

**Town of Erie  
Ordinance No. 24-2021**

**An Ordinance of the Board of Trustees of the Town of Erie  
Rezoning a portion of the Colliers Hill Property from Suburban  
Residential to Low Density Residential**

**Whereas**, Daybreak Recovery Acquisition LLC, 7200 S. Alton Way, Suite C-400, Centennial, CO 80112 ("Applicant") owns the real property more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference (the "Property");

**Whereas**, on April 30, 2021, the Applicant filed an application (the "Application") to rezone the Property from Suburban Residential to Low Density Residential zoning;

**Whereas**, on August 4, 2021, the Planning Commission held a properly-noticed public hearing on the Application and recommended that the Board of Trustees approve the rezoning; and

**Whereas**, on August 24, 2021 and September 14, 2021, the Board of Trustees held a properly-noticed public hearing on the Application.

**Now Therefore be it Ordained by the Board of Trustees of the Town of Erie, Colorado, that:**

**Section 1.** Findings. Upon consideration of the Application and supporting documentation, hearing the statements of Town staff and the public, and giving due consideration to the matter, the Board of Trustees finds and determines as follows:

- a. The Application meets the criteria set forth in Section 7.5 of Title 10 of the Erie Municipal Code (the "UDC"); and
- b. The Application is consistent with the Comprehensive Plan and all applicable provisions of the UDC and applicable law.

**Section 2.** Decision. The Board of Trustees hereby rezones the Property in accordance with the zoning map attached hereto as **Exhibit B** and incorporated herein by this reference.

**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 30 days after publication following adoption.

**Introduced, read, passed and ordered published this 14<sup>th</sup> day of September, 2021.**

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Jennifer Carroll, Mayor

**ATTEST:**

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Heidi Leatherwood, Town Clerk

**EXHIBIT A**  
(Legal Description)

DESCRIPTION OF ZONING CHANGE (SR TO LR):

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 1 NORTH, RANGE 68 WEST OF THE 6TH P.M., TOWN OF ERIE, COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT SOUTHEAST CORNER OF SAID SECTION 8 (A 2.5" ALUMINUM CAP MARKED LS 23501, 1993) FROM WHENCE THE SOUTH QUARTER CORNER OF SECTION 8 (A 3.25" ALUMINUM CAP MARKED 38252, 2018) LIES S89°01'00"W, 2,648.14 FEET (BASIS OF BEARINGS);

THENCE S89°01'00"W, 2,648.14 FEET ALONG THE SOUTHERLY LINE OF THE SOUTHEAST QUARTER;

THENCE N00°01'05"E, 1,609.82 FEET ALONG THE WESTERLY LINE OF THE SOUTHEAST QUARTER TO THE SOUTHERLY LINE OF A PARCEL DESCRIBED AS "UP CO V7\4 Pcd2" IN DEED RECORDED 06/26/2009 AT RECEPTION NO. 3632827 (PREVIOUSLY UNION PACIFIC RAILROAD RIGHT OF WAY);

THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL THE FOLLOWING THREE COURSES:

- 1) N42°44'02"E, 466.98 FEET;
- 2) 1,737.57 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1,859.88 FEET, A CENTRAL ANGLE OF 53°31'41", AND A CHORD BEARING N69°30'25"E, 1,675.06 FEET;
- 3) S83°44'07"E, 800.46 FEET TO THE WESTERLY LINE OF THE SOUTHEAST QUARTER;

THENCE S00°49'07"W, 2,406.70 FEET ALONG SAID WESTERLY LINE TO THE POINT OF BEGINNING, CONTAINING 142.25 ACRES, MORE OR LESS.

## EXHIBIT B

### (Zoning Map)

## BRIDGEWATER ZONING MAP — AMENDMENT NO. 2

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 8, SECTION 17 AND THE EAST HALF OF SECTION 18,  
TOWNSHIP 1 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
TOWN OF ERIE, COUNTY OF WELD, STATE OF COLORADO

965.83 ACRES  
RZ-001268-2021

**DESCRIPTION OF PROJECT AND CHANGE:**

1. THIS MAP AMENDMENT IS THE FIRST AMENDMENT TO THE BRIDGEWATER ZONING MAP, WHICH WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WELD, COLORADO, ON MAY 11, 2011, AND IS BEING SUBMITTED TO THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WELD, COLORADO, FOR ADOPTION ON MAY 11, 2021.

2. THE PURPOSE OF THIS MAP AMENDMENT IS TO AMEND THE BRIDGEWATER ZONING MAP, WHICH WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WELD, COLORADO, ON MAY 11, 2011, AND IS BEING SUBMITTED TO THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WELD, COLORADO, FOR ADOPTION ON MAY 11, 2021.

3. THE PURPOSE OF THIS MAP AMENDMENT IS TO AMEND THE BRIDGEWATER ZONING MAP, WHICH WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WELD, COLORADO, ON MAY 11, 2011, AND IS BEING SUBMITTED TO THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WELD, COLORADO, FOR ADOPTION ON MAY 11, 2021.

4. THE PURPOSE OF THIS MAP AMENDMENT IS TO AMEND THE BRIDGEWATER ZONING MAP, WHICH WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WELD, COLORADO, ON MAY 11, 2011, AND IS BEING SUBMITTED TO THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WELD, COLORADO, FOR ADOPTION ON MAY 11, 2021.

**REASON FOR AMENDMENT:**

1. THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WELD, COLORADO, HAS DETERMINED THAT THE BRIDGEWATER ZONING MAP, WHICH WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WELD, COLORADO, ON MAY 11, 2011, AND IS BEING SUBMITTED TO THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WELD, COLORADO, FOR ADOPTION ON MAY 11, 2021, IS OUTDATED AND DOES NOT REFLECT THE CURRENT ZONING MAP OF THE COUNTY OF WELD, COLORADO.

2. THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WELD, COLORADO, HAS DETERMINED THAT THE BRIDGEWATER ZONING MAP, WHICH WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WELD, COLORADO, ON MAY 11, 2011, AND IS BEING SUBMITTED TO THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WELD, COLORADO, FOR ADOPTION ON MAY 11, 2021, IS OUTDATED AND DOES NOT REFLECT THE CURRENT ZONING MAP OF THE COUNTY OF WELD, COLORADO.

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