

**TOWN OF MEAD, COLORADO
ORDINANCE NO. 970**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, ANNEXING
CERTAIN TERRITORY KNOWN AS THE WATERFRONT ANNEXATION
TO THE TOWN OF MEAD**

WHEREAS, the real property generally described as the Waterfront Annexation, consisting of a total of 586.072 acres more or less, and which is more particularly described in **Exhibit 1** attached hereto (collectively, the “Property”), is located in an unincorporated area of Weld County, Colorado; and

WHEREAS, a Petition for Annexation executed by Tharaldson Ethanol Plant I, L.L.C., a Nevada limited liability company (“Annexor”) has been filed with the Town Clerk requesting the annexation of the Property to the Town of Mead; and

WHEREAS, the Board of Trustees finds that, pursuant to the findings set forth in Resolution No. 48-R-2021 dated August 30, 2021:

- That the Property meets the applicable requirements of Section 30 of Article II of the Colo. Constitution and §§ 31-12-104 and 31-12-105, C.R.S., and is eligible for annexation to the Town of Mead;
- That an election is not required under the applicable requirements of Section 30(1)(a) of Article II of the Colo. Constitution and § 31-12-107(2), C.R.S.; and
- That no additional terms or conditions are imposed which would require an election under § 31-12-112(1), C.R.S.

WHEREAS, the Board of Trustees held a duly noticed public hearing to consider annexation of the Property, notice of which was duly published in accordance with the requirements set forth in Section 31-12-108(2), C.R.S.; and

WHEREAS, annexation of the Property will not result in detachment of any area from any school district and the attachment of the same to another school district; and

WHEREAS, annexation proceedings to annex the Property have not commenced for annexation of all or part of the Property to another municipality; and

WHEREAS, the Board of Trustees finds that it is in the best interests of the Town to annex 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. Recitals Incorporated. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the Board of Trustees.

Section 2. Annexation of Property Approved. The Property as more particularly described in **Exhibit 1** attached hereto is hereby annexed to and included within the corporate limits of the Town of Mead, Colorado, in accordance with law.

Section 3. Direction to Town Staff. The Board of Trustees hereby directs Staff to complete all necessary procedures required for annexation of said Property to the Town including: (1) filing for recording three certified copies of this Annexation Ordinance and the map(s) of the annexed Property containing a legal description of the Property annexed hereby (“Annexation Map”) with the Weld County Clerk and Recorder; (2) filing the original of this Annexation Ordinance together with a copy of the Annexation Map with the Town Clerk of the Town of Mead, Colorado; and (3) taking the post-approval actions specified under Section 16-8-120 of the *Mead Municipal Code* (“MMC”). Prior to submitting the Annexation Map to the County Clerk for recording, the Town Clerk shall verify with the Community Development Director and Town Attorney that any and all technical corrections to the Annexation Map have been made, if and as applicable. Annexation of the Property to the Town shall not become effective until Annexor and the Town have mutually executed the Annexation and Development Agreement for the Property (“Annexation Agreement”). In accordance with Section 16-8-110(b) of the MMC, the Annexation Agreement shall be approved by separate ordinance.

Section 4. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 5. Severability. 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) part, section, subsection, sentence, clause or phrase is declared invalid.

Section 6. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 7. Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted ordinance available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 30TH DAY OF AUGUST, 2021.

ATTEST:

By:

Mary E. Strutt, MMC, Town Clerk



TOWN OF MEAD:

By:

Colleen G. Whitlow, Mayor

Exhibit 1
Legal Description
Waterfront Annexation

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF SECTION 27 AND SECTION 34, TOWNSHIP 3 NORTH, AND THE NORTH HALF OF SECTION 3, TOWNSHIP 2 NORTH, ALL OF RANGE 68 WEST 6TH P.M. COUNTY OF WELD, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS:

BEARINGS ARE BASED ON THE NORTH LINE OF THE SOUTH HALF OF SAID SECTION 27, BEING CONSIDERED TO BEAR NORTH 89°04'52" EAST, A DISTANCE OF 5245.30 FEET BETWEEN THE FOLLOWING DESCRIBED MONUMENTS:

-THE EAST QUARTER CORNER OF SECTION 27 BEING A FOUND 3.25" ALUMINUM CAP PLS 29420 FLUSH MATCHING MONUMENT RECORD FILED 7/27/09.

-THE WEST QUARTER CORNER OF SECTION 27 BEING A FOUND 2.5" ALUMINUM CAP PLS 30462 IN RANGE BOX MATCHING MONUMENT RECORD FILED 7/31/17.

COMMENCING AT SAID EAST QUARTER CORNER SECTION 27;

THENCE ALONG SAID NORTH LINE OF THE SOUTH HALF OF SECTION 27 SOUTH 89°04'52" WEST, A DISTANCE OF 350.06 FEET TO THE WESTERLY LINE OF I-25/WCR 26 ANNEXATION, RECEPTION NO. 3461763 AND THE POINT OF BEGINNING;

THENCE ALONG SAID WESTERLY LINE AND LINE EXTENDED THE FOLLOWING SIXTEEN (16) COURSES AND DISTANCES.

1. THENCE SOUTH 00°06'20" WEST, A DISTANCE OF 2,577.69 FEET;
2. THENCE SOUTH 85°58'51" WEST, A DISTANCE OF 456.96 FEET;
3. THENCE SOUTH 89°07'02" WEST, A DISTANCE OF 214.68 FEET;
4. THENCE SOUTH 00°52'58" EAST, A DISTANCE OF 30.00 FEET;
5. THENCE NORTH 89°07'02" EAST, A DISTANCE OF 214.60 FEET;
6. THENCE SOUTH 00°56'50" EAST, A DISTANCE OF 75.00 FEET;
7. THENCE SOUTH 85°51'34" EAST, A DISTANCE OF 456.80 FEET;
8. THENCE SOUTH 00°56'51" EAST, A DISTANCE OF 2,857.96 FEET;
9. THENCE SOUTH 13°55'37" EAST, A DISTANCE OF 289.42 FEET;
10. THENCE SOUTH 00°56'54" EAST, A DISTANCE OF 1,025.00 FEET;
11. THENCE SOUTH 07°07'46" EAST, A DISTANCE OF 325.06 FEET;
12. THENCE SOUTH 01°01'13" EAST, A DISTANCE OF 376.33 FEET;
13. THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 22,668.30 FEET, A CENTRAL ANGLE OF 00°18'04", WHOSE CHORD BEARS

SOUTH 00°43'16" EAST A DISTANCE OF 119.08 FEET, FOR AN ARC DISTANCE OF 119.08 FEET;

14. THENCE SOUTH 88°58'51" WEST, A DISTANCE OF 65.66 FEET;

15. THENCE NORTH 65°06'08" WEST, A DISTANCE OF 69.29 FEET;

16. THENCE SOUTH 00°02'55" EAST, A DISTANCE OF 330.71 FEET TO THE NORTHERLY LINE OF SAINT VRAIN STATE PARK PARCEL AS DESCRIBED AT RECEPTION NO. 2265474;

THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING THREE (3) COURSES AND DISTANCES;

1. THENCE SOUTH 89°47'59" WEST, A DISTANCE OF 568.77 FEET;

2. THENCE SOUTH 50°06'59" WEST, A DISTANCE OF 440.00 FEET;

3. THENCE SOUTH 73°04'26" WEST, A DISTANCE OF 1,383.42 FEET;

THENCE ALONG THE NORTHERLY LINE OF SAINT VRAIN STATE PARK PARCEL AS DESCRIBED AT RECEPTION NO. 2945897 SOUTH 20°26'43" WEST, A DISTANCE OF 50.97 FEET TO THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 3;

THENCE ALONG SAID EAST LINE NORTH 00°17'07" EAST, A DISTANCE OF 719.35 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 3;

THENCE ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER NORTH 89°54'46" WEST, A DISTANCE OF 520.40 FEET;

THENCE NORTH 28°21'05" WEST, A DISTANCE OF 737.50 FEET;

THENCE NORTH 01°03'46" WEST, A DISTANCE OF 2,032.85 FEET TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34;

THENCE ALONG SAID NORTH LINE OF THE SOUTHWEST QUARTER NORTH 89°07'19" EAST, A DISTANCE OF 817.22 FEET TO THE CENTER QUARTER CORNER OF SAID SECTION 34;

THENCE ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 34 NORTH 00°34'58" WEST, A DISTANCE OF 1,333.53 FEET;

THENCE SOUTH 89°26'05" WEST, A DISTANCE OF 2,539.96 FEET TO A POINT LYING 30.00 FEET EAST OF THE WEST LINE OF SAID NORTHWEST QUARTER;

THENCE 30.00 FEET EASTERLY OF AND PARALLEL TO THE WEST LINE OF SAID NORTHWEST QUARTER NORTH 00°24'49" WEST, A DISTANCE OF 1,311.39 FEET;

THENCE 30.00 FEET EASTERLY OF AND PARALLEL TO THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 27 NORTH 00°22'24" WEST, A DISTANCE OF 2,654.35 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHWEST QUARTER;

THENCE ALONG SAID NORTH LINE NORTH 89°04'52" EAST, A DISTANCE OF 1,354.33 FEET TO THAT PARCEL DESCRIBED IN BOOK 163 AT PAGE 435;

THENCE ALONG SAID PARCEL THE FOLLOWING NINE (9) COURSES AND DISTANCES;

1. THENCE SOUTH 06°51'07" WEST, A DISTANCE OF 267.00 FEET;
2. THENCE SOUTH 30°38'53" EAST, A DISTANCE OF 445.00 FEET;
3. THENCE SOUTH 42°21'07" WEST, A DISTANCE OF 219.00 FEET;
4. THENCE SOUTH 23°06'07" WEST, A DISTANCE OF 660.00 FEET;
5. THENCE SOUTH 24°53'53" EAST, A DISTANCE OF 700.00 FEET;
6. THENCE NORTH 88°51'07" EAST, A DISTANCE OF 454.00 FEET;
7. THENCE SOUTH 60°53'53" EAST, A DISTANCE OF 385.00 FEET;
8. THENCE NORTH 86°21'07" EAST, A DISTANCE OF 178.52 FEET;
9. THENCE SOUTH 75°00'00" EAST, A DISTANCE OF 155.20 FEET TO THE EAST LINE OF SAID SOUTHWEST QUARTER OF SECTION 27 BEING ALSO A POINT ALONG THE BOUNDARY OF THAT PARCEL DESCRIBED AT RECEPTION NO. 2009954;

THENCE ALONG SAID PARCEL THE FOLLOWING TWELVE (12) COURSES AND DISTANCES;

1. THENCE BEING ALSO ALONG SAID EAST LINE OF THE SOUTHWEST QUARTER SOUTH 00°23'45" WEST, A DISTANCE OF 89.28 FEET;
2. THENCE SOUTH 85°38'17" EAST, A DISTANCE OF 582.81 FEET;
3. THENCE NORTH 65°31'22" EAST, A DISTANCE OF 315.60 FEET;
4. THENCE NORTH 52°04'24" EAST, A DISTANCE OF 339.15 FEET;
5. THENCE NORTH 50°39'42" EAST, A DISTANCE OF 213.85 FEET;
6. THENCE NORTH 21°19'16" EAST, A DISTANCE OF 257.83 FEET;
7. THENCE NORTH 00°31'12" WEST, A DISTANCE OF 298.26 FEET;
8. THENCE NORTH 14°21'24" WEST, A DISTANCE OF 244.37 FEET;
9. THENCE NORTH 12°34'51" WEST, A DISTANCE OF 588.61 FEET;
10. THENCE NORTH 43°15'27" EAST, A DISTANCE OF 134.45 FEET;
11. THENCE NORTH 51°34'02" EAST, A DISTANCE OF 332.64 FEET;
12. THENCE NORTH 41°59'02" EAST, A DISTANCE OF 419.69 FEET TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 27;

THENCE ALONG SAID NORTH LINE NORTH 89°04'52" EAST, A DISTANCE OF 472.60 FEET TO THE POINT OF BEGINNING.

CONTAINING 25,749,747 SQUARE FEET OR 591.133 ACRES, MORE OR LESS.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL:

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 3 NORTH, RANGE 68 WEST 6TH P.M. COUNTY OF WELD, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 34;

THENCE ALONG THE WEST LINE OF SAID NORTHEAST QUARTER SOUTH 00°34'58" EAST, A DISTANCE OF 30.00 FEET TO THE NORTHWEST CORNER OF RECORDED EXEMPTION NO. 1207-34-1 RE-4683 RECEPTION NO. 3567466 AND THE POINT OF BEGINNING;

THENCE ALONG SAID EXEMPTION THE FOLLOWING FOUR (4) COURSES AND DISTANCES;

1. THENCE 30.00 FEET SOUTHERLY OF AND PARALLEL TO THE NORTH LINE OF SAID NORTHEAST QUARTER NORTH 89°07'18" EAST, A DISTANCE OF 765.40 FEET;
2. THENCE SOUTH 02°06'23" WEST, A DISTANCE OF 310.68 FEET;
3. THENCE NORTH 87°52'50" WEST, A DISTANCE OF 751.65 FEET TO THE WEST LINE OF SAID NORTHEAST QUARTER;
4. THENCE ALONG SAID WEST LINE NORTH 00°34'58" WEST, A DISTANCE OF 270.95 FEET TO THE POINT OF BEGINNING.

CONTAINING 220,452 SQUARE FEET OR 5.061 ACRES, MORE OR LESS.

YIELDING A COMBINED 25,529,295 SQUARE FEET OR 586.072 ACRES, MORE OR LESS

Total acreage (approximate): 586.072 acres, as more particularly shown in the annexation map(s) on file with the Town Clerk.