

**TOWN OF MEAD, COLORADO
ORDINANCE NO. 720**

AN ORDINANCE CONFIRMING THE ANNEXING OF A PORTION OF SECTION 35 AND A PORTION OF THE SOUTHERLY 30 FEET OF SECTION 26, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN AND A PORTION OF THE NORTHERLY 30 FEET OF SECTION 2, 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 HIGH POINT ANNEXATION TO THE TOWN OF MEAD, COLORADO.

WHEREAS, the Town of Mead conducted a public hearing on September 8, 2008 to consider the annexation of the following described real property, to wit:

A PORTION OF SECTION 35 AND A PORTION OF THE SOUTHERLY 30 FEET OF SECTION 26, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN AND A PORTION OF THE NORTHERLY 30 FEET OF SECTION 2, TOWNSHIP 3 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, being more particularly described in Exhibit A; and

WHEREAS, the Board of Trustees determined that the applicable parts of C.R.S. 31-12-104 and C.R.S. 31-12-105 had been met; and

WHEREAS, it was 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, the annexation of said property was to be subject to an Annexation Agreement to be executed by the Petitioner and the Board of Trustees and in the event the Town and the Petitioner were unable to negotiate an acceptable Annexation Agreement within six months from the date of the Public Hearing before the Board of Trustees, the annexation was to be considered null and void; and

WHEREAS, by Ordinance No. 641, adopted February 23, 2009, the Board of Trustees extended the deadline for the completion of the annexation agreement to September 14, 2009; and

WHEREAS, due to the 2008-2009 economic downturn and resulting slowdown in development pressures, it has been determined appropriate by the Board of Trustees to waive the deadline for the completion of the Annexation Agreement and the completion of the annexation of the property to the Town.

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

Section 1. Confirmation of Annexation of Property. It is the desire of the Board of Trustees of the Town of Mead to confirm that the above described property has been annexed and included within the town limits of the Town of Mead as originally provided by Ordinance No. 615.

Section 2. Annexation Agreement. The Annexation Agreement has been executed and

incorporated herein by this reference.

Section 3. Development of the Property. During the platting process and to the extent practicable, the alinement of WCR 9 ½, the development of WCR 40, compatibility of adjacent land uses, and the location and development of open space are to be coordinated with the Town of Berthoud.

Section 4. 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, except as provided in Section 3 above, in which event no further action shall be taken on the annexation.

Section 5. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 6. 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 7. 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 8. 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 13th DAY OF November , 2012.

ATTEST:

By Linda Blackston
Linda Blackston, Town Clerk

TOWN OF MEAD

By Richard W. Macomber
Richard W. Macomber, Mayor

EXHIBIT A

HIGH POINT AT MEAD ANNEXATION

Legal Description:

A PARCEL OF LAND BEING A PORTION OF SECTION 35 AND A PORTION OF THE SOUTHERLY 30 FEET OF SECTION 26, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN AND A PORTION OF THE NORTHERLY 30 FEET OF SECTION 2, TOWNSHIP 3 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 35 TO BEAR NORTH 88°47'02" EAST BETWEEN TWO FOUND MONUMENTS, THE NORTHWEST CORNER OF SECTION 35, A FOUND NO. 6 REBAR WITH 3 ¼ INCH ALUMINUM CAP SET IN RANGE BOX STAMPED "LS 7242, 1994" AND THE NORTH QUARTER CORNER OF SECTION 35, A FOUND NO. 6 REBAR WITH 2 ½ INCH ALUMINUM CAP STAMPED "LS 31169, 2001" WITH ALL BEARINGS RELATIVE THERETO:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 35 FROM WHICH THE NORTH QUARTER CORNER OF SAID SECTION 35 BEARS SOUTH 89°36'24" WEST A DISTANCE OF 2639.65 FEET;

THENCE ALONG THE EASTERN LINE OF SAID SECTION 35, SOUTH 00°18'25" EAST A DISTANCE OF 2646.49 FEET TO THE EAST QUARTER CORNER OF SECTION 35;

THENCE CONTINUING ALONG SAID EASTERN LINE, SOUTH 00°17'31" EAST A DISTANCE OF 2056.35 FEET TO THE NORTHEAST CORNER OF THE FRANK ROMOS PROPERTY SHOWN IN RECEPTION NO. 2204895;

THENCE ALONG THE NORTHERN LINE OF SAID ROMOS PROPERTY, SOUTH 88°51'47" WEST A DISTANCE OF 1709.00 FEET TO THE NORTHWEST CORNER OF SAID PROPERTY;

THENCE ALONG THE WESTERN LINE OF SAID ROMOS PROPERTY AND THE WESTERLY Y LINE EXTENDED, SOUTH 00°17'31" EAST A DISTANCE OF 621.15 FEET TO THE SOUTHERN LINE OF A 60' RIGHT-OF-WAY FOR COUNTY ROAD 38;

THENCE ALONG THE SOUTH LINE OF SAID RIGHT-OF-WAY, SOUTH 88°51'29" WEST A DISTANCE OF 967.50 FEET;

THENCE CONTINUING ALONG SAID SOUTH LINE, SOUTH 88°53'18" WEST A DISTANCE OF 1868.37 FEET;

THENCE LEAVING SAID SOUTHERN RIGHT-OF-WAY LINE, NORTH 01°18'49" WEST A DISTANCE OF 60.00 FEET TO A SOUTHERN PROPERTY CORNER FOR THE WELD COUNTY WATER DISTRICT AND LITTLE THOMPSON WATER DISTRICT PROPERTY AS DESCRIBED IN RECEPTION NO. 2826736;

THENCE ALONG THE SOUTH LINE OF SAID WATER DISTRICT PROPERTY, NORTH 88°53'18" EAST A DISTANCE OF 140.39 FEET TO THE SOUTHEAST CORNER OF SAID PROPERTY;

THENCE ALONG THE EAST LINE OF SAID WATER DISTRICT PROPERTY, NORTH 01°13'04" WEST A DISTANCE OF 40.09 FEET TO THE NORTHEAST CORNER OF SAID PROPERTY;

THENCE ALONG THE NORTH LINE OF SAID WATER DISTRICT PROPERTY, SOUTH 88°53'05" WEST 137.60 FEET;

THENCE CONTINUING ALONG SAID NORTH LINE, NORTH 83°15'09" WEST A DISTANCE OF 568.49 FEET TO A NORTHEAST CORNER OF THAT PROPERTY DESCRIBED IN BOOK 1528 AT PAGE 526, ALSO BEING A POINT ON THE EASTERN LINE OF THE RIGHT-OF-WAY FOR FRONTAGE ROAD;

THENCE ALONG THE EASTERN LINE OF THAT PROPERTY DESCRIBED IN BOOK 1528 AT PAGE 526 AND SAID EASTERN RIGHT-OF-WAY LINE, NORTH 17°04'05" WEST A DISTANCE OF 632.85 FEET TO THE NORTHEAST CORNER OF THAT PROPERTY DESCRIBED IN BOOK 1528 AT PAGE 526, ALSO BEING ON THE EASTERN LINE OF THAT PROPERTY DESCRIBED IN BOOK 1041 AT PAGE 278;

THENCE ALONG THE EASTERN LINE OF THAT PROPERTY DESCRIBED IN BOOK 1041 AT PAGE 278 AND CONTINUING ALONG THE EASTERN LINE OF SAID RIGHT-OF-WAY, NORTH 00°03'36" EAST A DISTANCE OF 1244.76 FEET TO THE SOUTHWEST CORNER OF AT&T PROPERTY DESCRIBED IN RECEPTION NO. 1505381;

THENCE LEAVING SAID RIGHT-OF-WAY AND ALONG THE SOUTHERN LINE OF SAID AT&T PROPERTY, SOUTH 89°55'39" EAST A DISTANCE OF 989.86 FEET TO THE SOUTHEAST CORNER OF SAID PROPERTY;

THENCE ALONG THE EASTERN LINE OF SAID AT&T PROPERTY, NORTH 00°04'48" EAST A DISTANCE OF 988.68 FEET TO THE NORTHEAST CORNER OF SAID PROPERTY;

THENCE ALONG THE NORTHERN LINE OF SAID AT&T PROPERTY, NORTH 89°51'33" WEST A DISTANCE OF 990.16 FEET TO THE NORTHWEST CORNER OF SAID PROPERTY, ALSO BEING ON THE EASTERN LINE OF THAT PROPERTY DESCRIBED IN BOOK 1041 AT PAGE 278 AND THE EASTERN RIGHT-OF-WAY FOR FRONTAGE ROAD;

THENCE ALONG SAID EASTERN RIGHT-OF-WAY LINE, NORTH 00°04'04" EAST A DISTANCE OF 2363.12 FEET TO A POINT ON THE NORTHERN RIGHT-OF-WAY LINE OF COUNTY ROAD 40;

THENCE ALONG THE NORTHERN LINE OF SAID RIGHT-OF-WAY, NORTH 88°47'02" EAST, A DISTANCE OF 2621.31 FEET;

THENCE ALONG SAID NORTHERN RIGHT-OF-WAY LINE, NORTH 89°36'24" EAST, A DISTANCE OF 2639.88 FEET;

THENCE LEAVING SAID RIGHT-OF-WAY, SOUTH 00°21'38" EAST, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

THUS DESCRIBED TRACT CONTAINS 26,174,533 SQUARE FEET OR 600.88 ACRES MORE OR LESS, TOGETHER WITH AND SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY EXISTING AND/OR OF PUBLIC RECORD.