

TOWN OF ERIE
ORDINANCE NO. ____-2020

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF ERIE ZONING CERTAIN RECENTLY ANNEXED PROPERTY TO MEDIUM DENSITY RESIDENTIAL (MR), LOW DENSITY RESIDENTIAL (LR), PUBLIC LANDS AND INSTITUTIONAL (PLI) AND AGRICULTURE/OPEN SPACE (AG/OS)

WHEREAS, Erie Land Company, LLC ("Applicant") owns the real property more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference (the "Property");

WHEREAS, on July 25, 2018, Applicant submitted an application to zone the Property as follows: Medium Density Residential (MR); Low Density Residential (LR); Public Lands and Institutional (PLI); and Agriculture/Open Space (AG/OS); in accordance with the legal descriptions and map in **Exhibit B**, attached hereto and incorporated herein by this reference (the "Zoning");

WHEREAS, separately, Applicant submitted an application for approval of an Annexation Plat (the "Annexation Plat") under Section 10.7.7.G. of the Uniform Development Code (the "UDC"), which Annexation Plat, once approved, will subdivide the Property into four tracts consistent with the boundaries of the Zoning as described and depicted in **Exhibit B**;

WHEREAS, the Annexation Plat is subject to administrative approval, but the Annexation Plat cannot be administratively approved until after February 17, 2020; and

WHEREAS, on January 28, 2020, the Board of Trustees conducted a properly-noticed public hearing on the Zoning.

NOW BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO, THAT:

Section 1. Findings of Fact. The Board of Trustees, upon hearing the statements of staff and the public, and giving due consideration to the matter, finds and determines as follows:

- a. A need exists for the Zoning;
- b. The Zoning will promote the public health, safety, and general welfare;
- c. The Zoning is consistent with the Town's Comprehensive Plan and the purposes of the UDC;
- d. The Zoning is consistent with the stated purpose of each of the zone districts;
- e. Adequate facilities and services (including streets and transportation, water, gas, electric, police and fire protection, and sewage and waste disposal, as applicable) will be

available to serve the Property while maintaining adequate levels of service to existing development;

f. The Zoning is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;

g. The Zoning is not likely to result in significant adverse impacts upon other property in the vicinity of the Property;

h. Future uses on the Property will be compatible in scale with uses on the other properties in the vicinity of the Property; and

i. The Zoning is generally consistent with the Town's economic development goals and objectives in bringing positive growth and sustainable revenues to the Town.

Section 2. Decision. Based on the foregoing findings, the Property is hereby zoned as follows: Medium Density Residential (MR); Low Density Residential (LR); Public Lands and Institutional (PLI); and Agriculture/Open Space (AG/OS) in accordance with the legal descriptions and map in **Exhibit B**. Upon the effective date of this Ordinance, the Town's Zoning Map shall be amended accordingly.

Section 3. 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 4. 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 5. Effective Date. This Ordinance shall take effect on the date on which the separate ordinance annexing the Property to the Town becomes effective, which shall not be earlier than 30 days after publication of this Ordinance following adoption of this Ordinance.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 28th day of January, 2020.

Jennifer Carroll, Mayor

ATTEST:

Joanne Salser, Deputy Town Clerk

EXHIBIT A

A PARCEL OF LAND BEING A PART OF THE EAST ONE-HALF OF SECTION TWENTY-ONE (21), TOWNSHIP ONE (1) NORTH, RANGE SIXTY EIGHT (68) WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF ERIE, COUNTY OF WELD, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH ONE-QUARTER CORNER OF SAID SECTION TWENTY-ONE (21); THENCE SOUTH 00°16'01" EAST, COINCIDENT WITH THE WEST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 21, A DISTANCE OF 30.00 FEET TO A POINT ON THE SOUTHERN RIGHT OF WAY LINE OF WELD COUNTY ROAD NO.

8, ALSO KNOWN AS ERIE PARKWAY, AND BEING THE **POINT OF BEGINNING**;

THENCE NORTH 89°38'36" EAST AND COINCIDENT WITH SAID RIGHT OF WAY LINE, A DISTANCE OF 1,249.80 FEET TO THE WESTERLY LINE OF A 50-FOOT-WIDE DITCH

PARCEL AS DESCRIBED IN BOOK 62 AT PAGE 464 IN THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER'S OFFICE;

THENCE COINCIDENT WITH THE WESTERLY AND SOUTHERLY LINES OF SAID 50' DITCH PARCEL THE FOLLOWING ELEVEN (11) COURSES:

1. THENCE SOUTH 00°49'26" WEST, A DISTANCE OF 381.56 FEET;
2. THENCE SOUTH 00°42'57" WEST, A DISTANCE OF 225.38 FEET;
3. THENCE SOUTH 01°25'12" EAST, A DISTANCE OF 155.38 FEET TO A TANGENT CURVE HAVING A RADIUS OF 47.00 FEET, WHOSE CENTER BEARS NORTHEASTERLY;

4. THENCE SOUTHEASTERLY AND COINCIDENT WITH SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 97°55'37", AN ARC DISTANCE OF 80.33 FEET AND HAVING A CHORD THAT BEARS SOUTH 50°23'01" EAST, A DISTANCE OF 70.90 FEET;

5. THENCE NORTH 80°39'30" EAST, A DISTANCE OF 123.80 FEET;

6. THENCE NORTH 73°56'17" EAST, A DISTANCE OF 64.14 FEET;

7. THENCE NORTH 74°41'14" EAST, A DISTANCE OF 127.29 FEET;

8. THENCE NORTH 77°11'24" EAST, A DISTANCE OF 214.63 FEET;

9. THENCE NORTH 79°40'39" EAST, A DISTANCE OF 294.87 FEET TO A TANGENT CURVE HAVING A RADIUS OF 575.00 FEET, WHOSE CENTER BEARS SOUTHEASTERLY;

10. THENCE EASTERLY AND COINCIDENT WITH SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 32°50'35", AN ARC DISTANCE OF 329.60 FEET AND HAVING A CHORD THAT BEARS SOUTH 83°54'04" EAST, A DISTANCE OF 325.11 FEET;

11. THENCE SOUTH 67°28'48" EAST, A DISTANCE OF 226.67 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF WELD COUNTY ROAD NO. 7 AS DESCRIBED IN DEDICATION DEED RECORDED JULY 22, 1996 IN SAID RECORDS AT RECEPTION NO. 2502152; THENCE COINCIDENT WITH SAID WESTERLY RIGHT OF WAY LINE THE FOLLOWING THREE (3) COURSES:

1. THENCE SOUTH 12°10'26" WEST, A DISTANCE OF 195.00 FEET;

2. THENCE SOUTH 00°28'39" EAST, A DISTANCE OF 94.55 FEET;

3. THENCE SOUTH 08°29'23" EAST, A DISTANCE OF 201.98 FEET TO THE NORTHERLY LINE OF A PARCEL OF LAND CONVEYED TO LEFT HAND WATER DISTRICT AS DESCRIBED AT RECEPTION NO. 3833970 IN SAID RECORDS;

THENCE SOUTH 89°30'19" WEST AND COINCIDENT WITH SAID NORTHERLY LINE, A DISTANCE OF 483.79 FEET TO THE NORTHWEST CORNER OF SAID PARCEL;

THENCE SOUTH 00°29'41" EAST AND COINCIDENT WITH THE WESTERLY LINE OF SAID PARCEL, A DISTANCE OF 680.00 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL;

THENCE NORTH 89°30'19" EAST AND COINCIDENT WITH THE SOUTHERN LINE OF SAID PARCEL, A DISTANCE OF 499.99 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF WELD COUNTY ROAD NO. 7 AS DESCRIBED IN SAID RECORDS IN BOOK 86, AT PAGE 273;

THENCE SOUTH 00°29'40" EAST AND COINCIDENT WITH SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 113.65 FEET TO THE NORTHERLY LINE OF SAID 50 FOOT

DITCH PARCEL AS DESCRIBED IN BOOK 63 AT PAGE 464 IN SAID RECORDS;
THENCE COINCIDENT WITH THE NORTHERLY LINES OF SAID PARCEL THE FOLLOWING THIRTY-TWO (32) COURSES:

1. THENCE SOUTH 51°26'38" WEST, A DISTANCE OF 70.94 FEET TO A TANGENT CURVE HAVING A RADIUS OF 375.00 FEET, WHOSE CENTER BEARS NORTHWESTERLY;
2. THENCE SOUTHWESTERLY AND COINCIDENT WITH SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 31°10'52", AN ARC DISTANCE OF 204.08 FEET AND HAVING A CHORD THAT BEARS SOUTH 67°02'04" WEST, A DISTANCE OF 201.57 FEET;
3. THENCE SOUTH 82°37'33" WEST, A DISTANCE OF 226.27 FEET TO A 525.00 FOOT RADIUS TANGENT CURVE WHOSE CENTER BEARS NORTHWESTERLY;
4. THENCE WESTERLY AND COINCIDENT WITH SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 13°34'39", AN ARC DISTANCE OF 124.41 FEET AND HAVING A CHORD THAT BEARS SOUTH 89°24'52" WEST, A DISTANCE OF 124.12 FEET;
5. THENCE NORTH 83°47'48" WEST, A DISTANCE OF 212.21 FEET TO A 565.00 FOOT RADIUS TANGENT CURVE WHOSE CENTER BEARS SOUTHWESTERLY;
6. THENCE WESTERLY AND COINCIDENT WITH SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 20°51'50", AN ARC DISTANCE OF 205.74 FEET AND HAVING A CHORD THAT BEARS SOUTH 85°46'17" WEST, A DISTANCE OF 204.61 FEET;
7. THENCE SOUTH 75°20'23" WEST, A DISTANCE OF 6.27 FEET TO A 225.00 FOOT RADIUS TANGENT CURVE WHOSE CENTER BEARS SOUTHEASTERLY;
8. THENCE SOUTHWESTERLY AND COINCIDENT WITH SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 22°53'25", AN ARC DISTANCE OF 89.89 FEET AND HAVING A CHORD THAT BEARS SOUTH 63°53'40" WEST, A DISTANCE OF 89.29 FEET;
9. THENCE SOUTH 52°26'57" WEST, A DISTANCE OF 22.72 FEET TO A 165.00 FOOT RADIUS TANGENT CURVE WHOSE CENTER BEARS SOUTHEASTERLY;
10. THENCE SOUTHWESTERLY AND COINCIDENT WITH SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 46°45'37", AN ARC DISTANCE OF 134.66 FEET AND HAVING A CHORD THAT BEARS SOUTH 29°04'08" WEST, A DISTANCE OF 130.95 FEET;
11. THENCE SOUTH 05°41'21" WEST, A DISTANCE OF 106.91 FEET;
12. THENCE SOUTH 01°41'27" WEST, A DISTANCE OF 92.68 FEET;
13. THENCE SOUTH 01°00'54" WEST, A DISTANCE OF 269.23 FEET TO A 1,075.00 FOOT RADIUS TANGENT CURVE WHOSE CENTER BEARS NORTHWESTERLY;
14. THENCE SOUTHERLY AND COINCIDENT WITH SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 09°38'03", AN ARC DISTANCE OF 180.76 FEET AND HAVING A CHORD THAT BEARS SOUTH 05°49'56" WEST, A DISTANCE OF 180.55 FEET;
15. THENCE SOUTH 10°38'58" WEST, A DISTANCE OF 50.93 FEET TO A 1,225.00 FOOT RADIUS TANGENT CURVE WHOSE CENTER BEARS NORTHWESTERLY;
16. THENCE SOUTHERLY AND COINCIDENT WITH SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 05°50'26", AN ARC DISTANCE OF 124.87 FEET AND HAVING A CHORD THAT BEARS SOUTH 13°34'11" WEST, A DISTANCE OF 124.82 FEET;
17. THENCE SOUTH 16°29'24" WEST, A DISTANCE OF 29.52 FEET TO A 235.00 FOOT RADIUS TANGENT CURVE WHOSE CENTER BEARS NORTHWESTERLY;
18. THENCE SOUTHWESTERLY AND COINCIDENT WITH SAID CURVE, THROUGH A CENTRAL ANGLE OF 45°35'43", AN ARC DISTANCE OF 187.01 FEET AND HAVING A CHORD THAT BEARS SOUTH 39°17'15" WEST, A DISTANCE OF 182.11 FEET;
19. THENCE SOUTH 62°05'05" WEST, A DISTANCE OF 52.47 FEET;
20. THENCE SOUTH 57°50'12" WEST, A DISTANCE OF 48.87 FEET TO A 150.00 FOOT RADIUS TANGENT CURVE WHOSE CENTER BEARS SOUTHEASTERLY;
21. THENCE SOUTHWESTERLY AND COINCIDENT WITH SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 24°38'28", AN ARC DISTANCE OF 64.51 FEET AND HAVING A CHORD THAT BEARS SOUTH 45°30'58" WEST, A DISTANCE OF 64.01 FEET;
22. THENCE SOUTH 33°11'43" WEST, A DISTANCE OF 111.15 FEET TO A 200.00 FOOT RADIUS TANGENT CURVE WHOSE CENTER BEARS NORTHWESTERLY;
23. THENCE SOUTHWESTERLY AND COINCIDENT WITH SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 36°47'54", AN ARC DISTANCE OF 128.45 FEET AND

HAVING A CHORD THAT BEARS SOUTH 51°35'40" WEST, A DISTANCE OF 126.25 FEET;
24. THENCE SOUTH 69°59'39" WEST, A DISTANCE OF 171.86 FEET TO A 925.00 FOOT RADIUS TANGENT CURVE WHOSE CENTER BEARS SOUTHEASTERLY;

25. THENCE SOUTHWESTERLY AND COINCIDENT WITH SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 12°52'08", AN ARC DISTANCE OF 207.76 FEET

AND HAVING A CHORD THAT BEARS SOUTH 63°33'35" WEST, A DISTANCE OF 207.32 FEET;

26. THENCE SOUTH 57°07'30" WEST, A DISTANCE OF 139.10 FEET TO A 200.00 FOOT RADIUS TANGENT CURVE WHOSE CENTER BEARS NORTHWESTERLY;

27. THENCE WESTERLY AND COINCIDENT WITH SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 21°33'48", AN ARC DISTANCE OF 75.27 FEET AND

HAVING A CHORD THAT BEARS SOUTH 67°54'24" WEST, A DISTANCE OF 74.83 FEET;

28. THENCE SOUTH 78°41'20" WEST, A DISTANCE OF 119.10 FEET TO A 145.00 FOOT RADIUS TANGENT CURVE WHOSE CENTER BEARS NORTHWESTERLY;

29. THENCE WESTERLY AND COINCIDENT WITH SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 33°20'03", AN ARC DISTANCE OF 84.36 FEET AND

HAVING A CHORD THAT BEARS NORTH 84°38'38" WEST, A DISTANCE OF 83.18 FEET;

30. THENCE NORTH 67°58'36" WEST, A DISTANCE OF 47.24 FEET TO A 275.00 FOOT RADIUS TANGENT CURVE WHOSE CENTER BEARS SOUTHWESTERLY;

31. THENCE WESTERLY AND COINCIDENT WITH SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 35°56'54", AN ARC DISTANCE OF 172.54 FEET AND

HAVING A CHORD THAT BEARS NORTH 85°57'03" WEST, A DISTANCE OF 169.72 FEET;

32. THENCE SOUTH 76°04'29" WEST, A DISTANCE OF 23.35 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION

TWENTY-ONE (21);

THENCE NORTH 00°16'04" WEST AND COINCIDENT WITH SAID WEST LINE, A DISTANCE OF 1,223.79 FEET TO THE CENTER OF SAID SECTION TWENTY-ONE (21);

THENCE NORTH 00°16'01" WEST AND COINCIDENT WITH THE WEST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION TWENTY-ONE (21), A DISTANCE

OF 2,619.90 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIPTION CONTAINS 6,531,133 SQUARE FEET OR (149.93417 ACRES), MORE OR LESS.

EXHIBIT B

INSERT ZONING MAP