

ORDINANCE NO. 984

AN ORDINANCE OF THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, PROVIDING FOR A CHANGE FROM TRANSITIONAL (T) ZONING DISTRICT CLASSIFICATION AND USE DESIGNATION TO PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT CLASSIFICATION AND USE DESIGNATION FOR 8.12 ACRES, MORE OR LESS, OF LAND LOCATED ON THE NORTHWEST CORNER OF 4TH STREET AND LCR 10E; AND PROVIDING FOR AN EFFECTIVE DATE. (COLE PROPERTY)

WHEREAS, Rob and Betty Cole, the fee simple property owners, have applied for a change in zoning for 8.12 acres, more or less, of land from Transitional (T) zoning district classification and use designation to Planned Unit Development zoning district classification and use designation; and

WHEREAS, on January 8th 2004, the Planning and Zoning Commission recommended approval of the requested change in zoning; and

WHEREAS, the Town Board finds that the change in zoning will be in compliance with the 1992 Comprehensive Plan, the 2001 Land Use Plan, and the 2001 Town of Berthoud Park Development Plan; NOW, THEREFORE

THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD HEREBY ORDAINS:

SECTION I. Zoning Designation

That the zoning district classification and use designation of the 8.12 acre property described in the legal description attached hereto and incorporated herein as Exhibit A is changed from Transitional (T) zoning district classification and use designation to Planned Unit Development zoning district classification and use designation:

SECTION II. 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 thirty (30) days after publication.

At its meeting December 16, 2003, a public hearing was set by the Board of Trustees of the Town of Berthoud for its meeting held on the 13th day of January, 2004. After the public hearing, this Ordinance was read, passed and ordered published by the Board of Trustees at its meeting this 13th day of January, 2004.

ATTEST:

Mary K. Cowdin
Mary Cowdin, Town Clerk

TOWN OF BERTHOUD:

Milan Karspeck
Milan Karspeck, Mayor

APPROVED AS TO LEGAL FORM:

R. Bruce Fickel
Bruce Fickel, Town Attorney

Published: Jan. 22, 2004

TOWN OF BERTHOUD
PO BOX 1229
BERTHOUD CO 80513

SCOTT DOYLE, CLERK
LARIMER COUNTY CO

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EXHIBIT A
COLE PROPERTY REZONING

Property Description (Cole Kingdom Rezoning) :

That portion of Section 11, Township 4 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado, being more particularly described as follows;

Considering the East-West centerline of said Section 11 as bearing North $89^{\circ}12'00''$ West and with all bearings contained herein relative thereto;

Beginning at the East One Quarter corner of said Section 11; thence along the East-West centerline of said Section 11, North $89^{\circ}12'00''$ West 1647.00 feet to a point on the Westerly line of the Fourth Street Third Annexation to the Town of Berthoud, Colorado and the TRUE POINT OF BEGINNING; thence departing said East-West centerline and along said Westerly line, South $00^{\circ}39'48''$ West 30.00 feet to the Southerly right of way of Larimer County Road No. 10E; thence departing said Westerly line and along said Southerly right of way, North $89^{\circ}12'00''$ West 526.37 feet to the Southerly prolongation of the West line of that certain parcel of land as described in deed recorded at Reception No. 2000050504, records of said County; thence departing said Southerly right of way and along the Southerly prolongation of said West line and along said West line, North $00^{\circ}48'00''$ East 840.98 feet to a point on the Southerly line of the Fourth Street Third Annexation to the Town of Berthoud, Colorado; thence departing said West line and along said Southerly lines and the Westerly lines of said Fourth Street Third Annexation to the Town of Berthoud, Colorado the following seven (7) courses and distances, South $84^{\circ}35'00''$ East 166.28 feet; South $01^{\circ}54'00''$ West 240.30 feet; South $88^{\circ}54'00''$ East 354.80 feet; South $08^{\circ}57'45''$ East 56.90 feet; South $02^{\circ}00'00''$ East 469.99 feet; North $89^{\circ}12'00''$ West 22.30 feet; South $00^{\circ}39'48''$ West 30.00 feet to a point on the East-West centerline of said Section 11 and the TRUE POINT OF BEGINNING.

The above described parcel contains 8.12 acres, more or less, and is subject to any existing easements and/or rights of way of record.