

RESOLUTION NUMBER 08

(SERIES 2025)

A RESOLUTION OF SUBSTANTIAL COMPLIANCE REGARDING PETITION FOR  
ANNEXATION FILED BY HT LAND PARTNERS, LLC AND SETTING THE MATTER  
FOR A PUBLIC HEARING

WHEREAS, HT Land Partners, LLC as property owner (“the Petitioner”), filed with the Town Clerk a Petition for Annexation on February 20, 2023; and

WHEREAS, thereafter, Petitioner let lapse its application for annexation following said Petition for Annexation being found to be in substantial compliance with the applicable provisions of Chapter 31, Article 12, Colorado Revised Statutes by the Town Board of Trustees on March 28, 2023; and

WHEREAS, Petitioner has requested that the Town consider its Petition for Annexation (the “Petition”) as if newly filed; and

WHEREAS, at its meeting held May 13, 2025, the Town Board of Trustees of the Town of Berthoud has considered whether to initiate annexation proceedings and whether the Petition is in substantial compliance with the applicable provisions of Chapter 31, Article 12, Colorado Revised Statutes.

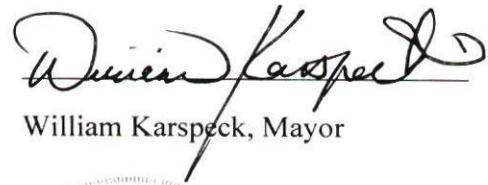
NOW THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO, AS FOLLOWS:

1. The Town Board of Trustees hereby finds that the Petition substantially complies with the applicable provisions of Chapter 31, Article 12, Colorado Revised Statutes and that annexation proceedings should be initiated upon the Petition of the following described territory to the Town: An approximately 35-acre property commonly known as Parcel Number 9427000011, further described in Exhibit A, and generally located approximately 1,300 feet west of South Berthoud Parkway and approximately one mile south of Mountain Avenue, in Larimer County, Colorado.
2. 6:30 P.M. on June 24, 2025 is thereby established as the date and time, and Berthoud Town Board of Trustees Chambers, 807 Mountain Avenue, Berthoud, Colorado, as the place for a public hearing to be held to determine if the proposed annexation complies with Sections 31-12-104 and 31-12-105, Colorado Revised Statutes or such parts thereof as may be required to establish eligibility under Part 1 of Chapter 31, Article 12 of said statutes.

MOVED, SECONDED AND ADOPTED BY THE TOWN BOARD OF TRUSTEES  
OF THE TOWN OF BERTHOUD, COLORADO THIS 13<sup>th</sup> DAY OF MAY, 2025

TOWN OF BERTHOUD

By

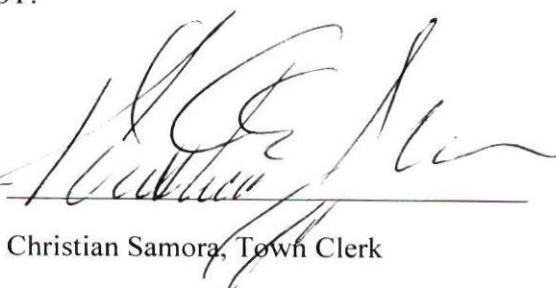


William Karspeck, Mayor



ATTEST:

By:



Christian Samora, Town Clerk

Published in the

Loveland Reporter-Herald

First Publication: May 25, 2025

Second Publication: June 1, 2025

Third Publication: June 8, 2025

Fourth Publication: June 15, 2025

EXHIBIT A

Legal Description of Territory Proposed to be Annexed

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO, EXCEPTING THEREFROM THOSE PARCELS DESCRIBED IN RULE AND ORDER RECORDED JULY 19, 2000 AT RECEPTION NO. 2000048368 AND JANUARY 22, 2004 AT RECEPTION NO. 20040006992, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 27 AS BEARING SOUTH  $00^{\circ}20'18''$  EAST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 27; THENCE SOUTH  $89^{\circ}08'40''$  WEST ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27 A DISTANCE OF 1186.23 FEET TO THE EAST RIGHT-OF-WAY LINE OF HIGHWAY 287; THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF HIGHWAY 287 THE FOLLOWING FIVE (5) COURSES: NORTH  $00^{\circ}18'39''$  WEST A DISTANCE OF 6.04 FEET; NORTH  $25^{\circ}13'09''$  EAST A DISTANCE OF 80.00 FEET; NORTH  $00^{\circ}18'39''$  WEST A DISTANCE OF 820.56 FEET; NORTH  $08^{\circ}11'06''$  EAST A DISTANCE OF 338.44 FEET; NORTH  $00^{\circ}18'39''$  WEST A DISTANCE OF 81.62 FEET TO THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27; THENCE NORTH  $88^{\circ}51'21''$  EAST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27 A DISTANCE OF 1101.18 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27; THENCE SOUTH  $00^{\circ}20'18''$  EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27 A DISTANCE OF 1319.88 FEET TO THE POINT OF BEGINNING, CONTAINING 34.56 ACRES MORE OR LESS.

*Harvest West*  
**PETITION FOR ANNEXATION**

We represent that we are the landowners of 100% of the land described in this Petition, excluding public streets, alleys, roads, and easements, which is legally described on **Exhibit "A"** and depicted on **Exhibit "B"**, and affirm the following to be true and correct as of March 3, 2025, our petition for annexation is filed with the Town of Berthoud. Please refer to **Exhibit "C"** Supplement to Petition for Annexation for additional information narrative on the statutory requirements being met.

**CONTIGUITY:**

1. The perimeter of the total proposed annexations has a distance of 4934 feet of which 2421 feet are contiguous to the existing Town Limits of Berthoud.
2. The annexation is 49.1% contiguous.
3. The proposed annexations contain approximately 34.6 acres.
4. The requirements of Colorado Revised Statutes §31-12-104 and §31-12-105, exist or have been met.
5. We further allege:
  - a. It is desirable and necessary that the territory be annexed to the Town of Berthoud. Per the Town's Future Land Use Map, this parcel is within the Town's Growth Management Area.
  - b. A community of interest exists between the territory and the Town of Berthoud. This parcel has been designated as a Suburban zoning in the Town's Future Land Use Map.
  - c. The territory is integrated or capable of being integrated with the Town of Berthoud. Due to this site being located adjacent to past developments, city utilities are available to serve the parcel.
  - d. The territory is urban or will be urbanized in the near future. This site is adjacent to past developments with suburban zoning and this site has also been designated as suburban per the Future Land Use Map.
  - e. No land held in identical ownership is divided into separate parcels unless the owner of said tract has consented in writing or joins in this Petition.

- f. No proceedings for annexation of the land described in this Petition have been commenced for annexation to another municipality.
- 6. The requested zoning classification is SR (Suburban Residential) and is consistent with the Town of Berthoud Comprehensive Plan.
- 7. The Petitioners understand that there may be a significant period of time before municipal utilities will be available but anticipate that urbanization will be able to take place at a pace acceptable to them without immediate access to these utilities. Until urbanization takes place the petitioners intend to maintain their properties in their current uses, which uses are acceptable to the Town of Berthoud.
- 8. The Petitioners have submitted the petition with the intention that the property will be developed in accordance with Berthoud's Development Code, Comprehensive Plan, Municipal Code, resolutions, and ordinances.
- 9. The Petitioners are aware that Berthoud has enacted fees and policies with the intention that growth should pay its own way and that growth should improve the health, safety, and welfare of its citizens. Examples of Berthoud's fees which are acceptable to the petitioners include fees for: building, electric, construction meter, plan review, building permit administration, parks, trails and open space, public facilities infrastructure, streets, drainage, police facility infrastructure, general administration facility infrastructure, water administration, water meter, water tap, sewer tap, raw water, and other supplemental fees as appropriate.
- 10. The Petitioners understand that Berthoud is required by Colorado Revised Statutes to prepare and file an annexation impact report. The Petitioners will prepare a proposed annexation impact report and provide it to Berthoud for review and consideration six (6) weeks prior to the hearing.
- 11. The Petitioners agree to dedicate free and clear of all liens and encumbrances of any kind, and at no charge to the Town, all easements and rights-of-way for streets and other public ways and for other public purposes, within the Property as outlined in a Subdivision Improvements Agreement (approved at the time of final subdivision plat).
- 12. The Petitioners agree to dedicate, with the subdivision of the Property and at no cost to the Town, all required easements and right-of-way for installation and maintenance of infrastructure.
- 13. The Petitioners agree to design and install transportation infrastructure, utility infrastructure, and stormwater improvements to serve the Property prior to the issuance of any building permits for all or any portion of the property in accordance with Town standards. The Petitioners shall make such other improvements as

required by Town ordinances and resolutions, to guarantee construction of all required improvements, and, if requested by Berthoud, to dedicate to Berthoud any or all other required improvements. The Petitioners agrees to enter into a subdivision improvements agreement pertaining to such improvements and other matters at time of final plat.

14. The Petitioners agree that oversizing agreements may exist that the Petitioners may be responsible for his/her fair share for oversizing of infrastructure. Likewise, Petitioners acknowledges that the Town may require the Petitioners to oversize infrastructure, which would be reimbursed by subsequent developers. The Petitioners acknowledge that the Town shall facilitate reimbursement of any financial participation by the Petitioners, over and above the proportionate impact of the development. Such reimbursement shall come from new development directly connecting to the improvements.
15. The Petitioners agree to satisfy the public land dedication and landscaping requirements specified in the Town's Development Code.
16. The Petitioners agree that future development of the site will comply with any adopted infrastructure plans including but not limited to transportation, drainage, water, sewer, land use, parks, trails, open space and comprehensive plans.
17. The Petitioners agree that the design, improvement, construction, development, and use of the property shall be in conformance with, and that Petitioners shall comply with, all municipal, county, state and federal statutes, ordinances, rules and regulations.
18. The Petitioners agree that all land use approvals and building permits for the development of the Property shall be subject to requirements including, but not limited to, the payment of impact fees and development charges and other land use and development requirements in effect at the time that such proposed development applies for a building permit.
19. The Petitioners agree to convey to the Town, all water rights necessary for development and all irrigation water rights and associated carrying rights and groundwater rights associated with the property, and any related stock certificates evidencing ownership of the water rights, free and clear of all encumbrances and with all taxes and assessments related hereto paid in full, unless the Town in writing rejects any or all such water rights. Water rights may be conveyed on a pro-rata basis as building permits are issued.
20. Berthoud has various enterprise funds through which the utilities provided by Berthoud are financed. Examples of Berthoud's services are its water, wastewater, and drainage utilities. Berthoud's Board of Trustees believe that the provision of

utilities by Berthoud assists in complying with the *Berthoud Comprehensive Plan* and *Berthoud Development Code* and the petitioners request that Berthoud provide all utility services which are available now or in the future through Berthoud at a cost comparable to that which can be provided by any third party.

21. The Petitioners understand that the R2-J School District forms an integral part of the Berthoud community. Berthoud has enacted fees to support the acquisition of land by this School District. The Petitioners are aware of these fees and agree to financially support the District's land acquisition programs.

The terms of this Petition are binding on the heirs, devisers, successors and assigns of the parties. Therefore, the undersigned hereby request that the Town of Berthoud approve the annexation of the areas described herein.



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Alex Hoime

3/10/2025  
Date

**EXHIBIT A**  
*Harvest West*  
*Annexation*  
**LEGAL DESCRIPTION**

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO, EXCEPTING THEREFROM THOSE PARCELS DESCRIBED IN RULE AND ORDER RECORDED JULY 19, 2000 AT RECEPTION NO. 2000048368 AND JANUARY 22, 2004 AT RECEPTION NO. 20040006992, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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**TOWN OF BERTHOUD, COLORADO**  
**NOTICE OF PUBLIC HEARINGS FOR A PROJECT**  
Harvest West Annexation, Zoning, and Neighborhood Master Plan

PUBLIC NOTICE IS HEREBY GIVEN of a public hearing before the Berthoud Planning Commission to consider the Annexation, Zoning and a Neighborhood Master Plan on May 22, 2025 at the following time and place:

6:00 P.M. Planning Commission  
Berthoud Town Hall  
807 Mountain Avenue  
Berthoud, Colorado 80513

PUBLIC NOTICE IS HEREBY GIVEN of a public hearing before the Town Board of Trustees to consider the Annexation, Annexation Agreement, Zoning and a Neighborhood Master Plan on June 24, 2025 at the following time and place:

6:30 P.M. Town Trustees  
Berthoud Town Hall  
807 Mountain Avenue  
Berthoud, Colorado 80513

The project is known as the Harvest West property located approximately  $\frac{1}{4}$  mile west of South Berthoud Parkway and approximately  $\frac{1}{4}$  mile north of County Road 4E. These hearings are for the purpose of taking applicant testimony and public comment on a proposed annexation, zoning and neighborhood master plan for land described below. The zoning request is for SR Suburban Residential. The hearing regarding the property described below will be for determining the advisability of such an annexation, the suitability of the proposed zoning, and the acceptability of the Neighborhood Master Plan, all as governed by the Berthoud Development Code.

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GIVEN AND POSTED this 4 day of May, 2025 and also posted for four consecutive weeks starting the week of May 25, 2025



Town of Berthoud  
807 Mountain Ave  
PO Box 1229  
Berthoud CO 80513

**CERTIFIED MAIL®**



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Berthoud Community Library  
District  
PO Box 1259 / 236 Welch Avenue  
Berthoud, Colorado 80513

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FORWARD TIME EXP RTN TO SEND  
BERTHOUD COMMUNITY LIBRARY DISTRICT  
236 WELCH AVE  
BERTHOUD CO 80513-3028

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RETURN TO SENDER



