

## ORDINANCE NO. 1156

### AN ORDINANCE ESTABLISHING A ZONING DISTRICT IN AND UPON LANDS ANNEXED TO THE CITY OF FORT MORGAN, COLORADO, AND FOR SAID PURPOSE REVISING AND SUPPLEMENTING THE ZONING DISTRICT MAP

**WHEREAS**, a petition for annexation of certain property described in Exhibit A, attached hereto and made a part hereof, and known as the Fort Morgan Farms LLC Annexation II, was filed with the City Council of the City of Fort Morgan; and

**WHEREAS**, said property was annexed to the City by Ordinance No. 1152; and

**WHEREAS**, the City Council must provide for the zoning of said property; and

**WHEREAS**, the City Council provided notice of the public hearing on said zoning by publication as provided by law and a public hearing was held on September 16, 2014 pursuant to C.R.S. § 31-23-304; and,

**WHEREAS**, no protests were received by the City pursuant to C.R.S. §31-23-305; and,

**WHEREAS**, the landowners of said property have requested the same to be zoned subject to **B-2: General Business**; and,

**WHEREAS**, this zoning is consistent with the City's plan for the area.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF FORT MORGAN,**

**Section 1:** That certain property known as the Fort Morgan Farms LLC Annexation II, the legal description of which is set forth in Exhibit A attached hereto and incorporated herein by this reference, is hereby zoned into **B-2: General Business** and that the Zoning District Map of the City of Fort Morgan, Colorado, be amended accordingly.

**INTRODUCED, READ, ADOPTED ON FIRST READING AND ORDERED PUBLISHED** on the 2<sup>nd</sup> day of September, 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 16<sup>th</sup> day of September, 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

STATE OF COLORADO            )  
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. 1156** was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 2<sup>nd</sup> day of September, 2014. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 6<sup>th</sup> day of September, 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 16<sup>th</sup> day of September, 2014. Within five (5) days after its final passage, said **Ordinance No. 1156** 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

## **Fort Morgan Farms LLC Annexation II Zoning Exhibit A**

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