

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 ANNEXATION 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.; 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, COLORADO:

Section 1.

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

The parcel described on Exhibit "A" contains 90.940 acres and is zoned Agricultural.

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

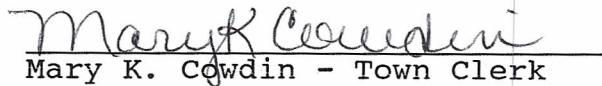
services. This ordinance is to take effect immediately upon passage this 30th day of December, 1996 by a vote of 6 for and 0 opposed.

TOWN OF BERTHOUD:



Richard Strachan - Mayor

ATTEST:



Mary K. Cowdin

Mary K. Cowdin - Town Clerk

Published: 1-9-97

EXHIBIT "A"

LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE S1/2 OF THE NW1/4 OF SECTION 19, AND IN THE S1/2 OF THE NE1/4 OF SECTION 19, ALL IN T4N, R68W OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE N1/4 CORNER OF SAID SECTION 19, FROM WHICH THE NORTHWEST CORNER OF SAID SECTION 19 BEARS S88°59'00"W, 2557.81 FEET, THENCE S01°18'36"W, 1322.92 FEET ALONG THE EAST LINE OF THE NW1/4 OF SAID SECTION 19 TO THE NORTHWEST CORNER OF THE S1/2 OF THE NE1/4 OF SAID SECTION 19 AND THE TRUE POINT OF BEGINNING;

THEN S89°18'35W, 2510.14 FEET ALONG THE SOUTH LINE OF THE N1/2 OF THE NW1/4 OF SAID SECTION 19 TO A LINE 30.00 FEET EASTERLY AS MEASURED AT RIGHT ANGLES FROM AND PARALLEL WITH THE WEST LINE OF THE NW1/4 OF SAID SECTION 19;

THENCE S00°33'39"W, 100.00 FEET ALONG A LINE 30.00 FEET EASTERLY AS MEASURED AT RIGHT ANGLES FROM AND PARALLEL WITH THE WEST LINE OF THE NW1/4 OF SAID SECTION 19;

THENCE S89°26'21"E, 25.00 FEET TO A LINE 55.00 FEET EAST AS MEASURED AT RIGHT ANGLES FROM AND PARALLEL WITH THE WEST LINE OF THE NW1/4 OF SAID SECTION 19;

THENCE S00°33'39"W, 1197.62 FEET ALONG A LINE 55.00 FEET EAST AS MEASURED AT RIGHT ANGLES FROM AND PARALLEL WITH THE WEST LINE OF THE NW1/4 OF SAID SECTION 19 TO A LINE 10.00 FEET NORTH AS MEASURED AT RIGHT ANGLES FROM AND PARALLEL WITH THE EAST-WEST CENTERLINE OF SAID SECTION 19;

THENCE N89°38'26"E, 100.00 FEET ALONG A LINE 10.00 FEET NORTH AS MEASURED AT RIGHT ANGLES FROM AND PARALLEL WITH THE EAST-WEST CENTERLINE OF SAID SECTION 19;

THENCE N00°33'39"E, 1000.00 FEET PARALLEL WITH THE WEST LINE OF THE NW1/4 OF SAID SECTION 19;

THENCE N89°38'26"E, 2600.00 FEET PARALLEL WITH THE EAST-WEST CENTERLINE OF SAID SECTION 19;

THENCE S00°21'34"E, 999.87 FEET AT RIGHT ANGLES FROM THE EAST-WEST CENTERLINE OF SAID SECTION 19 TO A LINE 10.00 FEET NORTH AS MEASURED AT RIGHT ANGLES FROM AND PARALLEL WITH THE EAST-WEST CENTERLINE OF SAID SECTION 19;

THENCE N89°38'26"E, 2316.49 FEET ALONG A LINE 10.00 FEET NORTH AS MEASURED AT RIGHT ANGLES FROM AND PARALLEL WITH THE EAST-WEST CENTERLINE OF SAID SECTION 19 TO A LINE 40.00 FEET WESTERLY AS MEASURED AT RIGHT ANGLES FROM AND PARALLEL WITH THE EAST LINE OF THE NW1/4 OF SAID SECTION 19;

THENCE N00°32'14"E, 1307.01 FEET ALONG A LINE 40.00 FEET
WESTERLY AS MEASURED AT RIGHT ANGLES FROM AND PARALLEL WITH EAST
LINE OF THE NE1/4 OF SAID SECTION 19 TO A LINE 10.00 FEET SOUTH
AS MEASURED AT RIGHT ANGLES FROM AND PARALLEL WITH THE NORTH
LINE OF THE S1/2 OF THE NE1/4 OF SAID SECTION 19;

THENCE S89°32'22"W, 2547.35 FEET ALONG A LINE 10.00 FEET SOUTH
AS MEASURED AT RIGHT ANGLES FROM AND PARALLEL WITH THE NORTH
LINE OF THE S1/2 OF THE NE1/4 OF SAID SECTION 19 TO THE EAST LINE
OF THE NW1/4 OF SAID SECTION 19;

THENCE N01°18'36"E, 10.01 FEET ALONG THE EAST LINE OF THE NW1/4
OF SAID SECTION 19 TO THE TRUE POINT OF BEGINNING.

AREA = .90.940 ACRES, MORE OR LESS

TOTAL PERIPHERY OF AREA TO BE ANNEXED	= 14,713.49
1/6TH TOTAL PERIPHERY	= 2,452.25
CONTIGUITY OR DISTANCE OF AREA ADJACENT TO CITY LIMITS	= 2,510.14