

**TOWN OF LOCHBUIE
COUNTIES OF WELD AND ADAMS
STATE OF COLORADO
ORDINANCE NO. 2024-691**

**AN ORDINANCE OF THE TOWN OF LOCHBUIE, COLORADO
ANNEXING CERTAIN TERRITORY TO THE TOWN KNOWN AS THE
SOUTH WELD ANNEXATION NO. 1**

WHEREAS, the Town Board of Trustees of the Town of Lochbuie, Colorado, received and examined a Petition for Annexation submitted by South Weld Holdings, LLC (“Petitioner”) requesting the annexation to the Town of Lochbuie of certain real property generally described as South Weld Annexation No. 1, consisting of three separate annexation parcels of unincorporated areas to be serially annexed by this ordinance to the Town of Lochbuie, Colorado, each such parcel as described in **Exhibit 1** attached hereto as Annexation Parcel No. 1, (“Parcel 1”), Annexation Parcel No. 2 (“Parcel 2”) and Annexation Parcel No. 3 (“Parcel 3”), such three parcels totaling together 194.37 acres more or less (hereinafter Parcel 1, Parcel 2 and Parcel 3 referred to as the “Property”); and

WHEREAS, the Property is located in an unincorporated area of Weld County, Colorado; and

WHEREAS, the Town Board of Trustees finds that, pursuant to the findings set forth in Resolution No. 2024-05:

- That the Property, as serially annexed by this ordinance, meets the applicable requirements of Section 30 of Article II of the Colo. Constitution and §§ 31-12-104 and 31-12-105, C.R.S., and is eligible for annexation to the Town of Lochbuie;
- That an election is not required under the applicable requirements of Section 30(1)(a) of Article II of the Colo. Constitution and § 31-12-107(2), C.R.S.; and
- That no additional terms or conditions are imposed which would require an election under § 31-12-112(1), C.R.S.; and

WHEREAS, the Town Board of Trustees held a duly noticed public hearing to consider annexation of the Property, notice of which was duly published in accordance with the requirements set forth in Section 31-12-108(2), C.R.S. in the *Denver Post* on January 13, 2024, January 20, 2024, January 27, 2024 and February 3, 2024; and

WHEREAS, annexation of the Property will not result in detachment of any area from any school district and the attachment of the same to another school district; and

WHEREAS, annexation proceedings to annex the Property have not commenced for annexation of all or part of the Property to another municipality; and

WHEREAS, the Board of Trustees finds that it is in the best interests of the Town to annex the Property into the Town; and

WHEREAS, the Board of Trustees finds that this ordinance is necessary to protect the public health, safety and welfare as set forth herein.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LOCHBUIE, WELD AND ADAMS COUNTIES, COLORADO:

Section 1. Recitals Incorporated. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the Board of Trustees.

Section 2. Serial Annexation Parcel 1. Parcel 1 of the Property as more particularly described in **Exhibit 1** attached hereto is hereby annexed to and included within the corporate limits of the Town of Lochbuie, Colorado, in accordance with law.

Section 3. Serial Annexation Parcel 2. To follow the action in Section 2 above, Parcel 2 of the Property as more particularly described in **Exhibit 1** attached hereto is hereby annexed to and included within the corporate limits of the Town of Lochbuie, Colorado, in accordance with law.

Section 4. Serial Annexation Parcel 3. To follow the action in Section 3 above, Parcel 3 of the Property as more particularly described in **Exhibit 1** attached hereto is hereby annexed to and included within the corporate limits of the Town of Lochbuie, Colorado, in accordance with law.

Section 5. Approval of Memorandum of Agreement. The Board of Trustees hereby approves the Memorandum of Agreement between the Town and the Petitioner as attached hereto as **Exhibit 2** and authorizes the Mayor to execute and deliver the same on behalf of the Town.

Section 6. Direction to Town Staff. The Board of Trustees hereby directs all Town staff ("Staff") that upon *and only after the execution by the Town and by the Petitioner of a mutually acceptable annexation and development agreement (the "Annexation Agreement") that directs the Town to do so*, Staff shall complete all necessary procedures required for annexation of said Property to the Town including: (1) filing for recording three certified copies of this Annexation Ordinance and the maps of the annexed Property containing a legal description of the Property annexed hereby ("Annexation Map") with the Weld County Clerk and Recorder, and (2) filing the original of this Annexation Ordinance together with a copy of the Annexation Map with the Town Clerk of the Town of Lochbuie, Colorado (collectively, the "Ordinance and Map Filings"). Under no circumstances shall the Staff cause the Ordinance and Map Filings to occur unless and until the Town and the Petitioner both duly execute a mutually acceptable Annexation Agreement that includes the express agreement that the Ordinance and Map Filings shall be made.

Section 7. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Board of Trustees hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term "provision" means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term "application" means and

includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

Section 8. Safety Clause. The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Lochbuie, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relationship to the proper legislative object sought to be obtained.

Section 9. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 10. Effective Date. This Ordinance shall take effect thirty (30) days after publication, as provided by C.R.S. § 31-16-105 and Sections 1-3-60 and 2-2-110 of the Lochbuie Municipal Code.

ADOPTED by a vote of 5 in favor, 0 against and 0 abstaining, AND ORDERED PUBLISHED by title only this 12th day of February, 2024.

TOWN OF LOCHBUIE, COLORADO


Jamie Jeffery, Mayor Pro Tem

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Lochbuie at its meeting of February 12, 2024, and ordered published by title only one time by *The Brighton Blade* newspaper on February 22, 2024.

[SEAL]


Heather Bowen, Town Clerk

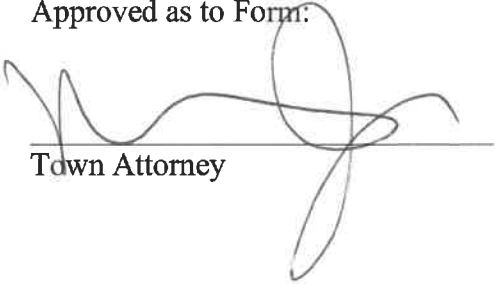


I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Lochbuie at its meeting of February 12, 2024, and ordered published by title only one time by *The Brighton Blade* newspaper on February 22, 2024.



Heather Bowen, Town Clerk

Approved as to Form:



Town Attorney

Exhibit 1

(Legal description of Property – South Weld Annexation No. 1)

(AREA TO BE ANNEXED TO TOWN OF LOCHBUIE)

**ANNEXATION PARCEL NO. 1 DESCRIPTION
ANNEXATION NO. 1**

A TRACT OF LAND BEING A PORTION OF PARCEL A, RECORDED EXEMPTION NO. 1473-29-4 RE-411, RECORDED AT RECEPTION NO. 1802825 IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 65 WEST OF THE 6TH P.M., WELD COUNTY, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF DEPARTMENT OF HIGHWAYS OF STATE OF COLORADO DEED RECORDED AT BOOK 921, PAGE 1842846 IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE AND CONSIDERING THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 29 TO HAVE AN ASSUMED BEARING OF N 00°23'01" W, MONUMENTED AT THE SOUTHEAST CORNER OF SAID SECTION 29 BY NO. 6 REBAR OF UNKNOWN LENGTH WITH AN ATTACHED 3-1/4" ALUMINUM CAP STAMPED "LS 23520 WELD CO., 2002" AND TO THE NORTH BY A NO. 6 REBAR OF UNKNOWN LENGTH WITH NO CAP, AS SHOWN HEREON AND WITH ALL OTHER BEARINGS RELATIVE THERETO;

THENCE ON THE EASTERLY LINES OF SAID DEPARTMENT OF HIGHWAYS OF STATE OF COLORADO DEED FOR THE FOLLOWING TWO (2) COURSES;

1. N18°26'29"E, A DISTANCE OF 412.52 FEET;
2. N27°54'59"E, A DISTANCE OF 234.01 FEET TO THE NORTHERLY LINE OF SAID PARCEL A;

THENCE N89°29'09"E, A DISTANCE OF 22.74 FEET ON SAID NORTHERLY LINE;

THENCE S27°54'59"W, A DISTANCE OF 113.71 FEET;

THENCE N89°29'09"E, A DISTANCE OF 1264.35 FEET;

THENCE S00°00'00"E, A DISTANCE OF 30.00 FEET;

THENCE S89°29'09"W, A DISTANCE OF 1280.32 FEET;

THENCE S27°54'59"W, A DISTANCE OF 95.35 FEET;

THENCE S18°26'29"W, A DISTANCE OF 404.07 FEET TO THE SOUTH LINE OF SAID PARCEL A;

THENCE S89°41'32"W, A DISTANCE OF 21.12 FEET ON SAID SOUTH LINE TO THE POINT OF BEGINNING.

PARCEL CONTAINS 51,108 SQUARE FEET OR 1.173 ACRES, MORE OR LESS

ANNEXATION PARCEL NO. 2 DESCRIPTION

A TRACT OF LAND BEING A PORTION OF PARCEL A, RECORDED EXEMPTION NO. 1473-29-4 RE-411, RECORDED AT RECEPTION NO. 1802825 IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 65 WEST OF THE 6TH P.M., WELD COUNTY, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF PARCEL A, RECORDED EXEMPTION NO. 1473-29-4 RE-411 RECORDED AT RECEPTION NO. 1802825 IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE AND CONSIDERING THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 29 TO HAVE AN ASSUMED BEARING OF N 00°23'01" W, MONUMENTED AT THE SOUTHWEST CORNER OF SAID SECTION 29 BY NO. 6 REBAR OF UNKNOWN LENGTH WITH AN ATTACHED 3-1/4"ALUMINUM CAP STAMPED "LS 23520 WELD CO., 2002" AND TO THE NORTH BY A NO. 6 REBAR OF UNKNOWN LENGTH WITH NO CAP, AS SHOWN HEREON AND WITH ALL OTHER BEARINGS RELATIVE THERETO;

THENCE N89°41'32"E, A DISTANCE OF 21.12 FEET TO THE POINT OF BEGINNING;

THENCE N18°26'29"E, A DISTANCE OF 404.07 FEET;

THENCE N27°54'59"E, A DISTANCE OF 95.35 FEET;

THENCE N89°29'09"E, A DISTANCE OF 1280.32 FEET;

THENCE N00°00'00"E, A DISTANCE OF 30.00 FEET;

THENCE S89°29'09"W, A DISTANCE OF 1264.35 FEET;

THENCE N27°54'59"E, A DISTANCE OF 113.71 FEET TO THE NORTHERLY LINE OF SAID PARCEL A;

THENCE N89°29'09"E, A DISTANCE OF 2749.44 FEET ON SAID NORTHERLY LINE TO THE WESTERLY LINE OF A DEED RECORDED AT RECEPTION NO. 4674628 IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE;

THENCE ON THE WESTERLY LINES OF SAID DEED FOR THE FOLLOWING FIVE (5) COURSES

1. S05°51'17"E, A DISTANCE OF 70.27 FEET;
2. ON A CURVE TO THE LEFT, HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 40°22'33", A DISTANCE OF 70.47 FEET, A CHORD BEARING OF S26°02'35"E WITH A CHORD DISTANCE OF 69.02 FEET;
3. S46°13'54"E, A DISTANCE OF 554.63 FEET;
4. ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 55.00 FEET, A CENTRAL ANGLE OF 45°43'00", A DISTANCE OF 43.88 FEET, A CHORD BEARING OF S23°22'25"E WITH A CHORD DISTANCE OF 42.73 FEET;
5. THENCE S00°30'57"E, A DISTANCE OF 321.12 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF WELD COUNTY ROAD 4;

THENCE ON THE NORTHERLY RIGHT-OF-WAY LINES FOR THE FOLLOWING TWO (2) COURSES;

1. S89°29'12"W, A DISTANCE OF 1272.23 FEET;
2. S89°41'24"W, A DISTANCE OF 509.36 FEET TO THE SOUTHWEST CORNER OF LOT B, RECORDED EXEMPTION NO. 1473-29-4 RE-3392, RECORDED AT RECEPTION NO. 3003416 IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE;

THENCE ON THE EASTERLY AND NORTHERLY LINES OF SAID RECORDED EXEMPTION FOR THE FOLLOWING TWO (2) COURSES;

1. THENCE N29°53'42"W, A DISTANCE OF 317.53 FEET;
2. THENCE S89°41'32"W, A DISTANCE OF 1509.07 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 2,340,589 SQUARE FEET OR 53.733 ACRES, MORE OR LESS.

ANNEXATION PARCEL NO. 3 DESCRIPTION

A TRACT OF LAND BEING PARCEL A, RECORDED EXEMPTION NO. 1473-29-4 RE-411 RECORDED AT RECEPTION NO. 1802825, PARCEL A, RECORDED EXEMPTION NO. 1473-29-4 RE-412 RECORDED AT RECEPTION NO. 1802828 ALL IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE RELOCATED IN SECTIONS 29 AND 32, TOWNSHIP 1 NORTH, RANGE 65 WEST OF THE 6TH P.M., WELD COUNTY, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 29 AND CONSIDERING THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 29 TO HAVE AN ASSUMED BEARING OF N 00°23'01" W, MONUMENTED AT THE SOUTHEAST CORNER OF SAID SECTION 29 BY NO. 6 REBAR OF UNKNOWN LENGTH WITH AN ATTACHED 3-1/4"ALUMINUM CAP STAMPED "LS 23520 WELD CO., 2002" AND TO THE NORTH BY A NO. 6 REBAR OF UNKNOWN LENGTH WITH NO CAP, AS SHOWN HEREON AND WITH ALL OTHER BEARINGS RELATIVE THERETO;

THENCE N89°41'24"E, A DISTANCE OF 1080.86 FEET ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 29 TO THE TO THE POINT OF BEGINNING;

THENCE N89°41'24"E, A DISTANCE OF 10.91 FEET ON SAID SOUTH LINE TO THE EASTERLY LINE OF A DEPARTMENT OF HIGHWAYS OF STATE OF COLORADO DEED RECORDED AT BOOK 921, PAGE 1842847 IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE;

THENCE N00°18'40"W, A DISTANCE OF 30.00 FEET ON SAID EASTERLY LINE TO THE SOUTHERLY LINE OF RECORDED EXEMPTION NO. 1473-29-4 RE-3392, RECORDED AT RECEPTION NO. 3003416 IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE TO THE NORTHERLY RIGHT-OF-WAY OF WELD COUNTY ROAD 4;

THENCE ON THE SAID NORTHERLY RIGHT-OF-WAY LINES FOR THE FOLLOWING THREE (3) COURSES;

1. N89°41'24"E, A DISTANCE OF 1052.75 FEET;
2. N89°41'24"E, A DISTANCE OF 509.36 FEET;
3. N89°29'12"E, A DISTANCE OF 1272.23 FEET TO THE SOUTHWEST CORNER OF A DEED RECORDED AT RECEPTION NO. 4674628 IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE;

THENCE ON THE WESTERLY LINES OF SAID DEED FOR THE FOLLOWING FIVE (5) COURSES;

1. N00°30'57"W, A DISTANCE OF 321.12 FEET;
2. ON A CURVE TO THE LEFT, HAVING A RADIUS OF 55.00 FEET, A CENTRAL ANGLE OF 45°43'00", A DISTANCE OF 43.88 FEET, A CHORD BEARING OF N23°22'25"W WITH A CHORD DISTANCE OF 42.73 FEET;
3. N46°13'54"W, A DISTANCE OF 554.63 FEET;

4. ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 40°22'33", A DISTANCE OF 70.47 FEET, A CHORD BEARING OF N26°02'35"W WITH A CHORD DISTANCE OF 69.02 FEET;
5. N05°51'17"W, A DISTANCE OF 70.27 FEET TO THE SOUTH LINE OF PARCEL A, RECORDED EXEMPTION NO. 1473-29-4 RE-412, RECORDED AT RECEPTION NO. 1802828 IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE ;

THENCE ON THE SOUTHERLY, WESTERLY AND NORTHERLY LINES OF SAID PARCEL A, RECORDED EXEMPTION NO. 1473-29-4 RE-412 FOR THE FOLLOWING NINE (9) COURSES;

1. S89°29'09"W, A DISTANCE OF 2846.17 FEET;
2. N35°31'02"E, A DISTANCE OF 276.38 FEET;
3. N85°11'31"E, A DISTANCE OF 417.02 FEET;
4. S87°28'40"E, A DISTANCE OF 70.55 FEET;
5. N88°44'54"E, A DISTANCE OF 31.51 FEET;
6. N01°11'40"W, A DISTANCE OF 191.89 FEET;
7. N45°51'01"W, A DISTANCE OF 290.94 FEET;
8. N35°31'02"E, A DISTANCE OF 502.41 FEET;
9. N88°30'57"E, A DISTANCE OF 3893.87 FEET TO A POINT THAT IS 1' WESTERLY OF (WHEN MEASURED AT RIGHT ANGLES) OF THE WESTERLY RIGHT-OF-WAY OF WELD COUNTY ROAD 41;

THENCE S00°23'01"E, A DISTANCE OF 1927.95 FEET ON SAID LINE;

THENCE N90°00'00"W, A DISTANCE OF 899.58 FEET;

THENCE S00°00'00"E, A DISTANCE OF 20.00 FEET;

THENCE N90°00'00"E, A DISTANCE OF 900.72 FEET;

THENCE S00°23'01"E, A DISTANCE OF 1.00 FEET;

THENCE N90°00'00"W, A DISTANCE OF 900.73 FEET;

THENCE S00°00'00"E, A DISTANCE OF 20.00 FEET;

THENCE N90°00'00"E, A DISTANCE OF 900.86 FEET;

THENCE S00°23'01"E, A DISTANCE OF 1.00 FEET;

THENCE N90°00'00"W, A DISTANCE OF 900.87 FEET;

THENCE S00°00'00"E, A DISTANCE OF 20.00 FEET;

THENCE N90°00'00"E, A DISTANCE OF 901.00 FEET;

THENCE S00°23'01"E, A DISTANCE OF 9.99 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF WELD COUNTY ROAD 41;

THENCE S00°23'01"E, A DISTANCE OF 70.00 FEET ON SAID WESTERLY RIGHT-OF-WAY LINE TO THE SOUTH LINE OF A DEED OF DEDICATION RECORDED AT RECEPTION NO. 2940780 IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE;

THENCE ON THE SOUTHERLY AND WESTERLY LINES OF SAID DEED OF DEDICATION FOR THE FOLLOWING THREE (3) COURSES;

1. S89°29'04"W, A DISTANCE OF 1301.27 FEET;
2. S89°29'12"W, A DISTANCE OF 1331.02 FEET;
3. N01°03'39"W, A DISTANCE OF 10.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF WELD COUNTY ROAD 4;

THENCE S89°41'24"W, A DISTANCE OF 1573.22 FEET ON SAID SOUTHERLY RIGHT-OF-WAY TO THE EASTERLY LINE OF A DEPARTMENT OF HIGHWAYS OF STATE OF COLORADO DEED RECORDED AT BOOK 909, PAGE 1830747 IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE;

THENCE N00°23'00"W, A DISTANCE OF 30.00 FEET ON SAID EASTERLY LINE TO THE POINT OF BEGINNING.

PARCEL CONTAINS 6,075,061 SQUARE FEET OR 139.464 ACRES, MORE OR LESS.

EXHIBIT 2
Form of [Agreement]