

ORDINANCE NO. 769

**AN ORDINANCE ZONING PROPERTY ANNEXED TO THE CITY OF
DACONO AND KNOWN AS THE MILLER RANCH ANNEXATION AND
REZONING PROPERTY PREVIOUSLY KNOWN AS THE
COTTONWOOD ACRES SUBDIVISION.**

WHEREAS, a petition for annexation of certain property, described in Exhibit A attached hereto and made a part hereof and known as the Miller Ranch Annexation, was filed with the City Council of the City of Dacono; and

WHEREAS, the property was annexed to the City by ordinance; and

WHEREAS, the City Council must provide for the initial zoning of the property; and

WHEREAS, the landowner of the property requested Planned Unit Development (“PUD”) zoning for the property described in Exhibit A; and

WHEREAS, concurrent with this initial zoning request, the property owner has requested a rezoning of the property set forth in Exhibit B, which was previously known as the Cottonwood Acres Subdivision, from R-1 Residential District to Planned Unit Development (PUD); and

WHEREAS, in connection with this zoning and rezoning request, the landowner has filed with the City a map of the land use designations requested as shown in Exhibit C; and

WHEREAS, the City Council provided notice of the public hearing on said initial zoning and rezoning 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, the PUD classification sought by the landowner as shown in the map attached hereto as Exhibit C is generally consistent with the City’s plan for the area encompassed by the Miller Ranch Annexation and the adjacent property previously known as the Cottonwood Acres Subdivision; and

WHEREAS, the Dacono Planning Commission has held a public hearing on the landowner’s zoning request and forwarded its recommendation to the City Council, and the City Council has duly considered that recommendation.

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

Section 1. The property known as the Miller Ranch Annexation, the legal description of which is set forth in Exhibit A attached hereto and made a part hereof, is hereby zoned Planned Unit Development (“PUD”) pursuant to the zoning ordinances of the City and Exhibit C set forth herein.

Section 2. The property known formerly known as the Cottonwood Acres Subdivision, the legal description of which is set forth in Exhibit B attached hereto and made a part hereof, is hereby rezoned from R-1 Residential District to Planned Unit Development (“PUD”) pursuant to the zoning ordinances of the City and Exhibit C set forth herein.

Section 3. The City’s zoning map shall be amended to reflect the properties set forth in Exhibits A and B comprise the Miller Ranch PUD, a Planned Unit Development zone district approved pursuant to Chapter 16, Article 27 of the Dacono Municipal Code. As required by Section 16-626 of the Dacono Municipal Code, the Preliminary and Final Development Plans for the Miller Ranch PUD must conform with the zoning established by this ordinance.

INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED PUBLISHED BY TITLE AND POSTED IN FULL this 22nd day of October, 2012.

PUBLIC HEARING AND SECOND READING WILL BE THE 26th day of November, 2012, AT 6:00 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 _____, 2012.

CITY OF DACONO, COLORADO

Charles Sigman, Mayor

ATTEST:

Valerie Elliott, City Clerk

Summary of Ordinance No. 769, " **AN ORDINANCE ZONING PROPERTY ANNEXED TO THE CITY OF DACONO AND KNOWN AS THE MILLER RANCH ANNEXATION AND REZONING PROPERTY PREVIOUSLY KNOWN AS THE COTTONWOOD ACRES SUBDIVISION** ": Approves the zoning of the entire proposed Miller Ranch subdivision Planned Unit Development

EXHIBIT A

Miller Ranch Annexation – Initial Zoning

Miller Ranch Annexation No. 1:

A PORTION OF LAND, LOCATED IN THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 1 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO.

CONSIDERING THE NORTH LINE OF NORTHEAST QUARTER OF SECTION 13 TO BEAR NORTH 89°23'12" EAST, A DISTANCE OF 2633.10 FOUND 2 1/2" ALUMINUM CAP "29425" AND THE NORTHEAST CORNER OF SECTION 13, BEING A NUMBER 6 REBAR WITH A 3 1/4" ALUMINUM CAP "FLATIRONS SURV 16406", WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 13; THENCE SOUTH 44°36'05" WEST, A DISTANCE OF 42.59 FEET TO A POINT THAT IS 30.00 FEET WEST OF THE EAST LINE AND 30.00 FEET SOUTH OF THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 13 AND THE POINT OF BEGINNING;

THENCE PARALLEL WITH SAID EAST SECTION LINE AND ALONG THE WEST RIGHT-OF-WAY LINE OF WELD COUNTY ROAD 13 (AKA COLORADO BLVD), SOUTH 00°11'01" EAST, A DISTANCE OF 634.52 FEET;

THENCE SOUTH 89°32'43" WEST, A DISTANCE OF 1845.25 FEET TO THE EASTERLY LINE OF THE FARMERS RESERVOIR AND IRRIGATION COMPANY DITCH RIGHT OF WAY AS RECORDED IN BOOK 406 AT PAGE 296 OF THE WELD COUNTY CLERK & RECORDER'S OFFICE;

THENCE ALONG SAID DITCH RIGHT OF WAY, NORTH 22°52'15" EAST, A DISTANCE OF 231.90 FEET;

THENCE 179.68 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 465.00 FEET, AN INCLUDED ANGLE OF 22°08'21" AND SUBTENDED BY A CHORD BEARING NORTH 11°48'04" EAST, A DISTANCE OF 178.56 FEET;

THENCE NORTH 00°43'53" EAST, A DISTANCE OF 242.39 FEET TO A POINT THAT IS 30.00 FEET SOUTH OF THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 13 SAID POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF WELD COUNTY ROAD 10;

THENCE LEAVING SAID DITCH RIGHT OF WAY AND ALONG SAID SOUTH RIGHT-OF-WAY LINE, NORTH 89°23'12" EAST, A DISTANCE OF 1713.51 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINING 1,104,912 SQ.FT. OR 25.36 ACRES, MORE OR LESS.

Miller Ranch Annexation No. 2:

A PORTION OF LAND, LOCATED IN THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 1 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO.

CONSIDERING THE NORTH LINE OF NORTHEAST QUARTER OF SECTION 13 TO BEAR NORTH 89°23'12" EAST, A DISTANCE OF 2633.10 FEET BETWEEN THE NORTH QUARTER CORNER OF SECTION 13, BEING A FOUND 2 1/2" ALUMINUM CAP "29425" AND THE NORTHEAST CORNER OF SECTION 13, BEING A NUMBER 6 REBAR WITH A 3 1/4" ALUMINUM CAP "FLATIRONS SURV 16406", WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 13; THENCE SOUTH 44°36'05" WEST, A DISTANCE OF 42.59 FEET TO A POINT THAT IS 30.00 FEET WEST OF THE EAST LINE AND 30.00 FEET SOUTH OF THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 13; THENCE PARALLEL WITH SAID EAST SECTION LINE AND ALONG THE WEST RIGHT-OF-WAY LINE OF WELD COUNTY ROAD 13 (AKA COLORADO BLVD), SOUTH 00°11'01" EAST, A DISTANCE OF 634.52 FEET; THENCE SOUTH 89°32'43" WEST, A DISTANCE OF 1937.81 FEET TO A POINT ON THE WESTERLY LINE OF THE FARMERS RESERVOIR AND IRRIGATION COMPANY DITCH RIGHT OF WAY AS RECORDED IN BOOK 406 AT PAGE 296 RECORDED OF THE WELD COUNTY CLERK & RECORDER'S OFFICE AND THE POINT OF BEGINNING;

THENCE SOUTH 89°32'43" WEST, A DISTANCE OF 228.04 FEET;
THENCE NORTH 11°24'29" EAST, A DISTANCE OF 642.61 FEET TO A POINT 30.00 FEET SOUTH OF THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 13, SAID POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF WELD COUNTY ROAD 10;
THENCE ALONG SAID SOUTH RIGHT-OF-WAY, NORTH 89°23'12" EAST, A DISTANCE OF 238.23 FEET TO A POINT ON THE WESTERLY LINE OF SAID DITCH RIGHT OF WAY;
THENCE ALONG SAID DITCH RIGHT OF WAY THE FOLLOWING THREE COURSES, SOUTH 00°43'53" WEST, A DISTANCE OF 240.40 FEET;
THENCE 146.83 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 380.00 FEET, AN INCLUDED ANGLE OF 22°08'21" AND SUBTENDED BY A CHORD BEARING SOUTH 11°48'04" WEST, A DISTANCE OF 145.92 FEET;
THENCE SOUTH 22°52'15" WEST, A DISTANCE OF 268.55 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINING 166,631 SQ.FT. OR 3.82 ACRES, MORE OR LESS.

EXHIBIT B

Miller Ranch—Rezoning Legal Description

A PARCEL OF LAND IN THE CITY OF DACONO, COUNTY OF WELD, STATE OF COLORADO, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 1 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

WEST PARCEL

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 12 (A FOUND 2" ALUMINUM CAP STAMPED "LS 29425 2001");
WHENCE THE CENTER QUARTER CORNER OF SAID SECTION 12 (A FOUND 3 ¼" ALUMINUM CAP STAMPED "LS 30829 2002") BEARS
N00°20'19"W A DISTANCE OF 2650.44 FEET;
THENCE N80°41'41"E A DISTANCE OF 198.83 FEET TO THE POINT OF BEGINNING;

THENCE N06°27'03"E A DISTANCE OF 2635.95 FEET;

THENCE N89°53'07"E ALONG THE NORTHERLY LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 12 A DISTANCE OF 985.20 FEET;

THENCE THE FOLLOWING TWENTY-THREE (23) COURSES ALONG THE WESTERLY LINE OF THE FARMERS RESERVOIR AND IRRIGATION COMPANY DITCH RIGHT OF WAY AS RECORDED IN BOOK 310 AT PAGE 377 RECORDED IN THE WELD COUNTY CLERK & RECORDER'S OFFICE:

1. THENCE S67°46'48"W A DISTANCE OF 96.20 FEET;
2. THENCE S63°27'42"W A DISTANCE OF 48.16 FEET;
3. THENCE S55°45'09"W A DISTANCE OF 47.64 FEET;
4. THENCE S50°29'24"W A DISTANCE OF 147.12 FEET;
5. THENCE S47°25'04"W A DISTANCE OF 71.84 FEET;
6. THENCE S43°27'27"W A DISTANCE OF 73.73 FEET;
7. THENCE S36°12'10"W A DISTANCE OF 47.49 FEET;
8. THENCE S27°38'42"W A DISTANCE OF 47.69 FEET;
9. THENCE S20°35'31"W A DISTANCE OF 45.62 FEET;
10. THENCE S14°27'06"W A DISTANCE OF 48.78 FEET;
11. THENCE S09°36'40"W A DISTANCE OF 42.94 FEET;
12. THENCE S00°46'20"W A DISTANCE OF 83.96 FEET;
13. THENCE S09°44'32"E A DISTANCE OF 105.01 FEET;
14. THENCE S11°46'37"E A DISTANCE OF 433.21 FEET;
15. THENCE S07°48'12"E A DISTANCE OF 92.94 FEET;
16. THENCE S23°02'33"W A DISTANCE OF 42.70 FEET;
17. THENCE S49°53'25"W A DISTANCE OF 45.68 FEET;
18. THENCE S63°09'58"W NON-TANGENT WITH THE FOLLOWING DESCRIBED

- CURVE A DISTANCE OF 108.40 FEET;
19. THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 37°21'44", A RADIUS OF 245.55 FEET, A CHORD BEARING OF S42°53'09"W A DISTANCE OF 157.30 FEET, AND AN ARC DISTANCE OF 160.12 FEET;
 20. THENCE S26°13'39"W NON-TANGENT WITH THE LAST AND FOLLOWING DESCRIBED CURVES A DISTANCE OF 100.04 FEET;
 21. THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 35°29'06", A RADIUS OF 519.46 FEET, A CHORD BEARING OF S09°51'17"W A DISTANCE OF 316.60 FEET, AND AN ARC DISTANCE OF 321.72 FEET;
 22. THENCE S09°32'42"E NON-TANGENT WITH THE LAST DESCRIBED CURVE A DISTANCE OF 321.02 FEET;
 23. THENCE S01°44'09"W A DISTANCE OF 466.69 FEET;
- THENCE S89°22'22"W ALONG A LINE BEING 30.00 FEET NORTHERLY OF AND PARALLEL WITH THE SOUTHERLY LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 12 A DISTANCE OF 610.13 FEET TO THE POINT OF BEGINNING.
- CONTAINING 1,592,178 SQUARE FEET, (36.551 ACRES), MORE OR LESS.

EAST PARCEL

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 12 (A FOUND 2" ALUMINUM CAP STAMPED "LS 29425 2001");
 WHENCE THE CENTER QUARTER CORNER OF SAID SECTION 12 (A FOUND 3 ¼" ALUMINUM CAP STAMPED "LS 30829 2002") BEARS N00°20'19"W A DISTANCE OF 2650.44 FEET;
 THENCE N87°26'06"E A DISTANCE OF 887.26 FEET TO THE POINT OF BEGINNING;
 THENCE THE FOLLOWING TWENTY-THREE (23) COURSES ALONG THE EASTERLY LINE OF THE FARMERS RESERVOIR AND IRRIGATION COMPANY DITCH RIGHT OF WAY AS RECORDED IN BOOK 310 AT PAGE 377 RECORDED IN THE WELD COUNTY CLERK & RECORDER'S OFFICE:

1. N01°44'09"E A DISTANCE OF 471.49 FEET;
2. THENCE N09°32'42"W NON-TANGENT WITH THE FOLLOWING DESCRIBED CURVE A DISTANCE OF 328.73 FEET;
3. THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 35°18'10", A RADIUS OF 439.46 FEET, A CHORD BEARING OF N10°03'56"E A DISTANCE OF 266.51 FEET, AND AN ARC DISTANCE OF 270.77 FEET;
4. THENCE N26°13'39"E NON-TANGENT WITH THE LAST AND FOLLOWING DESCRIBED CURVES A DISTANCE OF 102.59 FEET;
5. THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 37°01'47", A RADIUS OF 165.55 FEET, A CHORD BEARING OF N42°16'44"E A DISTANCE OF 105.14 FEET, AND AN ARC DISTANCE OF 106.99

FEET;

6. THENCE N63°09'58"E TANGENT WITH THE LAST DESCRIBED CURVE A DISTANCE OF 117.71 FEET;
 7. THENCE N49°53'25"E A DISTANCE OF 74.09 FEET;
 8. THENCE N23°02'33"E A DISTANCE OF 83.86 FEET;
 9. THENCE N07°48'12"W A DISTANCE OF 117.79 FEET;
 10. THENCE N11°46'37"W A DISTANCE OF 434.57 FEET;
 11. THENCE N09°44'32"W A DISTANCE OF 96.23 FEET;
 12. THENCE N00°46'20"E A DISTANCE OF 70.42 FEET;
 13. THENCE N09°36'40"E A DISTANCE OF 33.37 FEET;
 14. THENCE N14°27'06"E A DISTANCE OF 41.10 FEET;
 15. THENCE N20°35'31"E A DISTANCE OF 36.40 FEET;
 16. THENCE N27°38'42"E A DISTANCE OF 36.78 FEET;
 17. THENCE N36°12'10"E A DISTANCE OF 36.43 FEET;
 18. THENCE N43°27'27"E A DISTANCE OF 65.90 FEET;
 19. THENCE N47°25'04"E A DISTANCE OF 66.93 FEET;
 20. THENCE N50°29'24"E A DISTANCE OF 141.30 FEET;
 21. THENCE N55°45'09"E A DISTANCE OF 38.57 FEET;
 22. THENCE N63°27'42"E A DISTANCE OF 39.75 FEET;
 23. THENCE N67°46'48"E A DISTANCE OF 290.26 FEET;
- THENCE N89°53'07"E ALONG THE NORTHERLY LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 12 A DISTANCE OF 915.17 FEET;

THENCE S00°03'17"W ALONG A LINE BEING 30.00 FEET WESTERLY OF AND PARALLEL WITH THE EASTERLY LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 12 A DISTANCE OF 2597.14 FEET;

THENCE S89°22'22"W ALONG A LINE BEING 30.00 FEET NORTHERLY OF AND PARALLEL WITH THE SOUTHERLY LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 12 A DISTANCE OF 1716.71 FEET TO THE POINT OF BEGINNING.

EXHIBIT C

Miller Ranch – PUD Land Use Designations Map