

TOWN OF BERTHOUD

ORDINANCE NO. 1324

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

WHEREAS, an ordinance approving the annexation of certain property known as the “Ludlow Sliver Annexation,” as more particularly described in Exhibit A attached hereto (the “Property”), to the Town of Berthoud by Ordinance No. 1321 was passed by the Board of Trustees of the Town of Berthoud on September 12, 2023; 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. 2023-19 and pending Annexation Ordinance 1323, and has recommended that the Property be zoned “Suburban Residential (SR)” 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 September 12, 2023, at which time the zoning of the Property to “Suburban Residential (SR)” was approved by the Board, to become effective upon the completion of the annexation of the Property into the Town more particularly described in Exhibit A and found in Exhibit B; and

WHEREAS, the Board desires the zoning approval for the Property to become effective concurrent with the legal effectiveness of Annexation Ordinance 1323.

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

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 “Suburban Residential (SR).”

Section 2. The Property known as the “Ludlow Sliver Annexation” is hereby zoned “Suburban Residential (SR),” 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.

EXHIBIT A: LEGAL DESCRIPTION

A parcel of land being a part of the Southeast Quarter of Section 22, 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:

Considering the South line of the Southeast Quarter of said Section 22, as bearing South 89°06'41" West, with the South Quarter corner of Section 22 being monumented by a 3-1/4" aluminum cap and the Southeast corner of Section 22 being monumented by a 2-1/2" aluminum cap stamped LS 12374, and with all bearings contained herein relative thereto:

COMMENCING at the South Quarter corner of said Section 22, thence along the South line of the Southeast Quarter of Section 22, North 89°06'41" East, a distance of 223.67 feet to a point on the Easterly right-of-way line U.S. Highway 287, said point being the POINT OF BEGINNING;

THENCE North 07°21'53" West, a distance of 25.76 feet to the Southwest corner of Lot 9, Ludlow Farms - Conveyance Plat, recorded at Reception No. 2011008205, Larimer County Clerk and Recorder;

THENCE along the Southerly line of Lot 9 the following seven (7) courses and distances:

South 88°00'48" East, a distance of 107.18 feet;

THENCE North 89°17'36" East, a distance of 232.13 feet;

THENCE North 89°35'38" East, a distance of 219.93 feet;

THENCE North 89°49'13" East, a distance of 204.24 feet;

THENCE South 89°36'42" East, a distance of 152.83 feet;

THENCE North 88°06'10" East, a distance of 188.67 feet;

THENCE South 00°08'00" West, a distance of 15.02 feet to said South line of the Southeast Quarter of Section 22;

THENCE departing said South line of Lot 9, along the South line of the Southeast Quarter of said Section 22, South 89°06'41" West a distance of 1101.58 feet to the POINT OF BEGINNING.

The above-described parcel of land contains 19,011 square feet or 0.436 acres, more or less (\pm), and may be subject to easements and rights-of-way now on record or existing.

LUDLOW FARMS ANNEXATION No. 2 AND REZONE MAP

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH P.M.,
TOWN OF BERTHOUD, COUNTY OF LARIMER, STATE OF COLORADO

DESCRIPTION OF REZONING AREA PLD TO SUBURBAN RESIDENTIAL

A parcel of land being a part of the Southeast Quarter of Section 22, 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:

Considering the South line of the Southeast Quarter of said Section 22, as bearing South 89°00'41" West, with the South Quarter corner of Section 22 being monumented by a 3" aluminum cap and the Southeast corner of Section 22 being monumented by a 3" aluminum cap stamped LS 12374, and with all bearings contained herein relative thereto:

COMMENCING at the South Quarter corner of said Section 22, thence along the South line of the Southeast Quarter of Section 22, North 89°00'41" East, a distance of 225.67 feet to a point on the Easterly right-of-way line of S. Highway 287, said point being the **POINT OF BEGINNING**;

THENCE North 67°21'53" West, a distance of 25.76 feet to the Southwest corner of Lot 9, Ludlow Farms - Conveyance Plat, recorded at Reception No. 2011068295, Larimer County Clerk and Recorder;

THENCE along the Southerly line of Lot 9 the following seven (7) courses and distances:

South 88°00'48" East, a distance of 107.15 feet;

THENCE North 89°17'36" East, a distance of 252.13 feet;

THENCE North 89°45'58" East, a distance of 219.93 feet;

THENCE North 89°49'13" East, a distance of 204.24 feet;

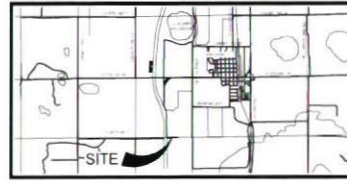
THENCE South 89°46'42" East, a distance of 152.53 feet;

THENCE North 88°06'10" East, a distance of 188.67 feet;

THENCE South 00°09'00" West, a distance of 15.02 feet to said South line of the Southeast Quarter of Section 22;

THENCE departing said South line of Lot 9, along the North line of the Southeast Quarter of said Section 22, South 89°00'41" West, a distance of 1101.58 feet to the **POINT OF BEGINNING**;

The above-described parcel of land contains 19.011 square feet or 0.436 acres, more or less (1), and may be subject to easements and right-of-way from no record or existing.



VICINITY MAP
1" = 200'

OWNER: Section II, L.L.C., a Colorado limited liability company

BY _____
Gregory T. Ludlow, its managing member

STATE OF COLORADO: _____
COUNTY OF LARIMER: _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2023, by _____

as _____ of _____

Witness my hand and official seal

My commission expires _____

Notary Public

NOTES:

1) Land Title Guarantee Company, Order No. FCC25192536-16, dated 06/06/2023 at 5:00 p.m. was used in the preparation of this document.

2) The Basis of Bearings is the South line of the Southeast Quarter of said Section 22, as bearing South 89°00'41" West, with the South Quarter corner of Section 22 being monumented by a 3" aluminum cap and the Southeast corner of Section 22 being monumented by a 3" aluminum cap stamped LS 12374.

3) Northern Engineering relied upon the plat of Ludlow Farms Conveyance Plat recorded at Reception Number 2011068295 Larimer County Clerk and Recorder.

4) This is not a statutory boundary survey. Lines are shown have not been evaluated for title rights either written or unrecorded.

5) This map is not a land survey plat or improvement survey plat, and it is not to be relied upon for the establishment of fence, building, or other future improvement lines.

6) Adjacent property owner information per the Larimer County Land Information Locator.

7) Zoning information per the Official Zoning map, Town of Berthoud, dated October, 2021 and the Larimer County Zoning District Map, dated April 2021.

APPROVAL CERTIFICATES

This is to certify that the annexation and rezoning of the above described property was approved by Ordinance No. _____ of the Town of Berthoud, passed and adopted on the _____ day of _____, 2023, and that the Mayor of the Town of Berthoud as authorized by said ordinance on behalf of the Town of Berthoud hereby for all acknowledges and adopts the said annexation upon which the certificate is endorsed for all purposes indicated herein.

Approved by the Board of Trustees of the Town of Berthoud, Colorado this _____ day of _____, 2023.

Mayor _____

The foregoing map is approved for filing and accepted by the Town of Berthoud, Colorado this _____ day of _____, 2023.

ATTEST _____
Town Clerk

APPROVAL CERTIFICATE

Approved by the Planning Commission of the Town of Berthoud, Colorado this _____ day of _____, 2023.

Chairman _____

The foregoing map is approved for filing and accepted by the Town of Berthoud, Colorado this _____ day of _____, 2023.

ATTEST _____
Planning Technician

LARIMER COUNTY CLERK & RECORDER CERTIFICATE

This Annexation and Rezoning Map was accepted for filing in the Office of the Larimer County Clerk & Recorder on this _____ day of _____, 2023, at _____ M. in Book _____ Page _____ Reception No. _____

By _____
Larimer County Clerk and Recorder

SURVEYOR'S STATEMENT

I, Robert C. Towery, a Colorado Registered Professional Land Surveyor, do hereby state that this map of and proposed to be annexed and rezoned by the Town of Berthoud, County of Larimer, State of Colorado is prepared under my direct supervision, and that the same is true and correct to the best of my knowledge, information and belief.

Robert C. Towery
Colorado Registered Professional Land Surveyor No. 34379
For Me on behalf of Northern Engineering Services, Inc.

OWNER: Tom F. Cowles, an individual

BY _____
Gregory T. Ludlow, under rights of power
of attorney

STATE OF COLORADO: _____
COUNTY OF LARIMER: _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2023, by _____

as _____ of _____

Witness my hand and official seal

My commission expires _____

Notary Public

OWNER: S. Red Ludlow, an individual

BY _____
Gregory T. Ludlow, under rights of power
of attorney

STATE OF COLORADO: _____
COUNTY OF LARIMER: _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2023, by _____

as _____ of _____

Witness my hand and official seal

My commission expires _____

Notary Public

NOTICE:

Notice is hereby given that the annexation and rezoning of the above described property was approved by Ordinance No. _____ of the Town of Berthoud, passed and adopted on the _____ day of _____, 2023, and that the Mayor of the Town of Berthoud as authorized by said ordinance on behalf of the Town of Berthoud hereby for all acknowledges and adopts the said annexation upon which the certificate is endorsed for all purposes indicated herein.

SECTION 22

NORTHERN ENGINEERING
SURVEY / MUNICIPAL / LAND DEVELOPMENT
OFFICE: 1000 E. 10th St., Suite 100, Berthoud, CO 80513
PHONE: 970.534.1500
FAX: 970.534.1501
WWW.NORTHERNENGINEERING.COM

DATE: 8/30/23
BY: Gregory T. Ludlow
FOR: Gregory T. Ludlow
RECEIVED BY: _____
NOTARY: _____

LUDLOW FARMS ANNEXATION No. 2 & REZONE MAP
TOWN OF BERTHOUD
LARIMER COUNTY, COLORADO

Sheet
1
Of 2 Sheets

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH P.M.,
TOWN OF BERTHOUD, COUNTY OF LARIMER, STATE OF COLORADO

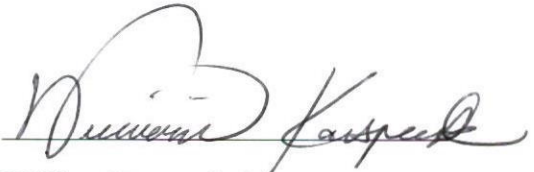


Section 5. Effective Date: The effective date of this ordinance shall be the later of the effective date of the Annexation of "Ludlow Sliver Annexation" and thirty (30) days after publication of this ordinance.

PASSED, ADOPTED, SIGNED, AND APPROVED this the 26th day of September 2023.


TOWN OF BERTHOUD

By


William Karspeck, Mayor

ATTEST:

By:


Christian Samora, Town Clerk

