

ORDINANCE NO. 1076

AN ORDINANCE ANNEXING TO THE CITY OF FORT MORGAN, COLORADO, THAT AREA KNOWN AS THE UNDERWOOD ANNEXATION AS DESCRIBED HEREIN.

WHEREAS, the City Council of the City of Fort Morgan on October 7, 2008 adopted a resolution finding that the Underwood petition for annexation was in substantial compliance with C.R.S. §31-12-107, and set a hearing date of November 18, 2008 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 November 18, 2008 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 IN THE NE ¼ OF SECTION 12,
TOWNSHIP 3 NORTH, RANGE 58 WEST OF THE 6TH
PRINCIPAL MERIDIAN, MORGAN COUNTY, COLORADO
AND BEING MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

COMMENCING AT A POINT 146.5 FEET SOUTH AND 30
FEET WEST OF THE NORTH AND NE CORNER OF SAID
SECTION 12, TOWNSHIP 3 NORTH, RANGE 58 WEST OF
THE 6TH P.M., SAID POINT BEING ON THE SOUTH LINE OF
THE RIGHT-OF-WAY OF THE C.B. AND Q. RAILROAD;

THENCE RUNNING SOUTH 226 FEET;

THENCE WEST 258 FEET TO THE RIGHT-OF-WAY OF THE FORT MORGAN CANAL;

THENCE ALONG SAID RIGHT-OF-WAY NORTH 35° 00' WEST, 253 FEET TO INTERSECT THE SOUTH LINE OF THE RIGHT-OF-WAY OF THE SAID C.B. AND Q. RAILROAD;

THENCE SOUTH ALONG THE SOUTH LINE OF SAID RAILROAD RIGHT-OF-WAY NORTH 87° 15' EAST, 403 FEET TO THE PLACE OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS THE PROPERTIES FILED UNDER BOOK 973, PAGE 767 AND UNDER RECEPTION NUMBER 846504 AND CONTAINS

72,308 SQUARE FEET, MORE OR LESS.

TOGETHER with all water and water rights appurtenant thereto;

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 she 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 ON FIRST READING AND ORDERED PUBLISHED this 18th day of November, 2008.

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

[SEAL]

By: /s/ Jack L. Darnell
Mayor

ATTEST:

/s/ Andrea J. Strand
City Clerk

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED
PUBLISHED BY TITLE ONLY, this 2nd day of December, 2008.

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

[SEAL]

By: */s/ Jack L. Darnell*
Mayor

ATTEST:

/s/ Andrea J. Strand
City Clerk

STATE OF COLORADO)
COUNTY OF MORGAN)
CITY OF FORT MORGAN)

CERTIFICATE

I, Andrea Strand, the duly appointed, qualified and acting Clerk of the City of Fort Morgan, Colorado, do hereby certify and attest that the foregoing **Ordinance No. 1076** was, as a proposed **Ordinance** duly and legally presented to the City Council of the City of Fort Morgan, Colorado, at a regular meeting on the 18th day of November, 2008. Said **Ordinance**, as proposed, was duly read at length at said regular meeting, and thereafter the same was, on the 21st day of November, 2008 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 2nd day of December, 2008. Within five (5) days after its final passage, said **Ordinance** was published by title only in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.

/s/ Andrea J. Strand
City Clerk