

ORDINANCE NO. 751

AN ORDINANCE REZONING CERTAIN PROPERTY WITHIN THE CITY KNOWN AS THE PROPOSED M & C DEVELOPMENT PROPERTIES SUBDIVISION.

WHEREAS, an application for rezoning of certain property, described in Exhibits A, B, C and C attached hereto and made a part hereof, has been filed with the City Council of the City of Dacono; and

WHEREAS, the existing zoning for the property is C-1 Commercial District and MH Pre-Manufactured Housing District, and the rezoning request would adjust the boundaries of the existing zone districts; and

WHEREAS, in the application it was requested that the property set forth in Exhibit A (22.349 acres) be rezoned to C-1 Commercial District, the property set forth in Exhibit B (30.869 acres) be rezoned to MH Pre-Manufactured Housing District, and the property set forth in Exhibit C (28.559 acres) be rezoned MH Pre-Manufactured Housing District; and

WHEREAS, the landowner of the property has submitted all required documents in connection with the rezoning request; and

WHEREAS, the landowner also requested an amendment to the City's comprehensive plan, and such amendment has been adopted by the Dacono Planning and Zoning Commission and approved by the City Council; and

WHEREAS, the Dacono Planning and Zoning Commission has held a public hearing on the rezoning request and has forwarded its recommendation to the City Council, and the City Council has duly considered the Commission's recommendation; and

WHEREAS, the City Council has held a public hearing on the proposed rezoning and has provided notice of the public hearing 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, a rezoning of the property as requested in the application is consistent with the City's plan for the area encompassed by the property, as amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DACONO, COLORADO:

Section 1. That certain property, the legal description of which is set forth in Exhibit A, attached hereto and made a part hereof, is hereby rezoned C-1 Commercial District pursuant to the zoning ordinances and development regulations of the City, and the City zoning map shall be amended accordingly.

Section 2. That certain property, the legal description of which is set forth in Exhibit B, attached hereto and made a part hereof, is hereby rezoned MH Pre-Manufactured Housing District pursuant to the zoning ordinances and development regulations of the City, and the City zoning map shall be amended accordingly.

Section 3. That certain property, the legal description of which is set forth in Exhibit C, attached hereto and made a part hereof, is hereby rezoned MH Pre-Manufactured Housing District pursuant to the zoning ordinances and development regulations of the City, and the City zoning map shall be amended accordingly.

INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED PUBLISHED BY TITLE AND POSTED IN FULL this 14th day of February, 2011.

PUBLIC HEARING AND SECOND READING WILL BE THE 28th day of February, 2011, AT 7:00 P.M. AT DACONO CITY HALL, 512 CHERRY STREET, DACONO, CO.

READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE this _____ day of _____, 2011.

CITY OF DACONO, COLORADO

Charles Sigman, Mayor

ATTEST:

Valerie Elliott, City Clerk

EXHIBIT A

**Legal Description
M & C – C-1 Commercial Zone District**

TRACT 1 - C-1 ZONE DISTRICT

A TRACT OF LAND LOCATED IN THE SE 1/4 OF SECTION 6, T1N, R67W OF THE 6TH P.M., CITY OF DAcono, COUNTY OF WELD, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE E 1/4 CORNER OF SAID SECTION 6, FROM WHICH THE W 1/4 CORNER OF SAID SECTION 6 BEARS N89°11'22"W (BASIS OF BEARINGS); THENCE S00°39'29"E ALONG THE EAST LINE OF THE SE 1/4 OF SAID SECTION 6, A DISTANCE OF 2003.37 FEET; THENCE S89°20'31"W, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; THENCE N88°55'18"W, A DISTANCE OF 1438.95 FEET TO A POINT LYING ON THE WEST LINE OF A 30-FOOT WIDE DITCH EASEMENT GRANTED TO SUSAN TROUDT, ET AL, AS RECEPTION NO. 2845583 OF THE RECORDS OF WELD COUNTY, COLORADO; THENCE SOUTHERLY AND SOUTHWESTERLY ALONG THE WEST LINE AND NORTHWEST LINE OF SAID 30-FOOT WIDE DITCH EASEMENT THE FOLLOWING EIGHT COURSES AND DISTANCES;

- THENCE S05°58'32"W, A DISTANCE OF 49.66 FEET;
- THENCE S13°31'04"W, A DISTANCE OF 31.02 FEET;
- THENCE S24°36'37"W, A DISTANCE OF 40.58 FEET;
- THENCE S41°55'52"W, A DISTANCE OF 42.76 FEET;
- THENCE S52°36'27"W, A DISTANCE OF 34.24 FEET;
- THENCE S69°01'06"W, A DISTANCE OF 100.95 FEET;
- THENCE S79°50'57"W, A DISTANCE OF 31.97 FEET;
- THENCE S87°14'16"W, A DISTANCE OF 28.47 FEET TO THE EASTERLY

LINE OF

AUTUMN VALLEY RANCH SUBDIVISION FILING NO. 1, A SUBDIVISION LOCATED IN THE CITY OF DAcono, COUNTY OF WELD, STATE OF COLORADO, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE S04°21'43"W AND ALONG THE SAID EASTERLY LINE OF AUTUMN VALLEY RANCH SUBDIVISION FILING NO. 1, A DISTANCE OF 383.96 FEET TO A POINT LYING 40.00 FEET NORTH OF THE SOUTH LINE OF THE SE 1/4 OF SAID SECTION 6; THENCE S88°55'18"E AND PARALLEL TO THE SOUTH LINE OF THE SE1/4 OF SAID SECTION 6, A DISTANCE OF 1714.35 FEET TO A POINT LYING 40.00 FEET WEST OF THE EAST LINE OF THE SE 1/4 OF SAID SECTION 6; THENCE N00°39'29"W AND PARALLEL TO THE EAST LINE OF THE SE1/4 OF SAID SECTION 6, A DISTANCE OF 600.28 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 22.349 ACRES, MORE OR LESS.

EXHIBIT B

Legal Description M & C – MH Pre-Manufactured Housing Zone District

TRACT 2 - MH ZONE DISTRICT

A TRACT OF LAND LOCATED IN THE SE 1/4 OF SECTION 6, T1N, R67W OF THE 6TH P.M., CITY OF DAcono, COUNTY OF WELD, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE E 1/4 CORNER OF SAID SECTION 6, FROM WHICH THE W 1/4 CORNER OF SAID SECTION 6 BEARS N89°11'22"W (BASIS OF BEARINGS); THENCE S00°39'29"E ALONG THE EAST LINE OF THE SE 1/4 OF SAID SECTION 6, A DISTANCE OF 2003.37 FEET; THENCE S89°20'31"W, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; THENCE N88°55'18"W, A DISTANCE OF 1438.95 FEET TO A POINT LYING ON THE WEST LINE OF A 30-FOOT WIDE DITCH EASEMENT GRANTED TO SUSAN TROUDT, ET AL, AS RECEPTION NO. 2845583 OF THE RECORDS OF WELD COUNTY, COLORADO; THENCE SOUTHERLY AND SOUTHWESTERLY ALONG THE WEST LINE AND NORTHWEST LINE OF SAID 30-FOOT WIDE DITCH EASEMENT THE FOLLOWING EIGHT COURSES AND DISTANCES;

THENCE S05°58'32"W, A DISTANCE OF 49.66 FEET;
THENCE S13°31'04"W, A DISTANCE OF 31.02 FEET;
THENCE S24°36'37"W, A DISTANCE OF 40.58 FEET;
THENCE S41°55'52"W, A DISTANCE OF 42.76 FEET;
THENCE S52°36'27"W, A DISTANCE OF 34.24 FEET;
THENCE S69°01'06"W, A DISTANCE OF 100.95 FEET;
THENCE S79°50'57"W, A DISTANCE OF 31.97 FEET;
THENCE S87°14'16"W, A DISTANCE OF 28.47 FEET TO THE EASTERLY

LINE OF

AUTUMN VALLEY RANCH SUBDIVISION FILING NO. 1, A SUBDIVISION LOCATED IN THE CITY OF DAcono, COUNTY OF WELD, STATE OF COLORADO, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE N04°21'43"E AND ALONG THE SAID EASTERLY LINE OF AUTUMN VALLEY RANCH SUBDIVISION FILING NO. 1, A DISTANCE OF 402.47 FEET TO THE CENTERLINE OF A 60-FOOT WIDE ROADWAY EASEMENT GRANTED TO AP-DAcono, LLC, AS RECEPTION NO. 2799698 OF THE RECORDS OF WELD COUNTY, COLORADO; THENCE S85°38'17"E AND ALONG SAID CENTERLINE OF A 60-FOOT WIDE ROADWAY EASEMENT, A DISTANCE OF 1.72 FEET TO A POINT OF CURVE TO THE LEFT; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT AND CONTINUING ALONG SAID CENTERLINE OF A 60-FOOT WIDE ROADWAY EASEMENT, AN ARC DISTANCE OF 293.80 FEET TO A POINT OF TANGENT, SAID ARC HAVING A RADIUS OF 400.00 FEET, A CENTRAL ANGLE OF 42°05'01", AND BEING SUBTENDED BY A CHORD THAT BEARS N73°19'13"E, 287.24 FEET; THENCE N52°16'42"E AND CONTINUING ALONG SAID CENTERLINE OF A 60-FOOT WIDE ROADWAY EASEMENT, A DISTANCE OF 386.28 FEET TO A POINT OF CURVE TO THE LEFT; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT AND CONTINUING ALONG SAID CENTERLINE OF A 60-FOOT WIDE ROADWAY EASEMENT, AN ARC DISTANCE OF 164.45 FEET TO A POINT OF TANGENT, SAID ARC HAVING A RADIUS OF

400.00 FEET, A CENTRAL ANGLE OF 23°33'19", AND BEING SUBTENDED BY A CHORD THAT BEARS N40°30'03"E, 163.29 FEET; THENCE N28°43'23"E AND CONTINUING ALONG SAID CENTERLINE OF A 60-FOOT WIDE ROADWAY EASEMENT, A DISTANCE OF 243.77 FEET TO A POINT OF CURVE TO THE RIGHT; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT AND CONTINUING ALONG SAID CENTERLINE OF A 60-FOOT WIDE ROADWAY EASEMENT, AN ARC DISTANCE OF 814.66 FEET TO A POINT OF TANGENT, SAID ARC HAVING A RADIUS OF 770.00 FEET, A CENTRAL ANGLE OF 60°37'09", AND BEING SUBTENDED BY A CHORD THAT BEARS N59°01'58"E, 777.20 FEET; THENCE N89°20'32"E AND CONTINUING ALONG SAID CENTERLINE OF A 60-FOOT WIDE ROADWAY EASEMENT, A DISTANCE OF 160.67 FEET TO A POINT LYING 40.00 FEET WEST OF THE EAST LINE OF THE SE 1/4 OF SAID SECTION 6; THENCE S00°39'29"E AND PARALLEL TO THE EAST LINE OF THE SE1/4 OF SAID SECTION 6, A DISTANCE OF 1274.62 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 30.869 ACRES, MORE OR LESS.

EXHIBIT C

M & C – MH Pre-Manufactured Housing Zone District

TRACT 3 - MH ZONE DISTRICT

A TRACT OF LAND LOCATED IN THE SE 1/4 OF SECTION 6, T1N, R67W OF THE 6TH P.M., CITY OF DAcono, COUNTY OF WELD, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE E 1/4 CORNER OF SAID SECTION 6, FROM WHICH THE W 1/4 CORNER OF SAID SECTION 6 BEARS N89°11'22"W (BASIS OF BEARINGS); THENCE S00°39'29"E ALONG THE EAST LINE OF THE SE 1/4 OF SAID SECTION 6, A DISTANCE OF 147.10 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF THE BULL CANAL OF THE STANLEY DITCH CONVEYED TO THE FARMERS RESERVOIR & IRRIGATION COMPANY AS DESCRIBED IN WARRANTY DEED RECORDED SEPTEMBER 29, 1999, AS RECEPTION NO. 2723568 OF THE RECORDS OF WELD COUNTY, COLORADO; THENCE S85°00'00"W ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF THE BULL CANAL OF THE STANLEY DITCH, A DISTANCE OF 40.12 FEET TO THE POINT OF BEGINNING; THENCE S85°00'00"W AND CONTINUING ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF THE BULL CANAL OF THE STANLEY DITCH, A DISTANCE OF 140.20 FEET TO A POINT OF CURVE TO THE LEFT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT AND CONTINUING ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF THE BULL CANAL OF THE STANLEY DITCH, AN ARC DISTANCE OF 340.78 FEET TO A POINT OF TANGENT, SAID ARC HAVING A RADIUS OF 550.00 FEET, A CENTRAL ANGLE OF 35°30'00", AND BEING SUBTENDED BY A CHORD THAT BEARS S67°15'00"W, 335.35 FEET; THENCE S49°30'00"W AND CONTINUING ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF THE BULL CANAL OF THE STANLEY DITCH, A DISTANCE OF 135.94 FEET TO A POINT OF CURVE TO THE RIGHT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT AND CONTINUING ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF THE BULL CANAL OF THE STANLEY DITCH, AN ARC DISTANCE OF 116.46 FEET TO A POINT OF COMPOUND CURVE TO THE RIGHT, SAID ARC HAVING A RADIUS OF 785.00 FEET, A CENTRAL ANGLE OF 8°30'00", AND BEING SUBTENDED BY A CHORD THAT BEARS S53°45'00"W, 116.35 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID COMPOUND CURVE TO THE RIGHT AND CONTINUING ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF THE BULL CANAL OF THE STANLEY DITCH, AN ARC DISTANCE OF 125.44 FEET TO A POINT OF TANGENT, SAID ARC HAVING A RADIUS OF 235.00 FEET, A CENTRAL ANGLE OF 30°35'00", AND BEING SUBTENDED BY A CHORD THAT BEARS S73°17'30"W, 123.95 FEET; THENCE S88°35'00"W AND CONTINUING ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF THE BULL CANAL OF THE STANLEY DITCH, A DISTANCE OF 482.73 FEET; THENCE N85°29'07"W AND CONTINUING ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF THE BULL CANAL OF THE STANLEY DITCH, A DISTANCE OF 248.28 FEET TO THE EASTERLY LINE OF AUTUMN VALLEY RANCH SUBDIVISION FILING NO. 1, A SUBDIVISION LOCATED IN THE CITY OF DAcono, COUNTY OF WELD, STATE OF COLORADO, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE S19°35'10"W AND ALONG THE SAID EASTERLY LINE OF

AUTUMN VALLEY RANCH SUBDIVISION FILING NO. 1, A DISTANCE OF 62.34 FEET; THENCE S13°50'29"W AND CONTINUING ALONG THE SAID EASTERLY LINE OF AUTUMN VALLEY RANCH SUBDIVISION FILING NO. 1, A DISTANCE OF 89.41 FEET; THENCE S04°21'43"W AND CONTINUING ALONG THE SAID EASTERLY LINE OF AUTUMN VALLEY RANCH SUBDIVISION FILING NO. 1, A DISTANCE OF 1167.75 FEET TO THE CENTERLINE OF A 60-FOOT WIDE ROADWAY EASEMENT GRANTED TO AP-DACONO, LLC, AS RECEPTION NO. 2799698 OF THE RECORDS OF WELD COUNTY, COLORADO; THENCE S85°38'17"E AND ALONG SAID CENTERLINE OF A 60-FOOT WIDE ROADWAY EASEMENT, A DISTANCE OF 1.72 FEET TO A POINT OF CURVE TO THE LEFT; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT AND CONTINUING ALONG SAID CENTERLINE OF A 60-FOOT WIDE ROADWAY EASEMENT, AN ARC DISTANCE OF 293.80 FEET TO A POINT OF TANGENT, SAID ARC HAVING A RADIUS OF 400.00 FEET, A CENTRAL ANGLE OF 42°05'01", AND BEING SUBTENDED BY A CHORD THAT BEARS N73°19'13"E, 287.24 FEET; THENCE N52°16'42"E AND CONTINUING ALONG SAID CENTERLINE OF A 60-FOOT WIDE ROADWAY EASEMENT, A DISTANCE OF 386.28 FEET TO A POINT OF CURVE TO THE LEFT; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT AND CONTINUING ALONG SAID CENTERLINE OF A 60-FOOT WIDE ROADWAY EASEMENT, AN ARC DISTANCE OF 164.45 FEET TO A POINT OF TANGENT, SAID ARC HAVING A RADIUS OF 400.00 FEET, A CENTRAL ANGLE OF 23°33'19", AND BEING SUBTENDED BY A CHORD THAT BEARS N40°30'03"E, 163.29 FEET; THENCE N28°43'23"E AND CONTINUING ALONG SAID CENTERLINE OF A 60-FOOT WIDE ROADWAY EASEMENT, A DISTANCE OF 243.77 FEET TO A POINT OF CURVE TO THE RIGHT; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT AND CONTINUING ALONG SAID CENTERLINE OF A 60-FOOT WIDE ROADWAY EASEMENT, AN ARC DISTANCE OF 814.66 FEET TO A POINT OF TANGENT, SAID ARC HAVING A RADIUS OF 770.00 FEET, A CENTRAL ANGLE OF 60°37'09", AND BEING SUBTENDED BY A CHORD THAT BEARS N59°01'58"E, 777.20 FEET; THENCE N89°20'32"E AND CONTINUING ALONG SAID CENTERLINE OF A 60-FOOT WIDE ROADWAY EASEMENT, A DISTANCE OF 160.67 FEET TO A POINT LYING 40.00 FEET WEST OF THE EAST LINE OF THE SE 1/4 OF SAID SECTION 6; THENCE N00°39'29"W AND PARALLEL TO THE EAST LINE OF THE SE1/4 OF SAID SECTION 6, A DISTANCE OF 578.62 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 28.559 ACRES, MORE OR LESS.

Summary of Ordinance No. 751, “AN ORDINANCE REZONING CERTAIN PROPERTY WITHIN THE CITY KNOWN AS THE PROPOSED M & C DEVELOPMENT PROPERTIES SUBDIVISION”: An ordinance rezoning property located within the proposed M & C Development Properties subdivision in the City of Dacono to adjust the boundaries between the C-1 and MH zone districts.