

ORDINANCE NO. 1125

AN ORDINANCE REZONING CERTAIN REAL PROPERTY FROM T-TRANSITIONAL TO PUD-PLANNED UNIT DEVELOPMENT AND APPROVING THE LUDLOW FARMS OVERALL DEVELOPMENT PLAN BY THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO.

WHEREAS, the applicants have submitted an application for rezoning of a portion of the Ludlow Farms Annexation from T-Transitional to PUD-Planned Unit Development and paid the attendant fee and the owners thereof have requested that Town of Berthoud rezone such property consisting of approximately 305.780 acres more or less and described and depicted on Exhibits "A" and "B", respectively, attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, at its meeting on July 23, 2009, the Town of Berthoud Planning and Zoning Commission recommended that the Board of Trustees of the Town of Berthoud (the "Board") approve the rezoning and approve the Ludlow Farms Overall Development Plan for the Property (excepting certain rights-of-way), a copy of which is attached hereto as Exhibit "C" and incorporated herein by reference; and

WHEREAS, notice of this hearing has been given in accordance with the requirements of the *Development Code* of the Town of Berthoud; and

WHEREAS, the Board has reviewed the rezoning and Ludlow Farms Overall Development Plan in a public hearing, and finds that the rezoning and Ludlow Farms Overall Development Plan (i) are consistent with the Town of Berthoud, Colorado Comprehensive Plan and preferred land use map; (ii) meet the applicable requirements of the *Development Code* of the Town of Berthoud, including without limitation, the standards set forth in Section 30-5-400 of the *Development Code*; and (ii) are in the best interest of the Town of Berthoud as a whole, and therefore the rezoning and Ludlow Farms Overall Development Plan should be approved.

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

Section 1. Approval of the Rezoning:

The Property is hereby rezoned from T-Transitional to PUD-Planned Unit Development.

Section 2. Approval of the Overall Development Plan:

The Ludlow Farms Overall Development Plan on file with the Planning Department of the Town of Berthoud, a copy of which is attached at Exhibit "C", is hereby approved.

Section 3. Effective Date:

The Board herewith finds, determines and designates that this Ordinance shall take effect and be in force 30 days after publication of its adoption on second reading.

At its meeting on November 9, 2010, this Ordinance was introduced, read and ordered published in full by the Board.

ATTEST:

Mary K. Cowdin
Mary K. Cowdin - Town Clerk

TOWN OF BERTHOUD:

T.P. Patterson - Mayor

T.P. Patterson

At its meeting on November 30, 2010, which meeting was at least ten (10) days after first publication, this Ordinance was adopted and ordered published in full by the Board.

ATTEST:

Mary K. Cowdin
Mary K. Cowdin - Town Clerk

TOWN OF BERTHOUD:

T.P. Patterson - Mayor

T.P. Patterson

First Publication: November 18, 2010

Second Publication: December 16, 2010

Effective Date: January 15, 2011

EXHIBIT "A"
LEGAL DESCRIPTION OF PROPERTY

A PARCEL OF LAND LOCATED IN THE EAST HALF OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 22; THENCE SOUTH 88° 58'41" WEST 1324.43 FEET; THENCE NORTH 00° 00'00" EAST 15.02 FEET TO A POINT 0.50' NORTH OF THE SOUTHERLY FENCE LINE OF THE LUDLOW FARMS PROPERTY; THENCE ALONG A LINE 0.50' NORTH OF AND PARALLEL TO THE FENCE LINE THE FOLLOWING SIX COURSES; 1) THENCE SOUTH 87° 58'10" WEST 188.67 FEET; 2) THENCE NORTH 89° 44'42" WEST 152.83 FEET; 3) THENCE SOUTH 89° 41'13" WEST 204.24 FEET; 4) THENCE SOUTH 89° 27'38" WEST 219.93 FEET; 5) THENCE SOUTH 89° 09'36" WEST 232.13 FEET; 6) THENCE NORTH 88° 08'48" WEST 107.18 FEET TO A POINT ON THE EASTERN CDOT RIGHT-OF-WAY LINE OF STATE HIGHWAY 287 AS DESCRIBED BY DEED RECORDED AT RECEPTION NO. 2001095115 OF LARIMER COUNTY RECORDS; THENCE ALONG SAID PARCEL OF LAND THE FOLLOWING THREE COURSES; 1) THENCE NORTH 07° 32'40" WEST 255.72 FEET; 2) THENCE NORTH 00° 11'45" WEST 2122.27 FEET; 3) THENCE NORTH 23° 13'29" WEST 420.99 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF STATE HIGHWAY 287; THENCE NORTH 23° 13'29" WEST 77.15 FEET TO A POINT ON THE WEST LINE OF THE EAST HALF OF SECTION 22; THENCE ALONG SAID WEST LINE NORTH 00° 20'26" WEST 1886.94 FEET; THENCE NORTH 46° 06'35" EAST 41.39 FEET TO THE SOUTHWEST CORNER OF A PARCEL OF LAND AS DESCRIBED BY DEED RECORDED AT RECEPTION NO. 301855, BK. 514, PG. 115 OF LARIMER COUNTY RECORDS; THENCE ALONG SAID PARCEL OF LAND NORTH 46° 06'35" EAST 718.20 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF STATE HIGHWAY 56; THENCE ALONG SAID RIGHT OF WAY LINE NORTH 88° 43'55" EAST 2094.91 FEET TO A POINT ON THE EAST LINE OF SECTION 22 WHENCE THE NORTHEAST CORNER OF SECTION 22 BEARS NORTH 00° 41'14" WEST 30.00 FEET; THENCE ALONG SAID EAST LINE SOUTH 00° 41'14" EAST 2623.05 FEET TO THE EAST ONE-QUARTER OF SECTION 22;

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THENCE SOUTH 00°05'27" EAST 2652.82 FEET TO THE SOUTHEAST CORNER OF SECTION 22
AND THE POINT OF BEGINNING CONTAINING 305.780 ACRES MORE OR LESS.

EXHIBIT "B"
LUDLOW FARMS REZONING MAP

See copy of Ludlow Farms Rezoning Map on file with
the Planning Department of the Town of Berthoud.

EXHIBIT "C"
LUDLOW FARMS OVERALL DEVELOPMENT PLAN

See copy of Ludlow Farms Overall Development Plan on file with
the Planning Department of the Town of Berthoud.