

ORDINANCE NO. #1138

AN ORDINANCE REZONING REAL PROPERTY KNOWN AS THE JONES SUBDIVISION, SECOND FILING HERETOFORE ZONED AG: AGRICULTURE BY THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO.

Section 1.

WHEREAS, the applicant has submitted an application for rezoning and paid the attendant fee and the owner of the property has requested the Town of Berthoud to rezone the property.

Section 2.

WHEREAS, pursuant to the Planning and Zoning Ordinances of the Town of Berthoud, the Board of Trustees determines that the hereinafter-described area of the Town requires rezoning.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO:

Section 3.


The property described on Exhibit "A" and depicted on Exhibit "B" attached hereto and incorporated herein by reference and known as the Jones Subdivision, Second Filing being a portion of the Town of Berthoud, Larimer County, Colorado, is rezoned from AG: Agriculture to R1: Single-family residential and R3: Multi-family District.

Section 4. 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 on February 21, 2012, a public hearing was set by the Board of Trustees of the Town of Berthoud for its meeting held on the 20th day of March, 2012. After the public hearing, this Ordinance was read, passed and ordered published by the Board of Trustees at its meeting this 20th day of March, 2012.

ATTEST:


Mary K. Cowdin - Town Clerk

TOWN OF BERTHOUD:


T.P. Patterson - Mayor

Published: 3-29-12

Approved as to form:

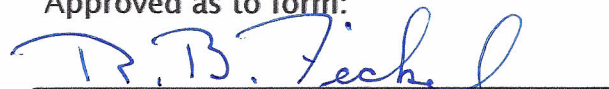

R.B. Fickel, Town Attorney

EXHIBIT "A"

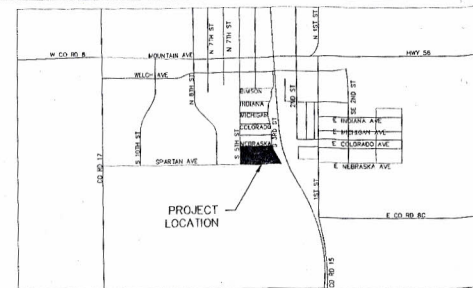
A PORTION OF THE NORTHEAST 1/4 OF SECTION 23, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH P.M., TOWN OF BERTHOUD, COUNTY OF LARIMER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF THE JONES SUBDIVISION, SECOND FILING, AS RECORDED AT RECEPTION #236929 IN THE RECORDS OF THE CLERK AND RECORDER OF SAID LARIMER COUNTY, BEING ON THE EAST RIGHT-OF-WAY LINE OF S. 5TH STREET; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE S00°56'51"W, A DISTANCE OF 395.17 FEET TO A POINT ON THE EAST-WEST CENTERLINE OF SECTION 23; THENCE ALONG SAID EAST-WEST CENTERLINE S89°09'19"E, A DISTANCE OF 1114.21 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE COLORADO AND SOUTHERN RAILROAD; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE N17°31'16"W, A DISTANCE OF 35.21 FEET; THENCE CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE ON A CURVE TO THE RIGHT 138.17 FEET, SAID CURVE HAVING A RADIUS OF 2500.00 FEET, A DELTA OF 03°10'00", AND A CHORD THAT BEARS N15°56'16"W, A DISTANCE OF 138.15 FEET; THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE ON A CURVE TO THE RIGHT 217.02 FEET, SAID CURVE HAVING A RADIUS OF 5164.00 FEET, A DELTA OF 02°24'28", AND A CHORD THAT BEARS N13°09'02"W, A DISTANCE OF 217.00 FEET TO THE MOST EASTERLY CORNER OF SAID JONES SUBDIVISION SECOND FILING; THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID JONES SUBDIVISION, SECOND FILING, THE FOLLOWING FIVE (5) COURSES AND DISTANCES; (1) S77°25'56"W, A DISTANCE OF 164.70 FEET; (2) THENCE N89°53'52"W, A DISTANCE OF 70.46 FEET; (3) THENCE N31°31'01"W, A DISTANCE OF 5.00 FEET; (4) THENCE ALONG A TANGENT CURVE TO THE RIGHT 71.24 FEET, SAID CURVE HAVING A RADIUS OF 230.00 FEET, A DELTA OF 17°44'52", AND A CHORD THAT BEARS N22°38'41"W, A DISTANCE OF 70.96 FEET; (5) THENCE S89°58'59"W, A DISTANCE OF 748.50 FEET TO THE POINT OF BEGINNING, CONTAINING 9.43± ACRES.

EXHIBIT "B"

REZONING MAP

JONES SUBDIVISION, SECOND FILING

9.43 ACRE PARCEL
TOWN OF BERTHOUD, LARIMER & WELD COUNTY, COLORADO



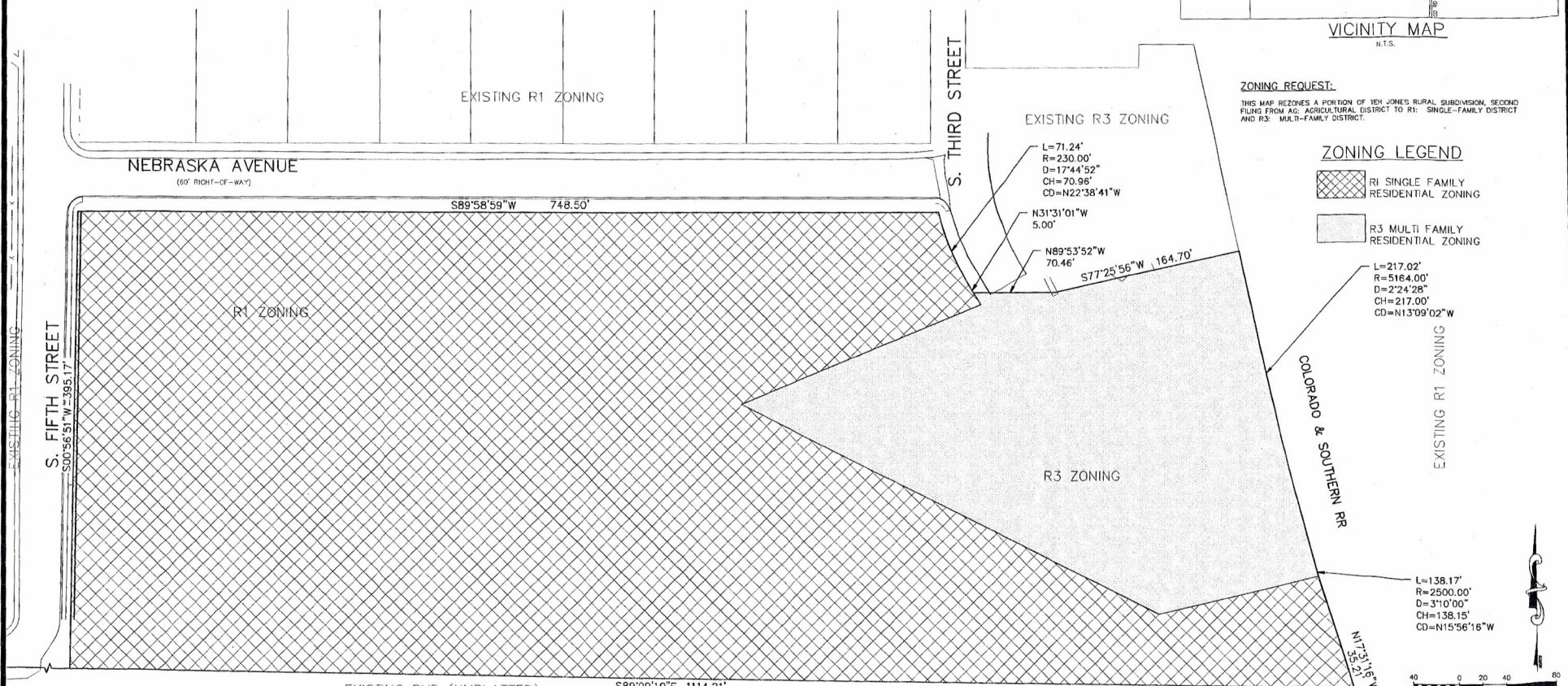
VICINITY MAP
N.T.S.

ZONING REQUEST:

THIS MAP REZONES A PORTION OF THE JONES RURAL SUBDIVISION, SECOND FILING FROM AG- AGRICULTURAL DISTRICT TO R1- SINGLE-FAMILY DISTRICT AND R3- MULTI-FAMILY DISTRICT.

ZONING LEGEND

- R1 SINGLE FAMILY RESIDENTIAL ZONING
- R3 MULTI FAMILY RESIDENTIAL ZONING



LEGAL DESCRIPTION:
A PORTION OF THE NORTHEAST 1/4 OF SECTION 23, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH P.M., TOWN OF BERTHOUD, COUNTY OF LARIMER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF THE JONES SUBDIVISION, SECOND FILING, AS RECORDED AT RECEPTION #236929 IN THE RECORDS OF THE CLERK AND RECORDER OF SAID LARIMER COUNTY, BEING ON THE EAST RIGHT-OF-WAY LINE OF S. 5TH STREET; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE S00°56'51"W 395.17' TO A POINT ON THE EAST-WEST CENTERLINE OF SECTION 23; THENCE ALONG SAID EAST-WEST CENTERLINE S89°09'19"E A DISTANCE OF 1114.21 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE COLORADO AND SOUTHERN RAILROAD; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE N17°31'16"W, A DISTANCE OF 35.21 FEET; THENCE CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE ON A CURVE TO THE RIGHT 138.17 FEET, SAID CURVE HAVING A RADIUS OF 2500.00 FEET, A DELTA OF 03°10'00", AND A CHORD THAT BEARS N15°56'16"W, A DISTANCE OF 138.15 FEET; THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE ON A CURVE TO THE RIGHT 217.02 FEET, SAID CURVE HAVING A RADIUS OF 5164.00 FEET, A DELTA OF 02°24'28", AND A CHORD THAT BEARS N13°09'02"W, A DISTANCE OF 217.00 FEET TO THE MOST EASTERLY CORNER OF SAID JONES SUBDIVISION SECOND FILING; THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID JONES SUBDIVISION, SECOND FILING, THE FOLLOWING FIVE (5) COURSES AND DISTANCES: (1) S77°25'56"W, A DISTANCE OF 164.70 FEET; (2) THENCE N89°53'52"W, A DISTANCE OF 70.46 FEET; (3) THENCE N31°31'01"W, A DISTANCE OF 5.00 FEET; (4) THENCE ALONG A TANGENT CURVE TO THE RIGHT 71.24 FEET, SAID CURVE HAVING A RADIUS OF 230.00 FEET, A DELTA OF 17°44'52", AND A CHORD THAT BEARS N22°38'41"W, A DISTANCE OF 70.96 FEET; (5) THENCE S89°58'59"W, A DISTANCE OF 748.50 FEET TO THE POINT OF BEGINNING CONTAINING 9.434 ACRES.

EXISTING PUD (UNPLATTED)

S89°09'19"E 1114.21'

ENGINEER'S CERTIFICATE:

I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS IN THE STATE OF COLORADO.

JOEL SEABOARD
REGISTERED PROFESSIONAL ENGINEER
STATE OF COLORADO, FE #37182
PARK ENGINEERING CONSULTANTS
420 21ST AVENUE, SUITE 101
LOHMOULT, CO 80501

DATE

CERTIFICATE OF APPROVAL BY TOWN OF BERTHOUD

THIS IS TO CERTIFY THAT THE REZONING OF THE ABOVE DESCRIBED PROPERTY WAS APPROVED BY ORDINANCE NO. 1138 OF THE TOWN OF BERTHOUD, PASSED AND ADOPTED ON THE 20TH DAY OF MARCH A.D. 2012 AND THAT THE MAYOR OF THE TOWN OF BERTHOUD AS AUTHORIZED BY SAID ORDINANCE ON BEHALF OF THE TOWN HEREBY FOR ALL ACKNOWLEDGES AND ADOPTS SAID ORDINANCE REZONING THE PROPERTY AS DESCRIBED.

APPROVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO, THIS 20TH DAY OF MARCH, A.D. 2012.

"P. PATTERSON, MAYOR" DATE
THE FOREGOING MAP IS APPROVED FOR FILING AND ACCEPTED BY THE TOWN OF BERTHOUD, COLORADO, THIS
DAY OF A.D. 2012.

ATTEST:
MARY K. COOPER, TOWN CLERK

ORIGINAL SCALE: 1"=40'

PARK ENGINEERING CONSULTANTS
420 21ST AVENUE, SUITE 101
LOHMOULT CO. 80501 (303)951-6626

JONES SUBDIVISION, SECOND FILING

REZONING MAP

JOB NO	DATE	CAD NO	SHEET NO
521-2	03-28-12	52128ResRed	1 OF 1