

ORDINANCE NO. 2018-16

AN ORDINANCE AMENDING THE LEGAL DESCRIPTION FOR THE ERGER ANNEXATION NO. 2 TO THE TOWN OF KEENESBURG, COLORADO

WHEREAS, a petition for serial annexation of certain unincorporated property known as the Erger Annexation Nos. 1, 2, & 3 (the “Erger Annexation Nos. 1-3”) was filed with the Board of Trustees of the Town of Keenesburg; and

WHEREAS, on March 19, 2018, the Board of Trustees of the Town of Keenesburg held a duly-noticed public hearing to consider this proposed annexation, notice of which hearing was published on February 16 and 23, and March 2 and 9, 2018 in the Greeley Tribune; and

WHEREAS, the published notice of public hearing included individual legal descriptions for each of the three annexations in this serial annexation, and also provided an approximate location of the property being considered for annexation; and

WHEREAS, by Ordinance No. 2018-05, the Board of Trustees of the Town of Keenesburg approved annexation of a 56.995-acre known as the Erger Annexation No. 2 to the Town of Keenesburg; and

WHEREAS, the Town Engineer thereafter discovered a typographical error in the last call of the legal description for Erger Annexation No. 2 that did not affect the size or described location of the property; and

WHEREAS, the legal description on Sheet 1 of the map of the Erger Annexation Nos. 1-3 contained the same typographical error as was in the legal description appended to Ordinance No. 2018-05, but the call shown on Sheet 1 of the map depicting the area of Erger Annexation Nos. 1-3 was correct; and

WHEREAS, the Town Engineer has prepared a corrected legal description of Erger Annexation No. 2 and has also prepared a new annexation map for the Erger Annexation Nos. 1-3 containing the corrected legal description on Sheet 1; and

WHEREAS, the Board finds that the nature of the typographical error is such that the legal description did not erroneously describe the area, nor did it cause the boundary of the property annexed by the Town to be indefinite or uncertain; and

WHEREAS, the Board further finds that no interested person reviewing the notices of the proposed annexation and of the hearing that was held by the Board on the annexation would have reasonably been misled or otherwise not understood what property was proposed for annexation and where such property was located, and that therefore no rights of any person to appear at and participate in the annexation hearing were impacted by the typographical error; and

WHEREAS, the Board desires by this ordinance to replace the legal description in the ordinance approving Erger Annexation No. 2, to acknowledge the corrected annexation map, and to direct Town staff to record this ordinance and corrected map and to take all other actions necessary to effectuate the Erger Annexation Nos. 1-3.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF KEENESBURG, COLORADO:

Section 1. The annexation to the Town of Keenesburg of the property described in Exhibit A, attached hereto and incorporated herein by this reference, and known as the Erger Annexation No. 2, is hereby approved and ratified with the corrected legal description for the same.

Section 2. The annexation of said territory is subject to the conditions provided for in the petition for annexation of said property filed with the Town of Keenesburg.

Section 3. This ordinance and the revised map of the Erger Annexation Nos. 1-3 shall be recorded with the Weld County Clerk and Recorder. Town staff is further authorized and instructed to take all other actions necessary to effectuate such annexation.

Section 4. Ordinance No. 2018-05, is hereby repealed to the extent such ordinance incorporates the incorrect legal description attached thereto as Exhibit A.

INTRODUCED, READ, ADOPTED, APPROVED AND ORDERED PUBLISHED IN FULL this 1st day of October, 2018.

TOWN OF KEENESBURG, COLORADO

Kenneth L. Gfeller, Mayor

ATTEST:

Toni Johnson, Town Clerk

EXHIBIT A – LEGAL DESCRIPTION

DESCRIPTION – ANNEXATION NO. 2

A PARCEL LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 22, THE SOUTHWEST ONE-QUARTER OF SECTION 23, THE NORTHWEST ONE-QUARTER OF SECTION 26 AND THE NORTHEAST ONE-QUARTER OF SECTION 27, TOWNSHIP 02 NORTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO DESCRIBED AS FOLLOWS:

COMMENCING AGAIN AT THE SOUTHWEST CORNER OF SAID SECTION 23 BEING A 3.25 INCH ALUMINUM CAP MARKED PLS 37971, NORTH 89°26'14" EAST, ALONG THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 23, A DISTANCE OF 660.28 FEET, MORE OR LESS TO THE SOUTHERNMOST SOUTHWEST CORNER OF LOT B, RECORDED EXEMPTION NO. 1305-23-3-RE1979 ACCORDING TO THE MAP OR PLAT THEREOF FILED FOR RECORD IN THE OFFICE OF THE WELD COUNTY CLERK AND RECORDER AT RECEPTION NO. 2540139 AND THE **POINT OF BEGINNING**;

THENCE NORTH 01°25'39" WEST, ALONG A WEST LINE OF SAID LOT B, A DISTANCE OF 1048.65 FEET;

THENCE SOUTH 89°27'33" WEST A DISTANCE OF 650.56 FEET, MORE OR LESS, TO THE WESTERNMOST SOUTHWEST CORNER OF SAID LOT B AND THE WEST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 23;

THENCE SOUTH 00°41'49" WEST A DISTANCE OF 1079.04 FEET, MORE OR LESS, TO THE WEST RIGHT OF WAY LINE OF WELD COUNTY ROAD NO. 57 AND A POINT AT THE INTERSECTION OF A LINE 30.00 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 23 AND A LINE 30.00 FEET WEST OF AND PARALLEL WITH THE WEST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 23;

THENCE NORTH 00°53'46" WEST, ALONG SAID RIGHT OF WAY LINE, 30.00 FEET WEST OF AND PARALLEL WITH THE WEST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 23, A DISTANCE OF 2672.43 FEET, MORE OR LESS, TO THE NORTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 23 EXTENDED;

THENCE NORTH 89°27'54" EAST, ALONG SAID LINE, A DISTANCE OF 1349.61 FEET, MORE OR LESS, TO THE CENTER-WEST ONE-SIXTEENTH CORNER OF SAID SECTION 23;

THENCE NORTH 89°28'46" EAST, CONTINUING ALONG SAID LINE, A DISTANCE OF 125.26 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID LOT B;

THENCE OVER AND ACROSS THE SOUTHWEST ONE-QUARTER OF SAID SECTION 23 AND ALONG THE EAST LINE OF SAID LOT B THE FOLLOWING FOURTEEN (14) COURSES AND DISTANCES;

1. SOUTH 49°37'18" EAST A DISTANCE OF 88.22 FEET;
2. SOUTH 41°13'29" EAST A DISTANCE OF 45.70 FEET;
3. SOUTH 27°32'46" EAST A DISTANCE OF 67.65 FEET;
4. SOUTH 09°44'29" EAST A DISTANCE OF 42.18 FEET;
5. SOUTH 06°05'18" WEST A DISTANCE OF 66.47 FEET;
6. SOUTH 11°00'39" WEST A DISTANCE OF 225.58 FEET;
7. SOUTH 25°48'48" WEST A DISTANCE OF 189.78 FEET;
8. SOUTH 16°35'13" WEST A DISTANCE OF 249.60 FEET;

9. SOUTH 31°43'46" WEST A DISTANCE OF 238.82 FEET;
10. SOUTH 23°14'17" WEST A DISTANCE OF 212.96 FEET;
11. SOUTH 02°18'45" EAST A DISTANCE OF 667.65 FEET;
12. SOUTH 07°53'58" EAST A DISTANCE OF 240.03 FEET;
13. SOUTH 10°27'06" EAST A DISTANCE OF 204.46 FEET;
14. SOUTH 03°19'14" EAST A DISTANCE OF 102.88 FEET, MORE OR LESS, TO A POINT ON THE EAST LINE OF THE ABOVE DESCRIBED ANNEXATION NO. 1;

THENCE NORTH 22°02'54" WEST, ALONG SAID LINE, A DISTANCE OF 946.60 FEET;

THENCE SOUTH 11°42'03" WEST, CONTINUING ALONG SAID LINE, A DISTANCE OF 1050.15 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 56.995 ACRES (2482706 SQUARE FEET) OF LAND, MORE OR LESS. THE PERIMETER OF THE ABOVE DESCRIBED PARCEL BEING 11564.28 FEET.