

RESOLUTION NO. 16-06

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

1. At a regular meeting of the Board of Trustees on December 12, 2006, the annexation petition for the Overlook at Dry Creek Annexation No. 1, No. 2, No. 3 and No. 4 was submitted to the Board of Trustees by the Clerk as a communication pursuant to Section 31-12-107(1)(f), C.R.S. The location of the properties is described on Exhibit "A" attached hereto and incorporated herein by reference.

2. The Board of Trustees reviewed the petition and found that the requirements set forth in Section 31-12-107(1)(f), C.R.S. had been substantially complied with.

3. Pursuant to Section 31-12-108(1), C.R.S., the Board of Trustees hereby sets the date for the hearing on the annexation petition for January 23, 2007 at 7:30 P.M. in the Town of Berthoud Board Room located at 328 Massachusetts Avenue, Berthoud, Colorado. Notice of this hearing is to be published.

4. The purpose of this hearing shall be to determine whether the areas proposed to be annexed meet the applicable requirements of Sections 31-12-104 and 31-12-105, C.R.S. and are eligible for annexation.

5. In the event the Board of Trustees finds that the statutory prerequisites for annexation have been met, the Board will hold a public hearing on the ordinance annexing the properties.

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 12th day of December, 2006.

TOWN OF BERTHOUD:


Mary K. Cowdin - Town Clerk


Milan Karspeck - Mayor

PUBLISH: Dec. 21 & 28, 2006, Jan. 4, 11 & 18, 2007

"EXHIBIT A"
OVERLOOK AT DRY CREEK

ANNEXATION NO. 1

A TRACT OF LAND LOCATED IN THE SE1/4 OF SECTION 22, AND IN THE SW1/4 OF SECTION 23, T4N, R69W OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 26, FROM WHICH THE W1/4 CORNER OF SAID SECTION 26 BEARS S00°00'00"E, 2653.02 FEET, THENCE N00°10'13"E, 670.50 FEET ALONG THE WEST LINE OF THE SW1/4 OF SAID SECTION 23 TO THE SOUTH LINE OF THE SCHMIDT FARM ANNEXATION AND THE TRUE POINT OF BEGINNING;

THENCE N88°15'59"W, 30.01 FEET ALONG THE SOUTH LINE OF SAID SCHMIDT FARM ANNEXATION TO THE WESTERLY RIGHT-OF-WAY LINE OF LARIMER COUNTY ROAD NO. 17;

THENCE S00°10'13"W, 1.00 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID LARIMER COUNTY ROAD NO. 17;

THENCE S88°15'59"E, 69.03 FEET;

THENCE S00°10'13"W, 139.01 FEET;

THENCE S89°49'41"E, 1.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID LARIMER COUNTY ROAD NO. 17 AS DESCRIBED IN DEED RECORDED AT RECEPTION NO. 97045864 OF THE RECORDS OF LARIMER COUNTY, COLORADO;

THENCE N00°10'13"W, 139.98 FEET ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID LARIMER COUNTY ROAD NO. 17 TO THE SOUTH LINE OF SAID SCHMIDT FARM ANNEXATION;

THENCE N88°15'59"W, 40.02 FEET ALONG THE SOUTH LINE OF SAID SCHMIDT FARM ANNEXATION TO THE WEST LINE OF THE SW1/4 OF SAID SECTION 23 AND THE TRUE POINT OF BEGINNING.

AREA = 208.99 SQUARE FEET, MORE OR LESS

ANNEXATION NO. 2

A TRACT OF LAND LOCATED IN THE SE1/4 OF SECTION 22, THE SW1/4 OF SECTION 23, THE NE1/4 OF SECTION 27 AND THE NW1/4 OF SECTION 26, ALL IN T4N, R69W OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 26, FROM WHICH THE W1/4 CORNER OF SAID SECTION 26 BEARS S00°00'00"E, 2653.02 FEET, THENCE N00°10'13"E, 670.50 FEET ALONG THE WEST LINE OF THE SW1/4 OF SAID SECTION 23 TO THE SOUTH LINE OF THE SCHMIDT FARM ANNEXATION; THENCE N88°15'59"W, 30.01

ALONG THE SOUTH LINE OF SAID SCHMIDT FARM ANNEXATION TO THE WESTERLY RIGHT-OF-WAY LINE OF LARIMER COUNTY ROAD NO. 17; THENCE S00°10'13"W, 1.00 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID LARIMER COUNTY ROAD NO. 17 TO THE TRUE POINT OF BEGINNING;

THENCE S88°15'59"E, 69.03 FEET;

THENCE S00°10'13"W, 139.01 FEET;

THENCE S89°49'41"E, 1.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID LARIMER COUNTY ROAD NO. 17 AS DESCRIBED IN DEED RECORDED AT RECEPTION NO. 97045864 OF THE RECORDS OF LARIMER COUNTY, COLORADO;

THENCE S05°14'24"W, 452.65 FEET TO THE WEST LINE OF THE SW1/4 OF SAID SECTION 23;

THENCE N02°43'55"W, 592.53 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID LARIMER COUNTY ROAD NO. 17 AND THE TRUE POINT OF BEGINNING.

AREA = 0.535 ACRES, MORE OR LESS

ANNEXATION NO. 3

A PORTION OF LOT 2, HICKS MRD 59-89 AND A TRACT OF LAND LOCATED IN THE NE1/4 OF SECTION 27, THE NW1/4 OF SECTION 26, AND THE SW1/4 OF SECTION 23, T4N, R68W OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 26 FROM WHICH THE W1/4 CORNER OF SAID SECTION 26 BEARS S00°00'00"E, 2653.02 FEET, THENCE N00°10'13"E, 670.50 FEET ALONG THE WEST LINE OF SAID SECTION 26 TO THE SOUTH LINE OF THE SCHMIDT FARM ANNEXATION; THENCE N88°15'59"W, 30.01 ALONG THE SAID SOUTH LINE OF SCHMIDT FARM ANNEXATION TO THE WESTERLY RIGHT-OF-WAY LINE OF LARIMER COUNTY ROAD NO. 17; THENCE S00°10'13"W, 1.00 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID LARIMER COUNTY ROAD NO. 17 TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING S00°10'13"W, 670.36 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID LARIMER COUNTY ROAD NO. 17;

THENCE S00°00'00"E, 2012.41 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID LARIMER COUNTY ROAD NO. 17;

THENCE N01°57'59"E, 2042.42 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID LARIMER COUNTY ROAD NO. 17;

THENCE N00°10'13"E, 500.45 FEET ALONG THE EASTERLY LINE OF SAID LARIMER COUNTY ROAD NO. 17;

THENCE S05°14'24"W, 452.65 FEET TO THE WEST LINE OF THE SW1/4 OF SAID SECTION 23;

THENCE N02°43'55"W, 592.53 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID LARIMER COUNTY ROAD NO. 17 AND THE TRUE POINT OF BEGINNING.

AREA = 2.133 ACRES, MORE OR LESS

ANNEXATION NO. 4

A PORTION OF LOT 2, HICKS MRD 59-89 AND A TRACT OF LAND LOCATED IN THE NE1/4 OF SECTION 27, THE NW1/4 OF SECTION 26, AND THE SW1/4 OF SECTION 23, T4N, R69W OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 26 FROM WHICH THE W1/4 CORNER OF SAID SECTION 26 BEARS S00°00'00"E, 2653.02 FEET, THENCE N00°10'13"E, 670.50 FEET ALONG THE WEST LINE OF SAID SECTION 26 TO THE SOUTH LINE OF THE SCHMIDT FARM ANNEXATION; THENCE N88°15'59"W, 30.01 ALONG THE SAID SOUTH LINE OF SCHMIDT FARM ANNEXATION TO THE WESTERLY RIGHT-OF-WAY LINE OF LARIMER COUNTY ROAD NO. 17; THENCE S00°10'13"W, 670.36 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID LARIMER COUNTY ROAD NO. 17; THENCE S00°00'00"W, 2012.41 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID LARIMER COUNTY ROAD NO. 17 TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING S00°00'00"E, 670.80 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID LARIMER COUNTY ROAD NO. 17 TO THE SOUTHERLY RIGHT-OF-WAY LINE OF LARIMER COUNTY ROAD NO. 4E;

THENCE N89°43'47"E, 1524.77 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID LARIMER COUNTY ROAD NO. 4E TO AN EAST LINE EXTENDED SOUTHERLY OF SAID LOT 2;

THENCE N00°01'45"W, 1353.65 FEET ALONG AN EAST LINE EXTENDED SOUTHERLY AND AN EAST LINE OF SAID LOT 2 TO THE SOUTH LINE OF THE N1/2 OF THE NW1/4 OF SAID SECTION 26;

THENCE N89°50'22"E, 1153.75 FEET ALONG A SOUTHERLY LINE OF SAID LOT 2 TO THE NORTHEAST CORNER OF THE S1/2 OF THE NW1/4 OF SAID SECTION 26;

THENCE N00°01'45"W, 1137.14 FEET ALONG THE EAST LINE OF THE NW1/4 OF SAID SECTION 26 TO THE NORTHERLY LINE OF SAID LOT 2;

THE FOLLOWING SEVEN (7) COURSES AND DISTANCES ARE ALONG THE NORTHERLY LINE OF SAID LOT 2:

THENCE N60°00'08"W, 293.89 FEET;

THENCE N89°43'45"W, 1045.83 FEET;

THENCE N61°25'22"W, 122.71 FEET;

THENCE S89°58'40"W, 460.00 FEET;

THENCE S47°47'32"W, 634.08 FEET;

THENCE N61°51'29"W, 199.76 FEET;

THENCE S89°17'23"W, 83.32 FEET TO THE EASTERLY RIGHT-OF-WAY OF LARIMER COUNTY ROAD NO. 17 AS DESCRIBED IN DEED RECORDED AT RECEPTION NO. 97042648 OF THE RECORDS OF LARIMER COUNTY, COLORADO;

THENCE N00°00'00"W, 304.40 FEET ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID LARIMER COUNTY ROAD NO. 17 TO THE NORTH LINE OF LOT 1, IN SAID HICKS MRD 59-89;

THENCE N00°10'13"E, 28.81 FEET ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID LARIMER COUNTY ROAD NO. 17;

THENCE N89°58'07"W, 10.00 FEET ALONG THE NORTH LINE OF SAID LOT 1 TO THE EASTERLY LINE OF LARIMER COUNTY ROAD NO. 17;

THENCE S01°57'59"W, 2042.42 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID LARIMER COUNTY ROAD NO. 17 TO THE TRUE POINT OF BEGINNING.

AREA = 122.041 ACRES, MORE OR LESS