

RESOLUTION NO: 12-09

A RESOLUTION FINDING AN ANNEXATION PETITION SUBMITTED BY SMILIN' II LLC, S. REID LUDLOW AND JEAN E. COWLES TO ANNEX APPROXIMATELY 304.064 ACRES SUBSTANTIALLY COMPLIES WITH THE REQUIREMENTS OF SECTION 31-12-107(1), C.R.S. AND SETTING A PUBLIC HEARING ON THE PETITION TO CONSIDER ANNEXATION OF THE PROPERTY.

WHEREAS, C.R.S. § 31-12-101 *et seq.*, the Municipal Annexation Act of 1965 ("the Act") provides that a municipality may accept petitions for annexation of property upon finding substantial compliance of the petitions with the Act and annex such properties separately or in a series considered together; and

WHEREAS, the Town of Berthoud has received a Petition for Annexation, which Petition is attached hereto as Exhibit A and incorporated herein, to annex the property described in said Petition to the Town of Berthoud; and

WHEREAS, the Board of Trustees of the Town of Berthoud finds the Petition to be in substantial compliance with the requirements of C.R.S. § 31-12-107(1); and

WHEREAS, the Board of Trustees of the Town of Berthoud must set a public hearing to determine if the proposed annexation complies with the Act and the Berthoud Development Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO THAT:

Section 1. The Board of Trustees of the Town of Berthoud finds that the Petition for Annexation attached as Exhibit A, is in substantial compliance with the requirements of Section 31-12-107(1), C.R.S. and Chapter 30-8 of the Town's Development Code and the annexation proceedings to consider the annexation of the properties described therein to the Town of Berthoud have been initiated.

Section 2. A public hearing is set for a regular meeting of the Board of Trustees of the Town of Berthoud on August 11, 2009 at 7:00 p.m. at the Berthoud Town Hall, 328 Massachusetts Avenue, Berthoud, Colorado to determine if the proposed annexation complies with the Municipal Annexation Act of 1965 and the Berthoud Municipal Code, and determine whether the property will be annexed to the Town of Berthoud.

Section 3. The Town Clerk shall give such notice as required by law and the Town staff shall develop and deliver any annexation impact report as required by law.

This resolution was passed by a vote of 7 in favor and 0 opposed at the regular meeting of the Board of Trustees on the 23rd day of June, 2009.

TOWN OF BERTHOUD:

ATTEST:
T.P. Patterson, Mayor

Mary K. Cowdin
Mary K. Cowdin, Town Clerk

EXHIBIT A
LUDLOW ANNEXATION PETITION

LEGAL DESCRIPTION:

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 2426.00 FEET TO THE SOUTHEAST CORNER OF A PARCEL OF LAND 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 281.48 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 ALONG SAID EAST RIGHT OF WAY LINE NORTH 00°20'26" WEST 403.19 FEET TO THE SOUTHWEST CORNER OF A PARCEL OF LAND AS DESCRIBED BY DEED RECORDED AT RECEPTION NO. 2001095117 OF LARIMER COUNTY RECORDS; THENCE ALONG SAID PARCEL OF LAND ALONG THE ARC OF A CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 75.00 FEET, A CENTRAL ANGLE OF 132°38'40", CHORD OF SAID ARC BEARS NORTH 00°20'26" WEST 137.37 FEET) A DISTANCE OF 173.63 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF STATE HIGHWAY 287; THENCE ALONG SAID EAST RIGHT OF WAY LINE NORTH 00°20'26" WEST 1445.97 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; THENCE SOUTH 00°05'27" EAST 2652.82 FEET TO THE SOUTHEAST CORNER OF SECTION 22 AND THE POINT OF BEGINNING CONTAINING 304.781 ACRES MORE OR LESS.

EXCEPTING THEREFROM THAT PORTION OF THE EAST HALF OF SAID SECTION 22 CONVEYED OR DEDICATED TO PUBLIC USE BY THE INSTRUMENT RECORDED AT RECEPTION NO. 97035299 OF THE LARIMER COUNTY RECORDS, COUNTY OF LARIMER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 22 AND THE WEST RIGHT OF WAY LINE OF LARIMER COUNTY ROAD 17 WHENCE THE SOUTHEAST CORNER OF SECTION 22 BEARS NORTH 88°58'41" EAST 30.00 FEET; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE NORTH 00°05'27" WEST 2052.83 FEET; THENCE SOUTH 89°54'33" WEST 10.00 FEET; THENCE SOUTH 00°05'27" EAST 312.97 FEET; THENCE SOUTH 89°54'33" WEST 10.00 FEET; THENCE SOUTH 00°05'27" EAST 1072.00 FEET; THENCE NORTH 89°54'33" EAST 10.00 FEET; THENCE SOUTH 00°05'27" EAST 668.02 FEET TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 22; THENCE ALONG SAID SOUTH LINE NORTH 88°58'41" EAST 10.00 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED EXCEPTION CONTAINS 0.717 ACRES MORE OR LESS.

THE NET AREA OF THE ABOVE DESCRIBED PARCEL OF LAND IS 304.064 ACRES MORE OR LESS.