

## ORDINANCE NO. 1282

### 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 SHIVAM 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**, on February 17, 2023, Shivam Enterprises LLC through Kamallesh Patel filed a Land Use Application (the "Petition") to commence proceedings to annex to the City a certain unincorporated tract of land comprised of 7.701 acres located at 17906 County Road 20, Fort Morgan, with a legal description of the northwest quarter of Section 04, Township 3, Range 57 West and southwest quarter of Section 33, Township 4 West, Range 57 West of the 6th principal meridian in the County of Morgan, State of Colorado (the "Property") and being more particularly described in Exhibit A, attached hereto and incorporated herein by reference;

**WHEREAS**, pursuant to §31-12-108, the City Council Resolution No. 2023-03-04 specified that the City Council would hold a hearing on the proposed annexation at its regular meeting on May 16, 2023, commencing at the hour of 6 p.m. in the City Council Chambers, 110 S. Main Street, Fort Morgan, Colorado;

**WHEREAS**, pursuant to C.R.S. §31-12-108 to -110, the City Council on May 16, 2023 held a duly-noticed public hearing to consider the proposed annexation;

**WHEREAS**, notice of such hearing was published on April 19, 2023 and April 26, 2023, in *The Fort Morgan Times*;

**WHEREAS**, C.R.S. §31-12-105(1)(e) provides that prior to the completion of any annexation within a three-mile area, the municipality shall have in place a plan for that area, which generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities and terminals for water, light, sanitation, transportation and power to be provided by the municipality and the proposed land uses for the area;

**WHEREAS**, the City hereby sets forth its Findings of Fact, Determinations, and Conclusions with regard to annexation to the City of the Shivam Annexation; and

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

**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 17906 County Road 20, Fort Morgan, and with a legal description of: the northwest quarter of Section 04, Township 3, Range 57 West and southwest quarter of Section 33, Township 4 West, Range 57 West of the 6<sup>th</sup> principle meridian in the County of Morgan, State of Colorado, 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:

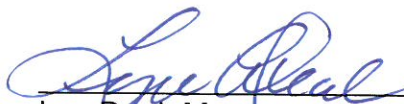
- A. File one (1) copy of the Annexation Plat and the original of this Annexation Ordinance in the office of the City Clerk of the City of Fort Morgan, Colorado;
- B. File for recording three (3) certified copies of this Annexation Ordinance and three (3) copies of the Annexation Plat, containing a legal 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 2nd DAY OF MAY, 2023.



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 16th DAY OF MAY, 2023.



THE CITY COUNCIL OF THE CITY OF  
FORT MORGAN, COLORADO

  
Lyn Deal, 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. 1282 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, 2023. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 5<sup>th</sup> day of May, 2023, 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 16th day of May, 2023. Within five (5) days after its final passage, said Ordinance No. 1282 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)**