

ORDINANCE NO. 1152

AN ORDINANCE ANNEXING TO THE CITY OF FORT MORGAN THAT AREA KNOWN AS THE FORT MORGAN FARMS LLC ANNEXATION II AS DESCRIBED HEREIN.

WHEREAS, the City Council of the City of Fort Morgan on March 18, 2014, adopted a resolution finding that the Fort Morgan Farms LLC petition for annexation was in substantial compliance with C.R.S. §31-12-107, and set a hearing date of May 6, 2014, for the Fort Morgan City Council to consider the annexation of the area set forth below; and

WHEREAS, pursuant to the notice required under C.R.S. §31-12-108, the Municipal Annexation Act of 1965 as amended, hereinafter referred to as the Annexation Act, the City Council of Fort Morgan held on May 6, 2014, a hearing pertaining to said annexation; and

WHEREAS, owners of one hundred percent (100%) of the area have petitioned for such annexation; and

WHEREAS, the City Council of the City of Fort Morgan has by resolution made findings of fact and conclusions of law based thereon and determinations pertaining to said annexation, and has determined said area should be annexed forthwith as part of the City of Fort Morgan.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT MORGAN, COLORADO:

SECTION 1. The following described territory is hereby annexed to and made a part of the City of Fort Morgan, Colorado:

A PARCEL OF LAND SITUATED IN A PORTION OF THE SOUTH ONE-HALF OF SECTION 5, TOWNSHIP 3 NORTH, RANGE 57 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF FORT MORGAN, COUNTY OF MORGAN, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 5, WHENCE THE SOUTHEAST CORNER OF SAID SECTION 5 BEARS N 89° 32' 14" E, FORMING THE BASIS OF BEARINGS USED IN THIS DESCRIPTION WITH ALL BEARINGS SHOWN RELATIVE THERTO;

THENCE, ALONG THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 5 TO THE CENTERLINE OF EAST RAILROAD AVENUE (80' R.O.W., AS SHOWN ON THE FINAL PLAT OF THE SALUD BUSINESS PARK, RECORDED IN THE CLERK AND RECORDERS OFFICE IN SAID COUNTY AT RECEPTION NUMBER 1500264), N 00° 23' 49" W, A DISTANCE OF 687.63 FEET TO THE POINT OF BEGINNING.

THENCE, ALONG SAID CENTERLINE TO THE EAST LINE OF THE SOUTHWEST ONE-QUARTER SOUTHEAST ONE-QUARTER OF SAID SECTION 5, N 85° 53' 38" E, A DISTANCE OF 1,318.15 FEET;

THENCE, ALONG THE EAST LINE OF THE SOUTHWEST ONE-QUARTER AND THE NORTHWEST ONE-QUARTER OF THE SAID SOUTHEAST ONE-QUARTER TO A POINT WHICH IS 30.00 FEET SOUTH OF THE NORTH LINE OF THE SAID SOUTHEAST ONE-QUARTER, N 00° 01' 48" W, A DISTANCE OF 1,811.81 FEET;

THENCE, ALONG A LINE THAT IS 30.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF THE SAID SOUTHEAST ONE-QUARTER AND TO THE WEST LINE OF THE SAID SOUTHEAST ONE-QUARTER, S 88° 49' 48" W, A DISTANCE OF 1,327.11 FEET;

THENCE, ALONG A LINE THAT IS 30.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 5 TO THE POINT OF INTERSECTION WITH THE NORTHERLY EXTENSION OF THE EAST BOUNDARY OF LOT 1 REPLAT OF GIBSON ADDITION TO THE CITY OF FORT MORGAN (RECORDED IN THE SAID CLERK AND RECORDERS OFFICE AT RECEPTION NUMBER 1500096), S 88° 48' 11" W, A DISTANCE OF 1,366.58 FEET;

THENCE, SOUTHERLY ALONG SAID NORTHERLY EXTENSION AND ALSO THE EAST BOUNDARY OF SAID LOT 1 TO THE NORTH BOUNDARY OF LOT 1, BLOCK 1 JUDICIAL JAIL ADDITION (RECORDED IN THE SAID CLERK AND RECORDERS OFFICE AT BOOK 6, PAGE 14), S 01° 11' 20" E, A DISTANCE OF 422.00 FEET;

THENCE, ALONG THE NORTH AND EAST BOUNDARIES OF SAID LOT 1, BLOCK 1 JUDICIAL JAIL ADDITION, THE FOLLOWING TWO COURSES:

- 1) TO THE NORTHEAST CORNER OF SAID LOT 1, BLOCK 1, N 88° 48' 11" E, A DISTANCE OF 51.63 FEET;
- 2) TO THE WEST TERMINUS OF THAT CERTAIN COURSE SHOWN AS HAVING A BEARING AND DISTANCE OF "S 89° 52' 28" W, 575.82 FEET" (AS DEPICTED ON THE FORT MORGAN FARMS, LLC ANNEXATION, RECORDED IN THE SAID CLERK AND RECORDERS OFFICE AT RECEPTION NUMBER 1500304), S 01° 11' 17" E, A DISTANCE OF 498.00 FEET;

THENCE, ALONG THE NORTH AND EAST BOUNDARIES OF SAID FORT MORGAN FARMS, LLC ANNEXATION, THE FOLLOWING TWO COURSES:

- 1) TO THE NORTHEAST CORNER OF SAID FORT MORGAN FARMS, LLC ANNEXATION, N 88° 48' 11" E, A DISTANCE OF 575.86 FEET;
- 2) TO THE SOUTHEAST CORNER OF SAID FORT MORGAN FARMS, LLC ANNEXATION, S 01° 11' 20" E, A DISTANCE OF 656.08 FEET;

THENCE, ALONG A PORTION OF THE SOUTHERLY BOUNDARY OF SAID FORT MORGAN FARMS, LLC ANNEXATION TO THE NORTHEAST CORNER OF A PARCEL OF LAND RECORDED IN THE SAID CLERK AND RECORDERS OFFICE AT BOOK 1067, PAGE 701, S 86° 01' 31" W, A DISTANCE OF 189.14 FEET;

THENCE, DEPARTING THAT PORTION OF THE SAID SOUTHERLY BOUNDARY AND ALONG THE EAST BOUNDARY OF SAID BOOK 1067, PAGE 701 TO THE NORTH RIGHT-OF-WAY OF EAST RAILROAD AVENUE (80' R.O.W., AS SHOWN ON THE FINAL PLAT OF SAID SALUD BUSINESS PARK), S 01° 11' 20" E, A DISTANCE OF 299.49 FEET;

THENCE, ALONG THE SAID NORTH RIGHT-OF-WAY TO THE NORTHEAST CORNER OF THE MAP OF ANNEXATION TO THE CITY OF FORT MORGAN (RECORDED IN THE SAID CLERK AND RECORDERS OFFICE AT BOOK 5, PAGE 90), S 85° 53' 38" W, A DISTANCE OF 409.07 FEET;

THENCE, DEPARTING THE SAID NORTH RIGHT-OF-WAY AND ALONG THE EAST BOUNDARY OF THE SAID MAP OF ANNEXATION TO THE CITY OF FORT MORGAN TO THE TO THE CENTERLINE OF SAID EAST RAILROAD AVENUE (80' R.O.W), S 01° 06' 22" E, A DISTANCE OF 40.06 FEET;

THENCE, ALONG THE CENTERLINE OF SAID EAST RAILROAD AVENUE TO THE POINT OF BEGINNING, N 85° 53' 38" E, A DISTANCE OF 1,312.35 FEET;

SECTION 2. When this annexation is complete, said area shall become a part of the City of Fort Morgan for all intents and purposes on the effective date of this ordinance, with the exception of general taxation, in which respect said annexation shall

not be effective until on or after January 1 next ensuing.

SECTION 3. The City Clerk shall be, and is hereby authorized and directed to file an original copy of this **Ordinance** and one copy of the **Map of Annexation** in the office of the City Clerk of the City of Fort Morgan, Colorado, and two certified copies of said **Ordinance** and **Map of Annexation** in the office of the Clerk and Recorder of Morgan County, Colorado.

SECTION 4. The ordinance shall be in full force and effect from and after its passage and publication as provided by the City Charter.

INTRODUCED, READ, ADOPTED ON FIRST READING AND ORDERED PUBLISHED on the 6th day of May, 2014.

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

[SEAL]

/s/ Terry McAlister
By: Terry McAlister
Mayor

Attest:
/s/ John Brennan
John Brennan
City Clerk

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED this 20th day of May, 2014.

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

[SEAL]

/s/ Terry McAlister
By: Terry McAlister
Mayor

Attest:
/s/ John Brennan
John Brennan
City Clerk

COUNTY OF MORGAN) ss. **CERTIFICATE**
CITY OF FORT MORGAN)

I, John Brennan, the duly appointed, qualified Clerk of the City of Fort Morgan, Colorado, do hereby certify that the foregoing **Ordinance No. 1152** was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 6th day of May, 2014. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 12th day of May, 2014, published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed ordinance was again taken up and read a second time, duly and legally, passed, approved and adopted at a regular meeting of the City Council held on the 20th day of May, 2014. Within five (5) days after its final passage, said **Ordinance No. 1152** was published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.

/s/ John Brennan
John Brennan
City Clerk