

## **ORDINANCE NO. 1273**

### **AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF FORT MORGAN, COLORADO ANNEXING TO THE CITY OF FORT MORGAN A CERTAIN TRACT OF LAND IN UNINCORPORATED MORGAN COUNTY KNOWN AS THE HEIDEL ANNEXATION**

**WHEREAS**, the City of Fort Morgan, Colorado (the "City") has been duly organized and is validly existing as a home rule city under Article XX, Section 6 of the Colorado Constitution and the City Charter;

**WHEREAS**, The City of Fort Morgan has initiated this enclave annexation of a certain tract of land located outside of the City, at 909 E. Riverview Avenue, Fort Morgan, with a legal description of the southeast quarter of the southwest quarter Section 05, Township 3, Range 57 West 6th principal meridian (the "Property");

**WHEREAS**, pursuant to §31-12-106(1), because the Property is an enclave annexation, the City Council may by ordinance annex said area to the City, without the notice and hearing as provided in sections 31-12-108 and 31-12-109, and said annexing ordinance must state that the area proposed to be annexed has been surrounded by the boundaries of the municipality for a period not less than three years;

**WHEREAS**, the Property has been surrounded by the boundaries of the City of Fort Morgan for a period of more than three years;

**WHEREAS**, the City currently has in place a Comprehensive Plan and other long-range planning documents which constitute the City's annexation plan; and

**WHEREAS**, the City Council finds that it is desirable and necessary that the Property be annexed to the City of Fort Morgan.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO, AS FOLLOWS:**

**Section 1.** The foregoing recitals are hereby incorporated as conclusions, facts, determinations, and findings by the City Council.

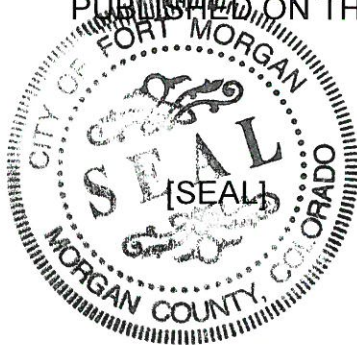
**Section 2.** The City approves the annexation of the Property, depicted on Exhibit A, attached hereto, and located at the address of 909 E. Riverview Avenue, Fort Morgan, and with a legal description of: the southeast quarter of the southwest quarter Section 05, Township 3, Range 57 West 6th principal meridian, and such real property is hereby annexed to and made a part of the City of Fort Morgan.

**Section 3.** Within ten (10) days after final publication of this Ordinance, the City Clerk of the City of Fort Morgan, Colorado, on behalf of the City shall:

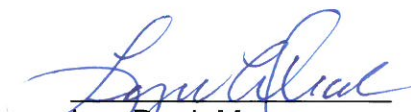
- A. File one (1) copy of the Annexation Plat and the original of this Annexation Ordinance in the office of the City Clerk of the City of Fort Morgan, Colorado;
- B. File for recording three (3) certified copies of this Annexation Ordinance and three (3) copies of the Annexation Plat, containing a legal description of the annexation parcel, with the County Clerk and Recorder of Morgan County, Colorado, with directions to the Morgan County Clerk and Recorder to file one certified copy of this Annexation Ordinance and one copy of the Annexation Map with the Division of Local Government of the Department of Local Affairs of the State of Colorado and one certified copy of this Annexation Ordinance and one copy of the Annexation Map with the Colorado Department of Revenue; and
- C. File one certified copy of this Annexation Ordinance and one copy of the Annexation Map in the office of the County Assessor of Morgan County, Colorado.

**Section 4.** *Severability.* The provisions of this ordinance are severable and the invalidity of any section, phrase, clause, or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

INTRODUCED, READ, AND ADOPTED ON FIRST READING AND ORDERED  
PUBLISHED ON THE 1st DAY OF NOVEMBER, 2022.



THE CITY COUNCIL OF THE CITY OF FORT  
MORGAN, COLORADO

  
Lyn Deal, Mayor


ATTEST:

  
John Brennan, City Clerk

PASSED, APPROVED, AND ADOPTED ON THE SECOND AND FINAL READING AND  
ORDERED PUBLISHED THIS 15th DAY OF NOVEMBER, 2022.

THE CITY COUNCIL OF THE CITY OF  
FORT MORGAN, COLORADO

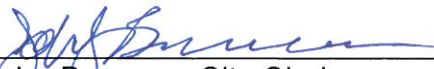


  
\_\_\_\_\_  
Lyn Deal, Mayor

  
\_\_\_\_\_  
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. 1273** was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 1st day of November, 2022. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 4th day of November, 2022, 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 15th day of November, 2022. Within five (5) days after its final passage, said **Ordinance No. 1273** 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**  
**Annexation Plat**  
**(Boundary of Property to be Annexed)**