

ORDINANCE NO. 1213

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 OF SAID CITY FOR THE K. BATH ANNEXATION

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

WHEREAS, said property was annexed to the City by Ordinances 1211 and 1212; 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,

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

WHEREAS, Keith Bath has requested the areas belonging to him be zoned subject to into **UA: Urban Agricultural**; and,

WHEREAS, Fort Morgan Farms, LLC has requested the areas belonging to it be zoned subject to into **I: Industrial**; 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 K. Bath Annexations I & II, the legal description of which is set forth in Exhibit A attached hereto and incorporated herein by this reference, is hereby zoned as follows:

- 1) The Parcel belonging to Keith Bath is zoned into **UA: Urban Agricultural**; and,
- 2) The parcels belonging to Fort Morgan Farms, LLC are zoned into **I: Industrial**.

Section 2: That said zoning made a part hereby is permitted and the Zoning District Map of the City of Fort Morgan, Colorado, shall be amended accordingly.

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 1st 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. 1213** 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. 1213** 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

EXHIBIT A

Bath parcel:

That part of the N1/2 of Section 4, Township 3 North, Range 57 West of the 6th P.M., Morgan County, Colorado, described as: Commencing at the SE corner of the NW1/4 of said Section 4, and considering the South line of said N1/2 of Section 4 as bearing S89°36'E with all bearings relative thereto; thence S89°36E, 164.13 feet along the South line of said N1/2 of Section 4; thence N01°38'28"E along a line parallel to the East line of the NW1/4 of said Section 4, 917.74 feet; thence on a curve left having a radius of 932.13 feet, the chord of which bears N10°28'07"W at 391.10 feet; thence on a curve right having a radius of 932.13, the chord of which bears N10°28'07"W at 391.10 feet to a point on the East line of said NW1/4; thence N01°38'28"E along the East line 160.0 feet to the Upper Platte and Beaver Canal; thence N84°10'09"W 1,308.52 feet along said Canal to a point on the West line of the NE1/4NW1/4 of said Section 4; thence S01°43'41"W along said West line 637.0 feet to the SW corner of said NE1/4NW1/4; thence S87°14'26"E 325.59 feet to the NW corner of the E1/2W1/2SE1/4NW1/4 of said Section 4; thence S01°42'23"W along the West line of said E1/2W1/2SE1/4NW1/4 of said Section 4 1,319.61 feet to a point on the South line of said N1/2 of said Section 4; thence S89°36'E, 127.0 feet; thence North 205 feet; thence East 111 feet; thence South 225 feet to a point on the South line of said N1/2 of said Section 4; thence S89°36'E along said South line 644.20 feet to the beginning. EXCEPT a parcel of land deeded to Pro-Tech Fabricators Inc. in Book 1037 at page 740.

Fort Morgan Farms, LLC parcels:

Parcel 1.

A parcel of land in the N1/2 of Section 4, Township 3 North, Range 57 West of the 6th P.M. and in the SW1/4 and the W1/2 SE1/4 of Section 33, Township 4 North, Range 57 West of the 6th P.M., Morgan County, Colorado, said parcel being more particularly described as follows: Beginning at the SE corner of Walmart Retail Center Subdivision, Morgan County, Colorado, from whence the NW corner of said Section 4 bears N61°24'10"W a distance of 1323.51 feet; thence N1°24'40"E along the East line of said Walmart Retail Center Subdivision and the Northerly extension thereof, a distance of 1120.30 feet to a point on the Southerly right-of-way line of Interstate 76; thence S88°46'55"E along the Southerly right-of-way line of Interstate 76 a distance of 708.77 feet; thence S88°46'40"E along the Southerly right-of-way line of Interstate 76 a distance of 2041.12 feet to a point on the East line of said W1/2SE1/4 of Section 33; thence S89°28'30"E along the section line common to said Sections 33 and 4, a distance of 1312.36 feet to the NE corner of said Section 4; thence S1°16'25"W along the East line of said Section 4, a distance of 306.52 feet to a point on the North Bank of the Upper Platte and Beaver Canal; thence along the North Bank of the Upper Platte and Beaver Canal the following courses and distances S42°12'50"W, 41.56 feet; S48°19'00"W, 198.38 feet; S67°36'40"W, 139.39 feet; S89°35'00"W, 117.47 feet; N77°33'05"W, 183.77 feet; N84°36'00"W, 167.62 feet; S84°12'50"W, 158.79 feet; S80°25'55"W, 161.00 feet; S73°50'50"W, 166.26 feet; S72°29'25"W, 246.22 feet; S65°36'00"W, 139.66 feet; S71°42'10"W, 209.92 feet; S83°54'15"W, 296.36 feet; N87°40'00"W, 290.49 feet; N79°01'05"W, 197.43

feet; N75°59'44"W, 349.76 feet; N85°06'29"W, 515.53 feet; N88°14'00"W, 510.68 feet; N87°01'50"W, 128.26 feet to the point of beginning. EXCEPT that parcel of land deeded in Book 1231 at page 175.

Parcel 2.

A parcel of land in the N1/4 of Section 4, Township 3 North, Range 57 West of the 6th P.M., Morgan County, Colorado, being described as follows: Commencing at the North quarter corner of said Section 4, and assuming that the West line of said NE1/4 bears N01°38'28"E, with all other bearings contained herein being relative thereto; thence S01°38'28"W on the West line of said NE1/4, 734.81 feet to the point of beginning; thence departing said West line S84°10'09"E, 60.16 feet; thence S01°38'29"W 85.74 feet; thence S01°59'46"W, 121.23 feet to a point of curve; thence on the arc of a curve to the left, having a radius of 872.13 feet, a length of 367.65 feet, a delta of 24°09'12", and a chord which bears S10°36'49"E 364.93 feet to a point of reverse curve; thence on the arc of a curve to the right, having a radius of 992.13 feet, a length of 419.42 feet, a delta of 24°13'17", and a chord which bears S10°28'13"E, 416.30 feet; thence S01°39'37"W, 886.43 feet to a point on the South line of said NE1/4; thence N89°36'00"W on said south line 60.01 feet; thence departing said south line N01°39'37"E 887.75 feet to a point of curve; thence on the arc of a curve to the left, having a radius of 932.13 feet, a length of 394.05 feet, a delta of 24°13'17", and a chord which bears N10°28'13"W, 391.12 feet to a point of reverse curve; thence on the arc of a curve to the right having a radius of 932.13 feet, a length of 392.94 feet, a delta of 24°09'12", and a chord which bears N10°36'49"W, 390.04 feet; thence N01°59'46"E, 121.23 feet; thence N01°38'28"E 90.13 feet to the point of beginning, according to survey by Power Surveying Company dated March 18, 2008, said West line of the above described parcel being one and the same as the East line of property conveyed to Keith Bath on September 30, 2003 in Book 1158 at page 708.

As generally reflected in the following:

