

**Town of Erie
Ordinance No. 17-2022**

**An Ordinance of the Board of Trustees of the Town of Erie Zoning
the Real Property Known as Erie Gateway South No. 9**

Whereas, a petition for annexation was filed with the Town requesting the annexation to the Town of certain unincorporated territory located in Boulder County and described in **Exhibit A**, attached hereto and incorporated herein by this reference, also known as Erie Gateway South Annexation No. 9 (the "Property");

Whereas, by resolution adopted on June 28, 2022, the Board of Trustees found the petition to be in substantial compliance with C.R.S. § 31-12-107(1);

Whereas, on August 9, 2022, and annexed the Property to the Town;

Whereas, also on August 9, 2022, the Board of Trustees conducted a properly-noticed public hearing on the proposed zoning of the Property as Planned Development, as set forth in the applicable Planned Development Plan; and

Whereas, the Board of Trustees now wishes to zone the Property as Planned Development.

Now Therefore be it Ordained by the Board of Trustees of the Town of Erie, Colorado, as follows:

Section 1. Zoning. The Property is hereby zoned as Planned Development, pursuant to the Planned Development plan considered by the Board of Trustees on August 9, 2022.

Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 3. Safety. The Board of Trustees finds that the adoption of this Ordinance is necessary for the protection of the public health, safety and welfare.

Section 4. Effective Date. This Ordinance shall become effective thirty (30) days after publication following adoption.

Introduced, Read, Passed and Ordered Published this 9th day of August, 2022.

Justin Brooks, Mayor

Attest:

Debbie Stamp, Town Clerk

EXHIBIT A

A PARCEL OF LAND LOCATED IN THE NORTH 1/2 OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36 BEING S 89°00'36" W AND MONUMENTED AS FOLLOWS:

- SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36 BEING A FOUND 2.5" ALUMINUM CAP, RLS 4846,
- CENTER 1/4 CORNER OF SECTION 36 BEING A FOUND 2.5" ALUMINUM CAP, RLS 4846,

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36, SAID POINT ALSO BEING ON THE NORTHERLY LINE OF ERIE GATEWAY SOUTH ANNEXATION NO. 2, TOWN OF ERIE ORDINANCE NO. 34-2016, SERIES 2016, RECORDED ON 2/3/2017 AT RN: 3573284;

THENCE ALONG THE NORTHERLY LINE OF SAID ERIE GATEWAY SOUTH ANNEXATION NO. 2, TOWN OF ERIE ORDINANCE NO. 34-2016, SERIES 2016, RECORDED ON 2/3/2017 AT RN: 3573284 THE FOLLOWING TWO (2) COURSES:

- 1) S 89°00'36" W A DISTANCE OF 1341.46 FEET;
- 2) N 89°56'15" W A DISTANCE OF 1319.94 FEET TO A POINT ON THE EASTERLY LINE OF ERIE GATEWAY SOUTH ANNEXATION NO. 3, TOWN OF ERIE ORDINANCE NO. 35-2016, SERIES 2016, RECORDED ON 2/3/2017 AT RN: 3573286;

THENCE N 00°04'29" E ALONG SAID EASTERLY LINE OF ERIE GATEWAY SOUTH ANNEXATION NO. 3, TOWN OF ERIE ORDINANCE NO. 35-2016, SERIES 2016, RECORDED ON 2/3/2017 AT RN: 3573286 AND THE EASTERLY LINE OF ERIE GATEWAY SOUTH ANNEXATION NO. 4, TOWN OF ERIE ORDINANCE NO. 36-2016, SERIES 2016, RECORDED ON 2/3/2017 AT RN: 3573288 A DISTANCE OF 1345.89 FEET TO THE NORTHEAST CORNER OF SAID ERIE GATEWAY SOUTH ANNEXATION NO. 4, TOWN OF ERIE ORDINANCE NO. 36-2016, SERIES 2016, RECORDED ON 2/3/2017 AT RN: 3573288, SAID POINT ALSO BEING THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 36;

THENCE S 89°58'43" E ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID NORTHWEST 1/4 OF SECTION 36 A DISTANCE OF 1332.41 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF TRACT R-4 OF A PLAT OF SURVEY RECORDED AT RECEPTION NO. 90807363;

THENCE N 00°00'45" W ALONG THE WESTERLY LINE OF SAID TRACT R-4 A DISTANCE OF 659.63 FEET TO THE SOUTHWEST CORNER OF DONLEY ANNEXATION, TOWN OF ERIE ORDINANCE NO. 658, RECORDED ON 6/20/2000 AT RN: 2054309;

THENCE ALONG THE SOUTHERLY AND EASTERLY LINE OF SAID DONLEY ANNEXATION, TOWN OF ERIE ORDINANCE NO. 658, RECORDED ON 6/20/2000 AT RN: 2054309 THE FOLLOWING THREE (3) COURSES:

- 1) N 89°56'07" E A DISTANCE OF 659.86 FEET;
- 2) N 89°56'49" E A DISTANCE OF 660.11 FEET;
- 3) N 00°01'24" W A DISTANCE OF 634.63 FEET TO A POINT ON THE SOUTHERLY LINE OF ARAPAHOE ROAD ANNEXATION NO. 2, TOWN OF ERIE ORDINANCE NO. 551, RECORDED ON 9/4/1997 AT RN: 1727898;

THENCE S 89°57'39" E ALONG SAID SOUTHERLY LINE A DISTANCE OF 659.27 FEET TO A POINT ON THE WESTERLY LINE OF ZAHN ANNEXATION, TOWN OF ERIE ORDINANCE NO. 482, RECORDED ON 3/17/1997 AT RN: 1683819;

THENCE S 00°02'56" E ALONG SAID WESTERLY LINE A DISTANCE OF 1295.67 FEET TO THE NORTHEAST CORNER OF ERIE GATEWAY SOUTH ANNEXATION NO. 1, TOWN OF ERIE ORDINANCE NO. 33-2016, SERIES 2016, RECORDED ON 2/3/2017 AT RN: 3573282;

THENCE ALONG THE NORTHERLY AND WESTERLY LINE OF SAID ERIE GATEWAY SOUTH ANNEXATION NO. 1, TOWN OF ERIE ORDINANCE NO. 33-2016, SERIES 2016, RECORDED ON 2/3/2017 AT RN: 3573282 THE FOLLOWING TWO (2) COURSES:

- 1) S 89°59'59" W A DISTANCE OF 659.84 FEET;
- 2) S 00°18'01" E A DISTANCE OF 1323.17 FEET TO THE POINT OF BEGINNING.

CONTAINING 5,288,656 SQUARE FEET, OR 121.4108 ACRES MORE OR LESS.