

ORDINANCE NO. 757

**AN ORDINANCE ANNEXING CERTAIN PROPERTY TO THE TOWN OF
FREDERICK, COLORADO, AS IDENTIFIED IN EXHIBIT A, ATTACHED
HERETO, UPON THE PETITION OF THE OWNER THEREOF TO BE KNOWN
AS THE "VAN DEVENTER ANNEXATION."**

WHEREAS, a petition for Annexation has been filed by applicant Net Lease Development, LLC, 50 South Sixth Street Suite 1480, Minneapolis, MN 55402, on behalf of owners Perry & Cynthia Van Deventer, 5976 Weld County Road 18, Frederick, CO 80504, for the annexation to the Town of the following described real property; to wit:

See attached Exhibit A.

WHEREAS, a public hearing was held on said Petition pursuant to statute on July 22, 2004, and

WHEREAS, the Board of Trustees adopted Resolution No. 04-R-32, and determined that the applicable parts of Colo. Rev. Stat. §31-12-104 and 105 have been met; and

WHEREAS, it is the opinion of the Board of Trustees that it is desirable and necessary that the described real property be annexed to the Town of Frederick, Colorado; and

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

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK,
COLORADO, AS FOLLOWS:**

Section 1. The above described property is hereby annexed to and included within the town limits of the Town of Frederick, with the following conditions:

1. The Concept Plan shows a 60' ROW for CR 13. Weld County acquired additional ROW along the east side of the section line for this CR 13 construction. Prior to recordation, the full ROW as it was acquired by Weld County shall be depicted on the Concept Plan.
2. The private streets within this development shall be within dedicated public access easements. This street system must provide the necessary easements to allow for possible future connections to the property to the west and to the south. The owner(s) of this Van Deventer Annexation shall enter into a reimbursement/cost share agreement with the property owner to the west before the Van Deventer property would be allowed to use the full-movement access to CR 13. The Town provides the opportunity to recover reimbursement for street and utility extensions from adjacent/ future development through the Memorandum of Agreement for Public Improvements, which is required for this and all other land development.
3. A detailed Annexation Agreement shall be prepared, approved by the Town, and signed by the Owner as a condition precedent to annexation approval and prior to recording the annexation.

4. The applicant shall provide an adequate buffer to screen all permitted uses allowed within the C-C Commercial District, Community District for the length of the western boundary of the property.

Section 2. **Three-mile Annexation Plan.** The *Comprehensive Plan, Frederick, Colorado* published by the Town of Frederick Planning and Zoning Commission on October 3, 1996, 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 Frederick as required by C.R.S. 31-12-105 (1) (e). The "Three Mile Annexation Plan" as adopted is hereby amended to the extent necessary to incorporate the above described property and to update said Plan thereby.

Section 3. 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 and a map of the area to be annexed containing a legal description of such area with the Weld County Clerk and Recorder.

Section 4. The signatures on the annexation map and this annexation ordinance and the recording of the same shall be withheld until an annexation agreement is completed and accepted by the Town.

Section 5. **Zoning of the Property.** The property shall be zoned C-C Commercial District, Community District, and as requested in the petition for annexation. Said zoning shall be accomplished by separate ordinance whose effective date shall be not sooner than the effective date of this annexation ordinance.

Section 6. **Effective Date.** This ordinance shall become effective thirty (30) days after publication, or upon the affixation of signatures on the annexation map and this annexation ordinance and the recording of the same, whichever occurs later.

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 be declared invalid.

Section 8. **Necessity.** In the opinion of the Board of Trustees of the Town of Frederick, 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 Frederick.

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.



3207074 08/09/2004 09:21A Weld County, CO
3 of 4 R 21.00 D 0.00 Steve Moreno Clerk & Recorder

**INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED
THIS 22nd DAY OF JULY, 2004.**

ATTEST:

By *Jacqueline K. McConnell*
Jacqueline K. McConnell, Town Clerk

TOWN OF FREDERICK
By *Eric Doering*
Eric Doering, Mayor

EXHIBIT A

LEGAL DESCRIPTION FOR VANDEVENTER ANNEXATION
LAND DESCRIPTION FOR ANNEXATION OF VANDEVENTER OWNERSHIP

A PARCEL OF LAND LOCATED IN THE NORTHEAST ¼ OF SECTION 25, TOWNSHIP 2 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 25 AND ASSUMING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 25 BEARS SOUTH 00°33'45" WEST, SAID LINE BEING THE BASIS OF BEARINGS FOR ALL LINES CONTAINED HEREIN,

THENCE ON THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 25, NORTH 89°56'40" WEST, A DISTANCE OF 410.00 FEET;

THENCE ON A LINE PERPENDICULAR TO THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 25, SOUTH 00°03'20" WEST, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

THENCE ON A LINE PARALLEL TO AND A DISTANCE OF 30.00 FEET SOUTH OF THE NORTH LINE OF THE NORTHEAST ¼ OF SAID SECTION 25, SOUTH 89°56'40" EAST, A DISTANCE OF 379.73 FEET;

THENCE ON A LINE PARALLEL TO AND A DISTANCE OF 30.00 FEET WEST OF THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 25, SOUTH 00°33'45" WEST, A DISTANCE OF 1290.05 FEET;

THENCE ON LINE PARALLEL TO THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 25, NORTH 89°56'40" WEST, A DISTANCE OF 368.32 FEET;

THENCE ON A LINE PERPENDICULAR TO THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 25, NORTH 00°03'20" EAST, A DISTANCE OF 1290.00 FEET TO THE POINT OF BEGINNING.

THUS DESCRIBED TRACT CONTAINS 11.08 ACRES MORE OR LESS, TOGETHER WITH AND SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY EXISTING AND/OR OF PUBLIC RECORD.