

**TOWN OF MEAD, COLORADO
ORDINANCE NO. 712**

AN ORDINANCE ANNEXING A PORTION OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 3 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN. COUNTY OF WELD, STATE OF COLORADO, UPON THE PETITION OF THE OWNER THEREOF, TO BE KNOWN AS THE HANSEN ANNEXATION, TO THE TOWN OF MEAD, COLORADO, AND APPROVING THE REQUESTED LAND USE THEREOF.

WHEREAS, a petition for Annexation has been filed by the Rose C. Hansen Living Trust, 6625 County Rd. 5, Erie, CO 80516, for the annexation to the Town of the following described real property, to wit:

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 3 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN. COUNTY OF WELD, STATE OF COLORADO, being more particularly described in Exhibit A, attached hereto and made a part hereof;

WHEREAS, the above described property consists of private property under single ownership;
and

WHEREAS, a public hearing was held on said Petition pursuant to statute on May 29, 2012; and

WHEREAS, the Board of Trustees by Resolution No. 15-R-2012, determined that the applicable parts of C.R.S. 31-12-104 and C.R.S. 31-12-105 have been met; and

WHEREAS, it has been determined by the Board of Trustees that it is desirable and necessary that the described real property be annexed to the Town of Mead, Colorado; and

WHEREAS, land uses for the property were requested in the petition for annexation as allowed by C.R.S. 31-12-115, said land uses to be accomplished by separate ordinance to become effective following final adoption of this annexation ordinance; and

WHEREAS, the annexation of said property shall be subject to an Annexation Agreement to be executed by the Petitioner and the Board of Trustees;

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Mead, Weld County, Colorado, that:

Section 1. Annexation of Property. The above described property is hereby annexed and included within the town limits of the Town of Mead.

Section 2. Three-mile Annexation Plan. The "*TOWN OF MEAD COMPREHENSIVE PLAN, March 2009*" published by the Town of Mead Planning Commission in March 2009, along with accompanying maps, plats, charts and descriptive material, has been adopted as the master plan for the three-mile area surrounding the Town of

Mead as required by C.R.S. 31-12-105 (1) (e). The "Three Mile Annexation Plan" as adopted by Ordinance 654, on August 10, 2009, is hereby amended to the extent necessary to incorporate the above described property and to update said Plan thereby.

Section 3. Annexation Agreement. A detailed Annexation Agreement incorporating the conclusions and order of the Board of Trustees shall be prepared and signed. The Annexation Agreement shall include, but shall not be limited to, the following items:

- a. The ANNEXOR may continue to use the PROPERTY for agricultural purposes, including but not limited to the construction of a "hay barn" and the production of crops, until such time as the property is developed for Limited Industrial (LI) and/or General Commercial (GC) purposes.
- b. The TOWN and ANNEXOR agree to accept the document entitled "Change in Zoning Plat, Z548, Del Camino - North Ridge Business Park P.U.D." Recorded at Reception No. 3076913, Weld County Clerk and Recorder, as a preliminary plat for the entire property in accordance with Sec. 16-4-60 of the *Mead Municipal Code*.
- c. The dedications of WCR 28 on any final plat are to be appropriate for 1/2 of the required right-of-way for an arterial road.
- d. The developer shall provide two all-weather means of vehicular access to the property during development.
- e. The preliminary and final plats shall provide for vehicular roadway connections to the properties to the East and South to provide two means of access for each side of the development at buildout.
- f. The access roads into the development are to be directly opposite existing roadway intersections on WCR 28, or offset a distance in compliance with Town standards.
- g. There shall be no private driveway access to WCR 28.
- h. There is to be a landscaping plan for the right-of-ways for WCR 28 and adjacent to I-25 at the time of submitting the final plat. Construction of the landscaping along these right-of-ways will not be required until final plats are approved for property adjacent to these roadways. The landscape plan is to conform to the Town standards in place at the time of construction.
- i. The TOWN and the ANNEXOR agree that only the Final Plat (s) of the PROPERTY, approved by the TOWN in accordance with Section 16 of

the Mead Municipal Code, and amendments thereto, constitutes a site specific development plan pursuant to C.R.S. § 24-68-101 et. seq., as amended, (the "Vested Rights Act") for that portion so platted, and in addition, that the rights which vest pursuant to the "Vested Rights Act" shall vest for a period of three (3) years.

- j. The TOWN and ANNEXOR hereby agree that the ANNEXOR shall be entitled to recover a portion of his expenses under the SIA from subsequent development that uses capacity in facilities provided by the ANNEXOR.

Section 4. Land Use of the Property. The land uses of the property shall be Limited Industrial (LI) and General Commercial (GC) as requested in the petition for annexation. Said land uses shall be accomplished by separate ordinance, the effective date of which shall be not sooner than the effective date of this annexation ordinance.

Section 5. Ministerial Action. The Mayor and Town Clerk are authorized and directed to complete all the necessary procedures required for annexation of said property to the Town including, filing the required certified copies of the annexation ordinance, a map of the area to be annexed containing a legal description of such area, and the Annexation Agreement with the Weld County Clerk and Recorder.

Section 6. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 7. Validity. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

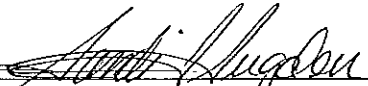
Section 8. Necessity. In the opinion of the Board of Trustees of the Town of Mead, this ordinance is necessary for the immediate preservation and protection of the health, safety, welfare and property of the inhabitants and owners of property in the Town of Mead.

Section 9. Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 29th DAY OF May,
2012.

ATTEST:

TOWN OF MEAD

By 
Sandi F. Sugden, acting Town Clerk

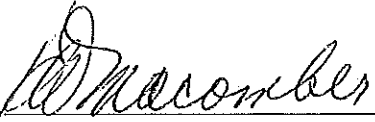
By 
Richard W. Macomber, Mayor

EXHIBIT A
HANSEN ANNEXATION

Legal Description:

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 35
TOWNSHIP 3 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN
COUNTY OF WELD, STATE OF COLORADO.

COMMENCING AT THE NORTHWEST CORNER OF SECTION 35 CORNER OF SAID SECTION 10, FROM WHENCE
THE NORTH ONE-QUARTER CORNER BEARS N89°21'11"W WITH ALL BEARINGS CONTAINED HEREIN BEING
RELATIVE THERETO;

THENCE ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 35, N89°21'11"E A DISTANCE
OF 50.51 FEET;

THENCE S00°38'49"E A DISTANCE OF 96.83 FEET, TO THE ANGLE POINT OF THE 1-25/WCR 26 ANNEXATION AS
RECORDED UNDER RECEPTION NO. 361763, SAID POINT BEING THE POINT OF BEGINNING;

THENCE ON SAID 1-25/WCR 26 ANNEXATION THE FOLLOWING FOUR (4) COURSES:

1. N89°00'59"E A DISTANCE OF 220.01 FEET;
2. N60°45'20"E A DISTANCE OF 95.28 FEET;
3. N89°21'11"E A DISTANCE OF 745.80 FEET;
4. N00°38'49"W A DISTANCE OF 19.93 FEET, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF
WELD COUNTY ROAD 28, SAID POINT ALSO BEING A POINT ON THE SOUTHERLY LINE OF THE
SANBORN ANNEXATION AS RECORDED UNDER RECEPTION NO. 3159258;

THENCE ON SAID SOUTHERLY ANNEXATION LINE, N89°21'11"E A DISTANCE OF 150.29 FEET, TO THE
NORTHWEST CORNER OF THE ST. ACACIUS ANNEXATION NO.1, RECORDED UNDER RECEPTION NO. 3187249;

THENCE ON THE WESTERLY LINE OF SAID ST. ACACIUS ANNEXATION NO.1, THE FOLLOWING THREE (3)
COURSES:

1. S00°56'52"E A DISTANCE OF 694.10 FEET;
2. S89°21'11"W A DISTANCE OF 0.40 FEET;
3. S00°56'52"E A DISTANCE OF 523.00 FEET, TO THE NORTHEAST CORNER OF THE ST. ACACIUS
ANNEXATION NO.2;

THENCE ON THE NORTHERLY LINE OF SAID ST. ACACIUS ANNEXATION NO.2, S89°21'11"W A DISTANCE OF
1199.70 FEET, TO A POINT ON THE EASTERLY LINE OF THE 1-25/WCR 26 ANNEXATION;

THENCE ON THE EASTERLY LINE OF SAID ANNEXATION, N00°56'52"W A DISTANCE OF 1150.27 FEET TO THE
POINT OF BEGINNING.

THE DESCRIBED TRACT CONTAINS 32.769 ACRES MORE OR LESS, TOGETHER WITH AND SUBJECT TO ALL
EASEMENTS AND RIGHT OF WAYS EXISTING AND/OR OF PUBLIC RECORD.