

TOWN OF BERTHOUD

ORDINANCE NO. 1248

**AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF BERTHOUD
TO ESTABLISH THE ZONING OF PROPERTY KNOWN AS THE “KOSTK ANNEXATION”
NEWLY ANNEXED TO THE TOWN OF BERTHOUD**

WHEREAS, an ordinance approving the annexation of certain property known as the “Kostka annexation,” as more particularly described in Exhibit A attached hereto (the “Property”), to the Town of Berthoud by Ordinance 2018 No. 1247 was passed by the Board of Trustees of the Town of Berthoud on July 10th, 2018; and,

WHEREAS, Section 31-12-115, Colorado Revised Statutes, requires that newly annexed property be zoned within 90 days of the effective date of the annexation ordinance; and,

WHEREAS, the Planning Commission previously has considered the zoning request related to Resolution No. 2018-20 and pending Annexation Ordinance 2018-No.1247, and has recommended that the Property be zoned “Single Family Residential (R-1)” upon its annexation into the Town; and,

WHEREAS, notice previously was been posted and published as required by law and a public hearing was conducted before the Board of Trustees on July 10, 2018, at which time the zoning of the Property to “Single Family Residential (R-1)” was approved by the Board, to become effective upon the completion of the annexation of the Property into the Town; and

WHEREAS, the Board desires to ratify and confirm the zoning approval for the Property to become effective concurrent with the legal effectiveness of Annexation Ordinance 2018 -No. 1247.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD:

Section 1. Upon the legal effectiveness of the annexation of the Property to the Town of Berthoud in accordance with Section 31-12-113(2)(b), Colorado Revised Statutes, the official zoning map of the Town of Berthoud shall be amended by the inclusion of the Property zoned as “Single Family Residential (R-1).”

Section 2. The Property known as the “Kostka Annexation” is hereby zoned “Single Family Residential (R-1),” subject to the terms and conditions approved by the Town.

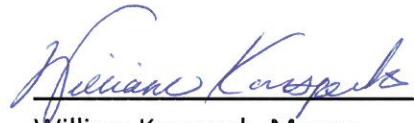
Section 3. Interpretation. This Ordinance shall be so interpreted and construed to effectuate its general purpose.

Section 4. Publication. The Town Clerk shall certify to the passage of this Ordinance, cause its contents to be published, and, when the annexation of the Property becomes effective in accordance with section 31-12-113(2)(b), Colorado Revised Statutes, shall cause the appropriate change to be made to the official Berthoud Zoning District Map.

Section 5. Effective Date: The effective date of this ordinance shall be the later of the effective date of the Annexation of "Kostka Annexation" and thirty days after publication of this ordinance.

PASSED, ADOPTED, SIGNED AND APPROVED this the 10th day of July, 2018

TOWN OF BERTHOUD


William Karspeck, Mayor

ATTEST:

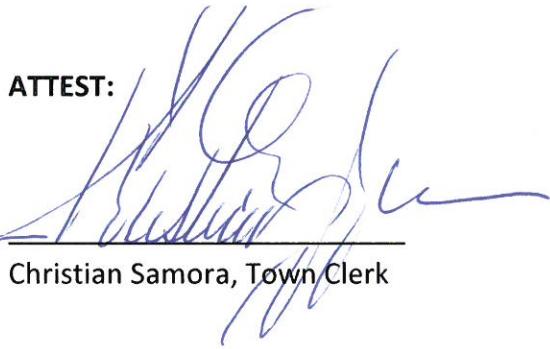

Christian Samora, Town Clerk



EXHIBIT A
Legal Description of the Property

The property is described as follows:

KNOW ALL PERSONS BY THESE PRESENTS: That the undersigned, being the owners and petitioners of a portion of the North Half Section 11, Township 4 North, Range 69 West of the 6th Principal Meridian, Town of Berthoud, County of Larimer, State of Colorado, more particularly described as follows:

Considering the East-West centerline of said Section 11 as bearing East and West and with all bearings contained herein relative thereto:

Beginning at the East Quarter corner of said Section 11; thence along the South line of the North Half of said Section 11, North 90°00'00" West 3264.50 feet; thence departing said South line North 00°00'00" West 30.00 feet to a point on the North line of Hammond Annexation No. 4 to the Town of Berthoud as recorded under Reception Number 2001098687 of the Real Property Records of the County of Larimer and the North Right-of-Way line of Larimer County Road 10E, said point also being the Southeast corner of that parcel of land described in warranty deed recorded under Reception Number 20170080302 of the Real Property Records of the County of Larimer and the True Point of Beginning; thence along the North line of said Hammond Annexation No. 4 and said North Right-of-Way line North 90°00'00" West 209.00 feet to a point for the Southwest corner of said tract; thence departing said North Right-of-way and along the Westerly and Northerly lines of said parcel the following four (4) courses and distances, North 00°00'00" West 179.00 feet, North 90°00'00" East 104.00 feet, North 00°00'00" W 60.00 feet, North 90°00'00" East 105.00 feet to the Northeast corner of said parcel; thence along the East line of said tract South 00°00'00" West 239.00 feet to Southeast corner of said parcel and the True Point of Beginning.

The above described parcel contains 43,711 square feet (1.001 acres), more or less, and is subject to all existing easements and/or rights of way of record.