

ORDINANCE NO. 729

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 FOURTH STREET FIRST, SECOND, THIRD AND FOURTH ANNEXATIONS 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 Exhibits "A", "B", "C" and "D" to be known and described as the Fourth Street First Annexation, Fourth Street Second Annexation, Fourth Street Third Annexation and Fourth Street Fourth Annexation to the Town of Berthoud, are hereby annexed.

The above described parcels contain a total of 88.905 acres and shall each be zoned T-Transitional.

Section 2. Effective Date:

The Board of Trustees of the Town of Berthoud herewith finds, determines and designates that this Ordinance shall take effect and be in force 30 days after publication.

At its meeting August 8, 1995, a public hearing was set by the Board of Trustees of the Town of Berthoud for its meeting held on the 22nd day of August, 1995. After the public hearing,

✓ Town of Berthoud  
P.O. Box 1229  
Berthoud, CO 80513

the Ordinance was read, passed and ordered published by the Board of Trustees at its meeting this 22nd day of August, 1995.

TOWN OF BERTHOUD:



Richard Strachan - Mayor

ATTEST:



Mary K. Cowdin  
Mary K. Cowdin - Town Clerk

Published: 8-24-95

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EXHIBIT "A"

**Fourth Street First Annexation**

A parcel of land being located in the Northeast Quarter of Section 14 and the Southeast Quarter of Section 11, Township 4 North, Range 69 West of the 6th Principal Meridian, Larimer County, Colorado being more particularly described as follows:

Beginning at the Southeast Corner of said Section 11 and considering the South line of the Southeast Quarter of said Section 11 as bearing South  $89^{\circ}43'15''$  West and with all bearings contained herein relative thereto; thence along said South line South  $89^{\circ}43'15''$  West 1613.32 feet to the TRUE POINT OF BEGINNING; said point being the Northwest Corner of Berthoud Apartments Subdivision according to the plat on file in the office of the Clerk and Recorder, said County; thence along the West line of said Berthoud Apartments Subdivision South  $00^{\circ}01'27''$  West 415.70 feet to a point on the North line of North Park Addition Second Filing; thence along said North line South  $89^{\circ}43'16''$  West 30.00 feet; thence departing said North line and along the Westerly right-of-way line of Fourth Street North  $00^{\circ}01'27''$  East 415.70 feet to a point on the North line of the Northeast Quarter of said Section 14; thence along said North line South  $89^{\circ}43'15''$  West 20.00 feet; thence departing said North line and along the West right-of-way line of Fourth Street North  $00^{\circ}01'23''$  East 651.96 feet; thence North  $89^{\circ}43'15''$  East 15.00 feet; thence North  $00^{\circ}01'23''$  East 219.00 feet; thence departing said West right-of-way line South  $89^{\circ}38'37''$  East 35.00 feet; thence South  $00^{\circ}01'23''$  West 870.77 feet to the TRUE POINT OF BEGINNING.

The above described parcel contains 1.211 acres more or less.

EXHIBIT "B"

**Fourth Street Second Annexation**

Legal Description of a tract of land being a portion of the South half of Section 11, Township 4 North, Range 69 West of the 6th P.M., Larimer County, Colorado being more particularly described as follows:

Beginning at the Southeast Corner of said Section 11 and considering the South line of the Southeast Quarter of said Section 11 as bearing South  $89^{\circ}43'15''$  West and with all bearings contained herein relative thereto; thence along said South line South  $89^{\circ}43'15''$  West 1583.32 feet to the TRUE POINT OF BEGINNING; said TRUE POINT OF BEGINNING being a point on the Northerly line of Berhoud Apartments Subdivision according to the plat on file in the office of the Clerk and Recorder, said County; thence along said North line South  $89^{\circ}43'15''$  West 30.00 feet to the Northwest Corner of said Berhoud Apartments Subdivision also being a point on the East line of Fourth Street First Annexation; thence along said East line North  $00^{\circ}01'23''$  East 870.77 feet to the Northeast Corner of said Fourth Street First Annexation; thence continuing North  $00^{\circ}01'23''$  East 1798.44 feet to a point on the East-West centerline of said Section 11 from which point the West One Quarter Corner of said Section 11 bears North  $89^{\circ}50'25''$  West 3678.38 feet; thence along said East-West centerline South  $89^{\circ}50'25''$  East 30.00 feet to a point on the Northerly prolongation of the East right-of-way line of Fourth Street; thence along said Northerly prolongation and said East right-of-way line South  $00^{\circ}01'23''$  West 2668.98 feet to the TRUE POINT OF BEGINNING.

The above described tract of land contains 1.838 acres more or less.

Legal Description of a tract of land being a portion of Section 11, Township 4 North, Range 69 West of the 6th Principal Meridian, Larimer County, Colorado being more particularly described as follows:

Beginning at the Southeast Corner of said Section 11 and considering the South line of the Southeast Quarter of said Section 11 as bearing South 89°43'15" West and with all bearings contained herein relative thereto; thence along said South line South 89°43'15" West 1583.32 feet to a point on the Northerly line of Berthoud Apartments Subdivision according to the plat on file in the office of the Clerk and Recorder said County; thence along said North line South 89°43'15" West 30.00 feet to the Northwest Corner of said Berthoud Apartments Subdivision; also being a point on the East line of 4th Street First Annexation; thence along said East line North 00°01'23" East 870.77 feet to the Northeast Corner of said 4th Street First Annexation; said point being the TRUE POINT OF BEGINNING; thence North 89°58'37" West 35.00 feet to a point on the West right-of-way line of said 4th Street; thence along said right-of-way line North 00°01'23" East 628.95 feet; thence South 89°59'35" East 5.00 feet; thence continuing along said West right-of-way line North 00°01'23" East 1199.56 feet to a point on the North right-of-way line of County Road 10E; thence along said North right-of-way line South 89°50'25" East 22.30 feet to a point on the West line of that certain tract of land described in deed, recorded in Book 8607, Page 6888, records of said County; thence along said West line North 01°02'23" West 469.99 feet to the Northwest Corner of said tract of land; said point being the Southwest Corner of that certain parcel of land described in deed, recorded in Book 8602, Page 8584, records of said County; thence along the West line of said parcel of land North 03°00'08" West 56.90 feet to the Southeast Corner of that certain tract of land described in deed, recorded in Book 812, Page 160, records of said County; thence along the Southerly line of said tract of land North 87°56'23" West 354.80 feet; thence North 02°51'37" East 240.30 feet; thence North 83°34'16" West 254.76 feet; thence departing said tract of land and along the North line of that certain tract of land described in deed, recorded in Book 2122, Page 441, records of said County, the following five courses and distances; South 66°03'54" West 54.41 feet; thence South 62°22'36" West 94.99 feet; thence South 76°55'23" West 194.59 feet; thence South 77°00'19" West 32.97 feet; thence South 65°18'44" West 167.72 feet to a point on the East line of that certain tract of land described in deed, recorded in Book 8800, Page 470 records of said County; thence along the East and North lines of said tract of land North 01°32'23" West 149.60 feet; thence North 59°31'30" West 389.21 feet to the Northeast Corner of that certain tract of land described in deed, recorded in Book 8606, Page 1685, records of said County; thence along the Northerly line of said tract of land the following two courses and distances; North 59°31'30" West 41.03 feet; thence North 41°07'46" West 212.63 feet to the Northwest Corner of said tract of land; said point also being a point on the Northerly line of that certain tract of land described in deed, recorded in Book 8801, Page 5608, records of said County; thence along said Northerly line North 41°40'25" West 79.49 feet; thence departing said Northerly line North 42°45'37" East 1177.70 feet to a point on the Westerly line of that certain tract of land described in deed, recorded in Book 8602, Page 8584, records of said County; thence along the Westerly line of said tract of land the following courses and distances; North 57°08'52" East 112.00 feet; thence South 55°21'08" East 637.74 feet; thence South 44°34'00" East 48.59 feet; thence South 16°35'23" East 115.44 feet; thence South 41°33'23" East 27.88 feet; thence South 14°48'23" East 255.10 feet; thence South 14°00'37" West 226.20 feet; thence South 40°29'37" West 256.00 feet; thence South 48°35'23" East 200.80 feet; thence South 51°30'23" East 225.80 feet; thence South 01°39'37" West 113.60 feet; thence departing said Westerly line North 90°00'00" East 25.21 feet; thence South 08°00'08" East 84.79 feet to a point on the Northerly line of that certain tract of land described in deed, recorded in Book 8607, Page 6888, records of said County; thence departing said Northerly line South 01°02'23" East 472.45 feet to a point on the Northerly right-of-way line of County Road 10E; thence along said Northerly right-of-way line South 89°50'25" East 7.69 feet; thence departing said Northerly right-of-way line South 00°01'23" West 30.00 feet to a point on the East-West centerline of said Section 14; said point also being the Northeast corner of 4th Street Second Annexation; thence along said East-West centerline North 89°50'25" West 30.00 feet to the Northwest Corner of said 4th Street Second Annexation from which point the West One Quarter Corner of said Section bears North 89°50'25" West 3678.38 feet; thence along the Westerly line of said 4th Street Second Annexation South 00°01'23" West 1798.44 feet to the TRUE POINT OF BEGINNING.

The above described tract of land contains 36.372 acres more or less.

Legal Description of a tract of land being a portion of Section 11, Township 4 North, Range 69 West of the 6th Principal Meridian, Larimer County, Colorado being more particularly described as follows:

"Beginning at the Southeast Corner of said Section 11 and considering the South line of the Southeast Quarter of said Section 11 as bearing South  $89^{\circ}43'15''$  West and with all bearings contained herein relative thereto; thence along said South line South  $89^{\circ}43'15''$  West 1583.32 feet to a point on the Northerly line of Berthoud Apartments Subdivision according to the plat on file in the office of the Clerk and Recorder said County; thence along said North line South  $89^{\circ}43'15''$  West 30.00 feet to the Northwest Corner of said Berthoud Apartments Subdivision; also being a point on the East line of 4th Street First Annexation; thence along said East line North  $00^{\circ}01'23''$  East 870.77 feet to the Northeast Corner of said 4th Street First Annexation; said point being the TRUE POINT OF BEGINNING; thence North  $89^{\circ}58'37''$  West 35.00 feet to a point on the West right-of-way line of said 4th Street; thence along said right-of-way line North  $00^{\circ}01'23''$  East 628.95 feet; thence South  $89^{\circ}59'35''$  East 5.00 feet; thence continuing along said West right-of-way line North  $00^{\circ}01'23''$  East 1199.56 feet to a point on the North right-of-way line of County Road 10E; thence along said North right-of-way line South  $89^{\circ}50'25''$  East 22.30 feet to a point on the West line of that certain tract of land described in deed, recorded in Book 8607, Page 6888, records of said County; thence along said West line North  $01^{\circ}02'23''$  West 469.99 feet to the Northwest Corner of said tract of land; said point being the Southwest Corner of that certain parcel of land described in deed, recorded in Book 8602, Page 8584, records of said County; thence along the West line of said parcel of land North  $08^{\circ}00'08''$  West 56.90 feet to the Southeast Corner of that certain tract of land described in deed, recorded in Book 812, Page 160, records of said County; thence along the Southerly line of said tract of land North  $87^{\circ}56'23''$  West 354.80 feet; thence North  $02^{\circ}51'37''$  East 240.30 feet; thence North  $83^{\circ}34'16''$  West 254.76 feet; thence departing said tract of land and along the North line of that certain tract of land described in deed, recorded in Book 2122, Page 441, records of said County, the following five courses and distances; South  $66^{\circ}03'54''$  West 54.41 feet; thence South  $62^{\circ}22'36''$  West 94.99 feet; thence South  $76^{\circ}55'23''$  West 194.59 feet; thence South  $77^{\circ}00'19''$  West 32.97 feet; thence South  $65^{\circ}18'44''$  West 167.72 feet to a point on the East line of that certain tract of land described in deed, recorded in Book 8800, Page 470 records of said County; thence along the East and North lines of said tract of land North  $01^{\circ}32'23''$  West 149.60 feet; thence North  $59^{\circ}31'30''$  West 389.21 feet to the Northeast Corner of that certain tract of land described in deed, recorded in Book 8606, Page 1685, records of said County; thence along the Northerly line of said tract of land the following two courses and distances; North  $59^{\circ}31'30''$  West 41.03 feet; thence North  $41^{\circ}07'46''$  West 212.63 feet to the Northwest Corner of said tract of land; said point also being a point on the Northerly line of that certain tract of land described in deed, recorded in Book 8801, Page 5608, records of said County; thence along said Northerly line North  $41^{\circ}40'25''$  West 79.49 feet; thence departing said Northerly line North  $42^{\circ}45'37''$  East 1177.70 feet to a point on the Westerly line of that certain tract of land described in deed, recorded in Book 8602, Page 8584, records of said County; thence along the Westerly line of said tract of land the following courses and distances; North  $57^{\circ}08'52''$  East 112.00 feet; thence South  $55^{\circ}21'08''$  East 637.74 feet; thence South  $44^{\circ}34'00''$  East 48.59 feet; thence South  $16^{\circ}35'23''$  East 115.44 feet; thence South  $41^{\circ}33'23''$  East 27.88 feet; thence South  $14^{\circ}48'23''$  East 255.10 feet; thence South  $14^{\circ}00'37''$  West 226.20 feet; thence South  $40^{\circ}29'37''$  West 256.00 feet; thence South  $48^{\circ}35'23''$  East 200.80 feet; thence South  $51^{\circ}30'23''$  East 225.80 feet; thence South  $01^{\circ}39'37''$  West 113.60 feet; thence departing said Westerly line North  $90^{\circ}00'00''$  East 25.21 feet; thence South  $08^{\circ}00'08''$  East 84.79 feet to a point on the Northerly line of that certain tract of land described in deed, recorded in Book 8607, Page 6888, records of said County; thence departing said Northerly line South  $01^{\circ}02'23''$  East 472.45 feet to a point on the Northerly right-of-way line of County Road 10E; thence along said Northerly right-of-way line South  $89^{\circ}50'25''$  East 7.69 feet; thence departing said Northerly right-of-way line South  $00^{\circ}01'23''$  West 30.00 feet to a point on the East-West centerline of said Section 14; said point also being the Northeast corner of 4th Street Second Annexation; thence along said East-West centerline North  $89^{\circ}50'25''$  West 30.00 feet to the Northwest Corner of said 4th Street Second Annexation from which point the West One Quarter Corner of said Section bears North  $89^{\circ}50'25''$  West 3678.38 feet; thence along the Westerly line of said 4th Street Second Annexation South  $00^{\circ}01'23''$  West 1798.44 feet to the TRUE POINT OF BEGINNING.

The above described tract of land contains 36.372 acres more or less.

Legal Description of a tract of land being a portion of the North half of Section 11, Township 4 North, Range 69 West of the 6th Principal Meridian, Larimer County, Colorado being more particularly described as follows:

Beginning at the Southeast corner of said Section 11 and considering the South line of the Southeast Quarter of said Section 11 as bearing South  $89^{\circ}43'15''$  West and with all bearings contained herein relative thereto; thence along said South line South  $89^{\circ}43'15''$  West 1583.32 feet to a point on the Northerly line of Berthoud Apartments Subdivision according to the plat on file in the office of the Clerk and Recorder, said County; thence along said North line South  $89^{\circ}43'15''$  West 30.00 feet to the Northwest Corner of said Berthoud Apartments Subdivision; also being a point on the East line of Fourth Street First Annexation; thence along said East line North  $00^{\circ}01'23''$  East 870.77 feet to the Northeast corner of said Fourth Street First Annexation; said point being the Southeast corner of Fourth Street Third Annexation; thence along the South line of said Third Annexation North  $89^{\circ}58'37''$  West 35.00 feet to a point on the West right-of-way line of said Fourth Street; thence along said right-of-way line North  $00^{\circ}01'23''$  East 628.95 feet; thence South  $89^{\circ}59'35''$  East 5.00 feet; thence continuing along said West right-of-way line North  $00^{\circ}01'23''$  East 1199.56 feet to a point on the North right-of-way line of County Road 10E; thence along said North right-of-way line South  $89^{\circ}50'25''$  East 22.30 feet to a point on the West line of that certain tract of land described in deed, recorded in Book 8607, Page 6888, records of said County; thence along said West line North  $01^{\circ}02'23''$  West 469.99 feet to the Northwest corner of said tract of land; said point being the Southwest corner of that certain parcel of land described in deed, recorded in Book 8602, Page 8584, records of said County; thence along the West line of said parcel of land North  $08^{\circ}00'08''$  West 56.90 feet to the Southeast corner of that certain tract of land described in deed, recorded in Book 812, Page 160, records of said County; thence along the Southerly line of said tract of land North  $87^{\circ}56'23''$  West 354.80 feet; thence North  $02^{\circ}51'37''$  East 240.30 feet; thence North  $83^{\circ}34'16''$  West 254.76 feet; thence departing said tract of land and along the North line of that certain tract of land described in deed, recorded in Book 2122, Page 441, records of said County the following five courses and distances; South  $66^{\circ}03'54''$  West 54.41 feet; thence South  $62^{\circ}22'36''$  West 94.99 feet; thence South  $76^{\circ}55'23''$  West 194.59 feet; thence South  $77^{\circ}00'19''$  West 32.97 feet; thence South  $65^{\circ}18'44''$  West 167.72 feet to a point on the East line of that certain tract of land described in deed, recorded in Book 8800, Page 470 records of said County; thence along the East and North lines of said tract of land North  $01^{\circ}32'23''$  West 149.60 feet; thence North  $59^{\circ}31'30''$  West 389.21 feet to the Northeast corner of that certain tract of land described in deed, recorded in Book 8606, Page 1685 records of said County; thence along the Northerly line of said tract of land the following two courses and distances; North  $59^{\circ}31'30''$  West 41.03 feet; thence North  $41^{\circ}07'46''$  West 212.63 feet to the Northwest corner of said tract of land; said point also being a point on the Northerly line of that certain tract of land described in deed, recorded in Book 8801, Page 5608, records of said County; thence along said Northerly line North  $41^{\circ}40'25''$  West 79.49 feet to the TRUE POINT OF BEGINNING; thence continuing along said Northerly line North  $64^{\circ}13'25''$  West 551.30 feet; thence North  $72^{\circ}24'25''$  West 575.30 feet; thence North  $29^{\circ}54'25''$  West 792.85 feet; thence North  $22^{\circ}39'25''$  West 353.31 feet more or less to a point on the North line of said Section 11; thence along said North line South  $89^{\circ}55'25''$  East 1787.86 feet to the Northwest corner of that certain parcel of land described in deed, recorded in Book 8602, Page 8584, records of said County; thence along the West line of said parcel of land South  $41^{\circ}02'08''$  East 284.74 feet; thence South  $49^{\circ}17'08''$  East 529.08 feet to a point on the Northwesterly line of said Fourth Street Third Annexation; thence along said Northwesterly line South  $42^{\circ}45'37''$  West 1177.70 feet to the TRUE POINT OF BEGINNING.

The above described tract of land contains 49.484 acres more or less.

Legal Description of a tract of land being a portion of the North half of Section 11, Township 4 North, Range 69 West of the 6th Principal Meridian, Larimer County, Colorado being more particularly described as follows:

Beginning at the Southeast corner of said Section 11 and considering the South line of the Southeast Quarter of said Section 11 as bearing South  $89^{\circ}43'15''$  West and with all bearings contained herein relative thereto; thence along said South line South  $89^{\circ}43'15''$  West 1583.32 feet to a point on the Northerly line of Berthoud Apartments Subdivision according to the plat on file in the office of the Clerk and Recorder, said County; thence along said North line South  $89^{\circ}43'15''$  West 30.00 feet to the Northwest Corner of said Berthoud Apartments Subdivision; also being a point on the East line of Fourth Street First Annexation; thence along said East line North  $00^{\circ}01'23''$  East 870.77 feet to the Northeast corner of said Fourth Street First Annexation; said point being the Southeast corner of Fourth Street Third Annexation; thence along the South line of said Third Annexation North  $89^{\circ}58'37''$  West 35.00 feet to a point on the West right-of-way line of said Fourth Street; thence along said right-of-way line North  $00^{\circ}01'23''$  East 628.95 feet; thence South  $89^{\circ}59'35''$  East 5.00 feet; thence continuing along said West right-of-way line North  $00^{\circ}01'23''$  East 1199.56 feet to a point on the North right-of-way line of County Road 10E; thence along said North right-of-way line South  $89^{\circ}50'25''$  East 22.30 feet to a point on the West line of that certain tract of land described in deed, recorded in Book 8607, Page 6888, records of said County; thence along said West line North  $01^{\circ}02'23''$  West 469.99 feet to the Northwest corner of said tract of land; said point being the Southwest corner of that certain parcel of land described in deed, recorded in Book 8602, Page 8584, records of said County; thence along the West line of said parcel of land North  $08^{\circ}00'08''$  West 56.90 feet to the Southeast corner of that certain tract of land described in deed, recorded in Book 812, Page 160, records of said County; thence along the Southerly line of said tract of land North  $87^{\circ}56'23''$  West 354.80 feet; thence North  $02^{\circ}51'37''$  East 240.30 feet; thence North  $83^{\circ}34'16''$  West 254.76 feet; thence departing said tract of land and along the North line of that certain tract of land described in deed, recorded in Book 2122, Page 441, records of said County the following five courses and distances; South  $66^{\circ}03'54''$  West 54.41 feet; thence South  $62^{\circ}22'36''$  West 94.99 feet; thence South  $76^{\circ}55'23''$  West 194.59 feet; thence South  $77^{\circ}00'19''$  West 32.97 feet; thence South  $65^{\circ}18'44''$  West 167.72 feet to a point on the East line of that certain tract of land described in deed, recorded in Book 8800, Page 470 records of said County; thence along the East and North lines of said tract of land North  $01^{\circ}32'23''$  West 149.60 feet; thence North  $59^{\circ}31'30''$  West 389.21 feet to the Northeast corner of that certain tract of land described in deed, recorded in Book 8606, Page 1685 records of said County; thence along the Northerly line of said tract of land the following two courses and distances; North  $59^{\circ}31'30''$  West 41.03 feet; thence North  $41^{\circ}07'46''$  West 212.63 feet to the Northwest corner of said tract of land; said point also being a point on the Northerly line of that certain tract of land described in deed, recorded in Book 8801, Page 5608, records of said County; thence along said Northerly line North  $41^{\circ}40'25''$  West 79.49 feet to the TRUE POINT OF BEGINNING; thence continuing along said Northerly line North  $64^{\circ}13'25''$  West 551.30 feet; thence North  $72^{\circ}24'25''$  West 575.30 feet; thence North  $29^{\circ}54'25''$  West 792.85 feet; thence North  $22^{\circ}39'25''$  West 353.31 feet more or less to a point on the North line of said Section 11; thence along said North line South  $89^{\circ}55'25''$  East 1787.86 feet to the Northwest corner of that certain parcel of land described in deed, recorded in Book 8602, Page 8584, records of said County; thence along the West line of said parcel of land South  $41^{\circ}02'08''$  East 284.74 feet; thence South  $49^{\circ}17'08''$  East 529.08 feet to a point on the Northwesterly line of said Fourth Street Third Annexation; thence along said Northwesterly line South  $42^{\circ}45'37''$  West 1177.70 feet to the TRUE POINT OF BEGINNING.

The above described tract of land contains 49.484 acres more or less.