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ORDINANCE NO. 758

AN ORDINANCE APPROVING THE ANNEXATION AND ZONING OF LAND TO THE TOWN OF BERTHOUD, COUNTY OF LARIMER, STATE OF COLORADO, TO BE KNOWN AND DESIGNATED AS THE TOLLGATE FARM SECOND ANNEXATION TO THE TOWN OF BERTHOUD, COLORADO.

WHEREAS, a Petition for Annexation together with seven copies of a Plat of said land as required were filed with the Town of Berthoud by the owners of more than fifty percent of the area of the land hereinafter described; and,

WHEREAS, the Board of Trustees by motion at its regular meeting accepted said Petition and resolved 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.; 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 are not to be imposed and that the Petition was signed by owners of more than fifty percent 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; and,

WHEREAS, the Board of Trustees finds from the evidence submitted at the annexation hearing that the requirements of: state statutes relative to the annexation of this property; the Town's Development Code; and the Town's Comprehensive Plan; have been met.

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

Section 1.

That the land described on Exhibit "A" shall be known and described as the Tollgate Farms Second Annexation to the Town of Berthoud and is hereby annexed.

The parcel described on Exhibit "A" contains 106.013 acres more or less. The portion of the annexation of the South 1/2 of the North half of Section 19 owned by the petitioners is zoned Agricultural. The remainder of the annexation consisting primarily of Weld County Road 3 and Colorado Highway 56 is zoned Transitional.

Section 2. Emergency Clause:

The Board of Trustees finds that an emergency exists and this annexation is necessary to preserve the fiscal integrity of the Town; to prevent urban sprawl; to ensure sewer and water services are available in the area; and, to minimize the health, safety and welfare concerns through the provision of police services. This ordinance to take effect immediately upon passage this 11th day of February, 1997 by a vote of 7 for and 0 opposed.

TOWN OF BERTHOUD:

  
Richard Strachan - Mayor

ATTEST:

  
Mary K. Cowdin - Town Clerk

Published: 2-13-97

EXHIBIT "A"

LEGAL DESCRIPTION

Those portions of Sections 15 through 22, Township 4 North, Range 68 West of the 6th P.M., Weld County, Colorado, described as follows:

Beginning at the Northwest corner of the South Half of the Northeast Quarter of said Section 19; thence along the North line of said South Half of the Northeast Quarter North  $89^{\circ}32'22''$  East 2557.22 feet to the West right-of-way line of Weld County Road No. 3; thence along said West right-of-way line North  $00^{\circ}32'14''$  East 1475.32 feet to the North right-of-way line of Colorado State Highway No. 56; thence along said North right-of-way line of Colorado State Highway No. 56 the following fifteen (15) courses and distances:

- 1) North  $88^{\circ}49'45''$  East 60.04 feet;
- 2) South  $46^{\circ}10'30''$  East 70.70 feet;
- 3) North  $88^{\circ}50'30''$  East 267.20 feet to the beginning of a curve concave to the South, having a central angle of  $02^{\circ}04'00''$  and a radius of 22995.00 feet, the chord of which bears North  $89^{\circ}52'30''$  East for 829.40 feet;
- 4) thence Easterly along the arc of said curve 829.44 feet;
- 5) South  $87^{\circ}51'30''$  East 792.90 feet;
- 6) North  $88^{\circ}37'00''$  East 839.50 feet;
- 7) North  $85^{\circ}04'00''$  East 1040.00 feet to the beginning of a curve concave to the South, having a central angle of  $04^{\circ}41'01''$  and a radius of 7715.00 feet, the chord of which bears North  $88^{\circ}49'30''$  East for 630.50 feet;
- 8) thence Easterly along the arc of said curve 630.68 feet;
- 9) South  $87^{\circ}03'30''$  East 751.80 feet;
- 10) North  $44^{\circ}54'30''$  East 69.10 feet;
- 11) South  $88^{\circ}50'00''$  East 28.21 feet;
- 12) North  $89^{\circ}22'42''$  East 28.79 feet;
- 13) South  $44^{\circ}56'00''$  East 72.50 feet;
- 14) North  $89^{\circ}22'00''$  East 5218.83 feet;
- 15) North  $89^{\circ}05'33''$  East 2663.01 feet

to the East line of the Southwest Quarter of said Section 15; thence along said East line South  $00^{\circ}24'00''$  East 31.90 feet to the East line of the Northwest Quarter of said Section 22; thence along said East line South  $00^{\circ}24'00''$  East 92.90 feet to the South right-of-way line of Highway 56; thence along said South right-of-way line the following twenty-five (25) courses and distances:

- 1) South  $88^{\circ}21'00''$  West 293.50 feet;
- 2) South  $89^{\circ}08'30''$  West 1960.70 feet;
- 3) South  $89^{\circ}22'32''$  West 408.87 feet;



- 4) South 00°23'00" East 50.00 feet;
- 5) South 89°19'16" West 29.96 feet;
- 6) North 45°31'00" West 70.60 feet;
- 7) South 89°22'00" West 2568.90 feet;
- 8) South 89°22'00" West 2287.50 feet to the beginning of a curve concave to the North, having a central angle of 00°41'55" and a radius of 22995.00 feet, the chord of which bears South 89°43'00" West for 280.40 feet;
- 9) thence Westerly along the arc of said curve 280.40 feet;
- 10) South 44°00'30" West 70.30 feet;
- 11) South 89°24'08" West 28.70 feet;
- 12) North 88°37'19" West 28.20 feet;
- 13) North 45°05'30" West 72.20 feet to the beginning of a curve concave to the North, having a central angle of 00°42'38" and a radius of 22995.00 feet, the chord of which bears North 89°11'30" West for 285.20 feet;
- 14) thence Westerly along the arc of said curve 285.20 feet;
- 15) North 88°50'00" West 471.80 feet;
- 16) North 88°26'00" West 500.40 feet;
- 17) South 88°37'00" West 207.00 feet;
- 18) South 83°56'00" West 602.50 feet;
- 19) South 86°29'00" West 604.20 feet to the beginning of a curve concave to the North, having a central angle of 04°25'30" and a radius of 7715.00 feet, the chord of which bears South 88°42'00" West for 595.70 feet;
- 20) thence Westerly along the arc of said curve 595.85 feet;
- 21) North 89°05'30" West 792.70 feet;
- 22) North 85°06'30" West 363.20 feet;
- 23) South 88°31'30" West 319.00 feet;
- 24) South 88°45'30" West 410.80 feet;
- 25) South 43°43'00" West 70.80 feet

to the East right-of-way line of Weld County Road No. 3; thence along said East right-of-way line of Weld County Road No. 3 South 00°32'14" West 2572.80 feet; thence South 88°49'00" West 30.00 feet to the East Quarter corner of Section 19; thence along the East-West Centerline of said Section 19 South 89°38'26" West 5097.56 feet to a line 30.00 feet Easterly, as measured at right angles from and parallel with the West line of the Northwest Quarter of said Section 19; thence along said parallel line North 00°33'39" East 1208.02 feet to the Southerly boundary line of Tollgate Farms Annexation to the Town of Berthoud; thence along said Southerly boundary line and the East and North boundary lines of said Tollgate Farms Annexation to the Town of Berthoud the following ten (10) courses and distances;

- 1) South 89°36'21" East 25.00 feet;
- 2) South 00°33'39" West 1197.62 feet;
- 3) North 89°38'26" East 100.00 feet;
- 4) North 00°33'39" East 1000.00 feet;
- 5) North 89°38'26" East 2600.00 feet;

- 6) South 00°21'34" East 999.87 feet;
- 7) North 89°38'26" East 2316.49 feet;
- 8) North 00°32'14" East 1307.01 feet;
- 9) South 89°32'22" West 2547.35 feet;
- 10) North 01°18'36" East 10.01 feet

to the Point of Beginning. Containing 106.013 acres more or less.

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