

ORDINANCE NO. 1223

AN ORDINANCE ANNEXING TO THE CITY OF FORT MORGAN AREAS KNOWN COLLECTIVELY AS THE FIEBIG ANNEXATION AS DESCRIBED HEREIN

WHEREAS, the City of Fort Morgan is the sole land owner of property commonly referred to as the Fiebig Farm that consists of about 135 acres of principally undeveloped farm land broken into three parcels by areas of right of way that were previously annexed into the city; and,

WHEREAS, pursuant to C.R.S. §31-12-106(3), the Municipal Annexation Act of 1965 as amended, hereinafter referred to as the Annexation Act, the City Council of Fort Morgan may forgo the typical hearing and notice requirements of sections 108 and 109 of the Annexation Act; and,

WHEREAS, pursuant to the Annexation Act, the City Council of Fort Morgan may forgo the typical hearing process so long as the property to be annexed does not consist solely of public streets or right-of-way, which consistent with the property to be annexed; and,

WHEREAS, the City Council of the City of Fort Morgan has made findings of fact and conclusions of law based thereon and determinations pertaining to said annexation, and has determined said areas are eligible for annexation and 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 East Half of the Southeast Quarter (E/2 SE1/4) of Section Five (5), Township Three North (T.3N.), Range Fifty-seven West (R.57W.) of the Sixth Principal Meridian (6th P.M.), County of Morgan, State of Colorado and being more particularly described as follows:

COMMENCING at the East Quarter corner of said Section 5 and assuming the East line of said SE1/4 as bearing North 00°19'57" East being a Grid Bearing of the Colorado State Plane East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2629.79 feet with all other bearings contained herein relative thereto;

THENCE South 00°19'57" West a distance of 30.01 feet; West a distance of 30.01 feet; THENCE South 88°49'48" West a distance of 55.03 feet to the Northwest corner of a Map of West a distance of 55.03 feet to the Northwest corner of a Map of Annexation of Barlow Road and East Railroad Avenue recorded June 10, 1998 at Book 8 at Page 38

at Reception No. 770864 of the Records of Morgan County and to the POINT OF BEGINNING;

The following Three (3) courses are along the Westerly and Northerly lines of said Map of Annexation of Barlow Road and East Railroad Avenue;

THENCE South 45°29'43" East a distance of 20.93 feet; East a distance of 20.93 feet;
THENCE South 00°19'57" West a distance of 1694.48 feet; West a distance of 1694.48 feet;

THENCE South 85°57'37" West a distance of 1278.34 feet to the Easterly line of Fort Morgan West a distance of 1278.34 feet to the Easterly line of Fort Morgan Farm II Annexation Map recorded July 21, 2014 at Reception No. 1500319 of the Records of Morgan County;

THENCE North 00°03'20" West along said East line a distance of 1773.21 feet to the South line West along said East line a distance of 1773.21 feet to the South line of a Map of Annexation to the City of Fort Morgan, Colorado recorded October 26, 1987 at Book 6 at Page 51 of the Records of Morgan County;

THENCE North 88°49'48" East along said South line a distance of 1272.05 feet to the POINT OF East along said South line a distance of 1272.05 feet to the POINT OF BEGINNING.

Said described parcel of land contains 51.199 Acres, more or less (\pm) and is subject to any rights-of-way or other easements as granted or reserved by instruments of record or as now existing on said described parcel of land.

SECTION 2. 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 West Half of the Southwest Quarter (W/2 SW1/4) of Section Four (4), Township Three North (T.3N.), Range Fifty-seven West (R.57W.) of the Sixth Principal Meridian (6th P.M.), County of Morgan, State of Colorado and being more particularly described as follows:

COMMENCING at the West Quarter corner of said Section 4 and assuming the West line of said SW1/4 as bearing North 00°19'57" East being a Grid Bearing of the Colorado State Plane East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2629.79 feet with all other bearings contained herein relative thereto;

THENCE South 00°19'57" West a distance of 30.01 feet; West a distance of 30.01 feet;
THENCE North 88°55'28" East a distance of 54.99 feet to the Northeast corner of a Map of East a distance of 54.99 feet to the Northeast corner of a Map of Annexation of Barlow Road and East Railroad Avenue recorded June 10, 1998 at Book 8 at Page 38 at Reception No. 770864 of the Records of Morgan County and to the POINT OF BEGINNING;

THENCE North 88°55'28" East along the South line of State Highway 34 of a Map of Annexation East along the South line of State Highway 34 of a Map of Annexation to the City of Fort Morgan, Colorado recorded October 26, 1987 at Book 6 at Page 51 of the Records of Morgan County a distance of 1264.98 feet to the West line of A Replat of Fort Morgan Industrial Park recorded April 24, 1988 at Book 6 at Page 53 at Reception No. 708364 of the Records of Morgan County;

THENCE South 00°23'22" West along the West line of said Replat a distance of

1955.16 feet to West along the West line of said Replat a distance of 1955.16 feet to the North line of BNSF Railroad of a Map of Annexation to the City of Fort Morgan, Colorado recorded October 26, 1987 at Book 6 at Page 51 of the Records of Morgan County;

THENCE South $85^{\circ}58'01''$ West along said North line a distance of 1281.35 feet to the West line West along said North line a distance of 1281.35 feet to the West line of said Annexation of Barlow Road and East Railroad Avenue; The following Two (2) courses are along the Easterly lines of said Map of Annexation of Barlow Road and East Railroad Avenue;

THENCE North $00^{\circ}19'57''$ East a distance of 2006.25 feet; East a distance of 2006.25 feet;

THENCE North $44^{\circ}36'16''$ East a distance of 21.46 feet to the POINT OF BEGINNING. Said described parcel of land contains 58.355 Acres, more or less (\pm) and is subject to any rights-of-way or other easements as granted or reserved by instruments of record or as now existing on said described parcel of land.

SECTION 3. 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 Southwest Quarter (SW1/4) of Section Four (4), Township Three North (T.3N.), Range Fifty-seven West (R.57W.) of the Sixth Principal Meridian (6th P.M.), County of Morgan, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest Quarter corner of said Section 4 and assuming the West line of said SW1/4 as bearing North $00^{\circ}19'57''$ East being a Grid Bearing of the Colorado State Plane East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2629.79 feet with all other bearings contained herein relative thereto;

THENCE North $88^{\circ}41'15''$ East along the South line of said SW1/4 a distance of 200.00 feet to East along the South line of said SW1/4 a distance of 200.00 feet to the Southeast corner of Ordinance No. 743 recorded August 8, 1990 at Reception No. 720645 of the Records of Morgan County; The following Three (3) courses are along the Easterly and Northerly lines of said Ordinance No. 743;

THENCE North $00^{\circ}19'57''$ East a distance of 30.01 feet to the POINT OF BEGINNING; THENCE North $00^{\circ}19'57''$ East a distance of 119.99 feet; East a distance of 119.99 feet; THENCE South $88^{\circ}41'15''$ West a distance of 169.99 feet to the East line of a Map of Annexation West a distance of 169.99 feet to the East line of a Map of Annexation to the City of Fort Morgan, Colorado recorded December 16, 1997 at Book 8 at Page 19 of the Records of Morgan County;

THENCE North $00^{\circ}19'57''$ East along said East line a distance of 227.31 feet to the South line of East along said East line a distance of 227.31 feet to the South line of BNSF Railroad of a Map of Annexation to the City of Fort Morgan, Colorado recorded October 26, 1987 at Book 6 at Page 51 of the Records of Morgan County;

THENCE North $85^{\circ}58'01''$ East along said South line a distance of 2610.78 feet to the West line East along said South line a distance of 2610.78 feet to the West line of Williams Farm Annexation recorded April 7, 2006 at Reception No. 1500176 of the Records of Morgan County;

THENCE South $00^{\circ}13'17''$ West along said West line a distance of 471.42 feet to the

Southwest West along said West line a distance of 471.42 feet to the Southwest corner of said Williams Farm Annexation;

THENCE South 88°41'43" West a distance of 1318.52 feet; West a distance of 1318.52 feet;

THENCE South 88°41'15" West a distance of 1116.68 feet to the POINT OF BEGINNING.

Said described parcel of land contains 23.999 Acres, more or less (\pm) and is subject to any rights-of-way or other easements as granted or reserved by instruments of record or as now existing on said described parcel of land.

SECTION 4. When the annexation is complete, said areas 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 5. 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 18th day of December, 2018.



THE CITY COUNCIL OF THE CITY OF FORT
MORGAN, COLORADO


By: Ronald Shaver
Mayor

Attest:


John Brennan
City Clerk

PASSED, APPROVED, AMENDED AND ADOPTED ON FINAL READING AND
ORDERED PUBLISHED this 2nd day of January, 2018.

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO



Attest,

John Brennan
John Brennan
City Clerk

Ronald Shaver
By: Ronald Shaver
Mayor

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. 1223** was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 18th day of December, 2018. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 21st day of December, 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 *amended*, passed, approved and adopted at a regular meeting of the City Council held on the 2nd day of January, 2019. After its final passage, and within five (5) days of receiving the revised legal description of the property as amended and authorized by the City Council at second reading, said **Ordinance No. 1223** 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
John Brennan
City Clerk