

## **ORDINANCE NO. 1212**

### **AN ORDINANCE ANNEXING TO THE CITY OF FORT MORGAN THAT AREA KNOWN AS THE BATH ANNEXATION II AS DESCRIBED HEREIN**

**WHEREAS**, the City Council of the City of Fort Morgan on March 6, 2018, adopted a resolution finding that the Bath petition for annexation was in substantial compliance with C.R.S. §31-12-107, and set a hearing date of May 1, 2018, 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 1, 2018, 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 located in the North Half (N1/2) of Section Four (4), Township Three North (T.3N.), Range Fifty-seven West (R.57W.) and in the South Half (S1/2) of Section Thirty-three (33), Township Four North (T.4N.), Range Fifty-seven West (R.57W.), both of the Sixth Principal Meridian (6th P.M.), County of Morgan, State of Colorado and being more particularly described as follows:

COMMENCING at the Center Quarter corner of said Section 4 and assuming the South line of the Northeast Quarter (NE1/4) as bearing North 88°57'34" East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2623.30 feet with all other bearings contained herein relative thereto;

THENCE North 88°57'34" East along said South line and along the North line of Fort Morgan Industrial Park as recorded August 21, 1979 at Book 5, Page 67 of the Records of Morgan County a distance of 164.13 feet to a line parallel with and 164.10

feet East of, as measured at a right angle to the East line of the NW1/4 of said Section 4 and to the POINT OF BEGINNING;

THENCE North 00°08'08" East along said parallel line a distance of 917.74 feet to a Point of Curvature (PC);

THENCE along the arc of a curve concave to the Southwest a distance of 394.03 feet, said curve has a Radius of 932.13 feet, a Delta of 24°13'12" and is subtended by a Chord that bears North 11°58'28" West a distance of 391.10 feet to the end point of said curve;

THENCE South 89°51'30" West along a line non-tangent to the aforesaid curve a distance of 734.45 feet;

THENCE South 00°14'26" West a distance of 1062.41 feet to the Northerly line of that parcel of land described in that deed recorded September 3, 1998 as Book 1037, Page 740 of the Records of Morgan County;

The Following Two (2) courses are along the Northerly lines of said parcel of land described in that deed recorded September 3, 1998 as Book 1037, Page 740 of the Records of Morgan County:

THENCE North 57°39'16" West a distance of 139.53 feet;

THENCE South 88°55'28" West a distance of 213.19 feet to the West line of the East Half of the West Half of the Southeast Quarter of the Northwest Quarter (E1/2 W1/2 SE1/4 NW1/4) of said Section 4;

THENCE North 00°12'52" East along said E1/2 W1/2 SE1/4 NW1/4 a distance of 990.93 feet to the South line of the Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4) of said Section 4;

THENCE South 89°08'05" West along said South line a distance of 328.11 feet to the West line of said NE1/4 NW1/4;

THENCE North 00°14'26" East along said West line a distance of 670.11 feet to the Upper Platte and Beaver Canal;

The following Four (4) courses are along said Upper Platte and Beaver Canal:

THENCE South 88°33'55" East a distance of 439.00 feet;

THENCE South 89°41'08" East a distance of 239.53 feet;

THENCE South 84°55'02" East a distance of 404.10 feet;

THENCE South 74°59'20" East a distance of 237.97 feet to the East line of the NE1/4 NW1/4 of said Section 4;

THENCE North 00°08'08" East along said East line a distance of 26.74 feet to the Northerly Bank of the Upper Platte and Beaver Canal;

The following Four (4) courses are along said Northerly Bank of the Upper Platte and Beaver Canal:

THENCE North 77°05'53" West a distance of 124.79 feet;

THENCE North 77°05'53" West a distance of 174.88 feet;

THENCE North 86°12'38" West a distance of 515.53 feet;

THENCE North 89°20'09" West a distance of 329.74 feet to the East line of that parcel of land described in that Warranty Deed recorded December 16, 2005 as Book 1231, Page 175 of the Records of Morgan County;

THENCE North 00°39'09" West along said East line a distance of 1122.64 feet to the Southerly Right of Way line of Interstate No. 76;

The Following Two (2) courses are along said Southerly Right of Way line of Interstate No. 76:

THENCE South 89°53'04" East a distance of 419.72 feet;

THENCE South 89°52'49" East a distance of 2041.20 feet to the East line of the West Half of the Southeast Quarter (W1/2 SE1/4) of Section 33;

THENCE South 00°15'46" East along said East line a distance of 460.91 feet to the North line of the Northeast Quarter (NE1/4) of Section 4;

THENCE North 89°25'31" East along said North line a distance of 1312.39 feet to the Northeast corner of said Section 4;

THENCE South 00°12'44" West along the East line of said Section 4 a distance of 306.18 feet to the Northerly Bank of the Upper Platte and Beaver Canal;

The following Fifteen (15) courses are along the Northerly Bank of the Upper Platte and Beaver Canal:

THENCE South 41°06'41" West a distance of 41.39 feet;

THENCE South 47°12'51" West a distance of 198.38 feet;

THENCE South 66°30'31" West a distance of 139.39 feet;

THENCE South 88°28'51" West a distance of 117.47 feet;

THENCE North 78°39'14" West a distance of 183.77 feet;

THENCE North 85°42'09" West a distance of 167.62 feet;

THENCE South 83°06'41" West a distance of 158.79 feet;

THENCE South 79°19'46" West a distance of 161.00 feet;

THENCE South 72°44'41" West a distance of 166.26 feet;

THENCE South 71°23'16" West a distance of 246.22 feet;

THENCE South 64°29'51" West a distance of 139.66 feet;

THENCE South 70°36'01" West a distance of 209.92 feet;

THENCE South 82°48'06" West a distance of 296.36 feet;

THENCE North 88°46'09" West a distance of 290.49 feet;

THENCE North 80°07'14" West a distance of 186.40 feet to the East line of that parcel of land described in that Warranty Deed recorded May 8, 2008 as Reception No. 849846 of the Records of Morgan County;

The following Five (5) courses are along the Easterly lines of said parcel of land described in that Warranty Deed recorded May 8, 2008 as Reception No. 849846 of the Records of Morgan County:

THENCE South 00°07'00" West a distance of 63.97 feet;  
THENCE South 00°28'17" West a distance of 121.23 feet;  
THENCE along the arc of a curve concave to the Northeast a distance of 367.65 feet, said curve has a Radius of 872.13 feet, a Delta of 24°09'12" and is subtended by a Chord that bears South 12°04'49" East a distance of 364.93 feet to a Point of Reverse Curvature;  
THENCE along the arc of a curve concave to the Southwest a distance of 419.42 feet, said curve has a Radius of 992.13 feet, a Delta of 24°13'17" and is subtended by a Chord that bears South 12°02'46" East a distance of 416.30 feet to a Point of Tangency and to a line parallel with and 224.09 feet East of, as measured at a right angle to the West line of the Northeast Quarter (NE1/4) of said Section 4;  
THENCE South 00°08'08" West along said parallel line a distance of 916.50 feet to the South line of said NE1/4 and the North line of Fort Morgan Industrial Park as recorded August 21, 1979 at Book 5, Page 67 of the Records of Morgan County;

THENCE South 88°57'34" West along said North line of Fort Morgan Industrial Park a distance of 60.01 feet to the POINT OF BEGINNING.

Said described parcel of land contains 111.414 Acres, more or less ( $\pm$ ), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

**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 20th day of March, 2018.



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 1<sup>st</sup> day of May, 2018.

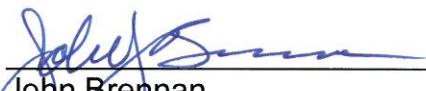


THE CITY COUNCIL OF THE CITY OF  
FORT MORGAN, COLORADO



By: Ronald Shaver  
Mayor

Attest:



John Brennan  
City Clerk

STATE OF COLORADO )  
COUNTY OF MORGAN ) ss. 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. 1212** was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 20th day of March, 2018. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 18th day of April, 2018, 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 1st day of May, 2018. Within five (5) days after its final passage, said **Ordinance No. 1212** 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