

## **ORDINANCE NO. 1191**

### **AN ORDINANCE ANNEXING TO THE CITY OF FORT MORGAN THAT AREA KNOWN AS THE AMERICAN LEGION ANNEXATION AS DESCRIBED HEREIN.**

**WHEREAS**, the City Council of the City of Fort Morgan on March 21, 2017, adopted a resolution finding that the City of Fort Morgan, Morgan County, and Morgan County School District RE-3 petition for annexation was in substantial compliance with C.R.S. §31-12-107, and set a hearing date of May 2, 2017, 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 2, 2017, a hearing pertaining to said annexation; and,

**WHEREAS**, owners of one hundred percent (100%) of the property 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 being a part of the South Half (S1/2) of Section Six (6), the North Half (N1/2) of Section Seven (7), both in Township Three North (T.3N.), Range Fifty-seven West (R.57W.), also being a part of the Southeast Quarter (SE1/4) of Section One (1), and the Northeast Quarter (NE1/4) of Section Twelve (12), both in Township Three North (T.3N.), Range Fifty-eight West (R.58W.) of the Sixth Principal Meridian (6th P.M.), County of Morgan, State of Colorado and being more particularly described as follows:

COMMENCING at the North Quarter corner of said Section 7 and assuming the North line of said NE1/4 of said Section 7 as bearing North 88°41'23" East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2639.72 feet with all other bearings contained herein relative thereto;

THENCE North 88°41'23" East along the Northerly line of said NE1/4 a distance of 850.62 feet to the Northwest corner of the Halliburton Annexation recorded April 1, 1955

as Reception No. 409334 of the Records of Morgan County and to the POINT OF BEGINNING;

THENCE South 01°18'37" East along the West line of said Halliburton Annexation a distance of 30.00 feet to the North line of the Achzigar Annexation recorded September 26, 1960 as Reception No. 472498 of the Records of Morgan County;

THENCE South 88°41'23" West along said North line a distance of 328.90 feet to the Northwest corner of said Achzigar Annexation;

THENCE South 01°18'37" East along the West line of said Achzigar Annexation a distance of 4.21 feet to the North line of an Annexation to the City of Fort Morgan recorded June 30, 1961 as Reception No. 481686 of the Records of Morgan County;

THENCE South 85°58'11" West along said North line a distance of 492.71 feet to the Northwest corner of said Annexation to the City of Fort Morgan;

THENCE South 00°52'33" East along the West line of said Annexation to the City of Fort Morgan a distance of 20.23 feet to the North line of an Annexation to the City of Fort Morgan recorded September 20, 1960 as Book 4 Page 8 of the Records of Morgan County;

THENCE South 85°58'11" West along said North line a distance of 424.75 feet to the North line of the Brush Addition to Fort Morgan recorded August 22, 1908 as Reception No. 29073 of the Records of Morgan County;

THENCE South 85°58'11" West along said North line a distance of 900.80 feet to the East Right of Way line of Deuel Street being a part of said Brush Addition;

THENCE South 01°05'29" East along said East line a distance of 453.22 to the North line of Landmark Addition to the City of Fort Morgan recorded August 4, 1972 as Reception No. 574281 of the Records of Morgan County;

The following Three (3) courses are along the Northerly, Westerly and Southwesterly lines of said Landmark Addition:

THENCE South 88°54'27" West a distance of 29.58 feet;

THENCE South 00°15'27" West a distance of 363.10 feet;

THENCE South 52°28'33" East a distance of 10.40 feet to the Northern most line of an Annexation to the City of Fort Morgan recorded August 4, 1972 as Reception No. 574281 of the Records of Morgan County;

The following Two (2) courses are along the Northern and Western most lines of said Annexation to the City of Fort Morgan recorded August 4, 1972 as Reception No. 574281 of the Records of Morgan County:

THENCE South 88°54'27" West a distance of 30.00 feet;

THENCE South 01°05'33" East a distance of 270.41 feet to the Northerly line of that parcel of land described in a document recorded August 27, 1987 as Book 894, Page 577 of the Records of Morgan County;

The following Three (3) courses are along the Northerly, Westerly and Southwesterly lines of said parcel of land described in a document recorded August 27, 1987 as Book 894, Page 577 of the Records of Morgan County:

THENCE South 88°56'56" West a distance of 184.13 feet;

THENCE South 08°58'23" West a distance of 326.54 feet;  
THENCE South 47°42'22" East a distance of 313.38 feet to the East line of that parcel of land described in a Warranty Deed recorded July 9, 1920 as Reception No. 102182 of the Records of Morgan County;  
THENCE South 00°43'01" West a distance of 67.18 feet to the Northeasterly line of Fort Morgan Middle School Annexation recorded March 11, 2015 as Reception No. 1500331 of the Records of Morgan County, and to the existing centerline of the Fort Morgan Reservoir and Irrigation Company Canal, and also to the beginning point of a curve, non-tangent to the aforesaid line;

The following Two (2) courses are along the Northeasterly lines of said Fort Morgan Middle School Annexation and said centerline:

THENCE along the arc of a curve concave to the Southwest a distance of 79.28 feet, said curve has a Radius of 910.19 feet, a Delta of 4°59'26" and is subtended by a Chord that bears North 46°38'45" West a distance of 79.26 feet to a Point of Tangency;  
THENCE North 49°08'28" West a distance of 1552.85 feet to the East line of the South West Street Annexation to the City of Fort Morgan recorded May 15, 2000 as Reception No. 784879 of the Records of Morgan County;

The following Two (2) courses are along the Easterly and Northerly lines of said South West Street Annexation to the City of Fort Morgan:

THENCE North 01°01'54" West a distance of 38.20 feet;  
THENCE North 48°56'16" West a distance of 80.86 feet to a line parallel with and 30.00 feet westerly of, as measured at a right angle to the East line of the NE1/4 of Section 12, and to the Southerly prolongation of the East line of the Underwood Annexation to the City of Fort Morgan recorded December 15, 2008 as Reception No. 1500239 of the Records of Morgan County;

The following Three (3) courses are along said Southerly prolongation and the Easterly, Northerly and Westerly lines of said Underwood Annexation:

THENCE North 01°01'54" West a distance of 492.04 feet to a line parallel with and 100.00 feet Southerly of, as measured at a right angle to the existing centerline of the main track of the Burlington Northern Railroad;  
THENCE South 85°58'11" West along said parallel line a distance of 403.01 feet;  
Thence South 36°14'19" East a distance of 253.59 feet to a line parallel with and 40.00 feet Northeasterly of, as measured at a right angle to the existing centerline of the Fort Morgan Reservoir and Irrigation Company Canal, said parallel line being the assumed Right of Way line of the Fort Morgan Reservoir and Irrigation Company Canal;

The following Two (2) courses are along said parallel line:

THENCE South 39°40'18" East a distance of 96.50 feet;  
THENCE South 47°49'02" East a distance of 268.94 feet to the Northerly prolongation of the West line of the South West Street Annexation to the City of Fort Morgan recorded May 15, 2000 as Reception No. 784879 of the Records of Morgan County;  
THENCE South 01°01'54" East along said Northerly prolongation and along the West line of said South West Street Annexation a distance of 23.85 feet;

THENCE South 88°58'06" West a distance of 59.00 feet to the Southeasterly corner of the Annexation to the City of Fort Morgan recorded July 20, 1973 as Reception No. 581355 of the Records of Morgan County;

The following Three (3) courses are along the Northeasterly lines of said Annexation to the City of Fort Morgan recorded July 20, 1973 as Reception No. 581355 of the Records of Morgan County:

THENCE North 50°29'54" West a distance of 246.00 feet;

THENCE North 41°26'54" West a distance of 265.50 feet;

THENCE North 31°13'54" West a distance of 143.15 feet to a line parallel with and 100.00 feet Southerly of, as measured at a right angle to the existing centerline of the main track of the Burlington Northern Railroad;

THENCE North 20°05'11" West a distance of 208.38 feet to a line parallel with and 100.00 feet Northerly of, as measured at a right angle to the existing centerline of the main track of the Burlington Northern Railroad;

The following Four (4) courses are along said parallel line:

THENCE North 85°58'11" East a distance of 252.63 feet to the West line of an Annexation to the City of Fort Morgan as recorded May 4, 1953 as Reception No. 386835 of the Records of Morgan County;

THENCE North 85°58'11" East along the South line of said Annexation a distance of 163.27 feet to the West line of an Annexation to the City of Fort Morgan recorded January 8, 1979 as Reception No. 557541 of the Records of Morgan County;

THENCE North 85°58'11" East along the South line of said Annexation to the City of Fort Morgan, Reception No. 557541 a distance of 173.28 feet to the West line of Croft Addition to the Town of Fort Morgan recorded March 26, 1906 as Reception No. 21371 of the Records of Morgan County;

THENCE North 85°58'11" East along the South line of said Croft Addition to the Town of Fort Morgan a distance of 847.10 feet to the West line of C.S. Howards Addition to Fort Morgan recorded May 23, 1888 as Reception No. 28847 of the Records of Morgan County;

The following Two (2) courses are along the Westerly and Southerly lines of said C.S. Howards Addition to Fort Morgan:

THENCE South 01°04'59" East a distance of 50.07 feet;

THENCE North 85°58'11" East a distance of 440.58 feet to the West line of the original Town of Fort Morgan recorded May 1, 1884 as Reception No. 13205 of the Records of Morgan County;

THENCE South 01°04'59" East along said West line a distance of 50.07 feet to the Southerly line of said original Town of Fort Morgan and to the existing centerline of the main track of the Burlington Northern Railroad;

THENCE North 85°58'11" East along said Southerly line and along said existing centerline a distance of 2643.49 feet to the West line of the Revised Thompson's Addition to the Town of Fort Morgan recorded January 2, 1904 as Reception No. 16894 of the Records of Morgan County, said West line also being the East line of the Southwest Quarter of the Southeast Quarter of said Section 6;

THENCE South 01°13'22" East along said West line a distance of 133.69 feet to the North line of the Northeast Quarter (NE1/4) of said Section 7 and to the North line of an Annexation to the City of Fort Morgan, Sherman Park Addition recorded August 9, 1955 as Reception No. 413838 of the Records of Morgan County;  
THENCE South 88°41'23" West along the North line of said NE1/4 and along the North line of said Annexation to the City of Fort Morgan, Sherman Park Addition a distance of 465.60 feet to the POINT OF BEGINNING.

EXCEPTING therefrom that portion of Brush Addition to Fort Morgan recorded August 22, 1908 as Reception No. 29073 of the Records of Morgan County being more particularly described as follows:

COMMENCING at the North Quarter corner of said Section 7 and assuming the North line of said NE1/4 of said Section 7 as bearing North 88°41'23" East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2639.72 feet with all other bearings contained herein relative thereto;

THENCE South 88°33'08" West along the Northerly line of the Northwest Quarter of Section 7 a distance of 1354.68 feet;  
THENCE South 01°26'52" East a distance of 90.07 feet to the Northerly line of said Brush Addition to Fort Morgan and to the POINT OF BEGINNING;

The following Three (3) courses are along the Northerly, Westerly, and Southerly lines of said Brush Addition:

THENCE South 85°58'11" West a distance of 435.08 feet;  
THENCE South 06°39'59" East a distance of 435.35 feet;  
THENCE North 88°16'31" East a distance of 392.23 to the West Right of Way line of Deuel Street being a part of said Brush Addition;  
THENCE North 01°05'29" West along said West line a distance of 451.26 to the POINT OF BEGINNING.

Said described parcel of land contains 45.627 Acres, more or less (±).

**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 2nd day of May, 2017.



THE CITY COUNCIL OF THE CITY OF FORT  
MORGAN, COLORADO

By: Ronald Shaver  
Mayor

Attest:

John Brennan  
City Clerk

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED  
PUBLISHED this 6<sup>th</sup> day of June, 2017.



THE CITY COUNCIL OF THE CITY OF  
FORT MORGAN, COLORADO

By: Ronald Shaver  
Mayor

Attest:

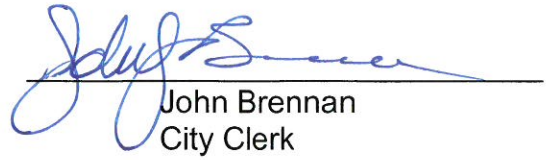
John Brennan  
City Clerk

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

**CERTIFICATE**

I, John Brennan, the duly appointed, qualified Clerk of the City of Fort Morgan, Colorado, do hereby certify that the foregoing **Ordinance No. 1191** was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 2nd day of May, 2017. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 5th day of May, 2017, 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 6<sup>th</sup> day of

June, 2017. Within five (5) days after its final passage, said **Ordinance No. 1191** 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.



John Brennan  
City Clerk