five (5) days after its final passage, adoption and publication.

The above ordinance was passed on the first reading and adopted by the Board of Trustees of the Town of Berthoud, Colorado, at its regular meeting held Tuesday, November 10, 1970.

Signed and approved this 10th day of November, 1970.

TOWN OF BERTHOUD

ATTEST:

Thomas C. Sean

Mayor

Lynne Bauer Town Clerk