

**TOWN OF NEW CASTLE, COLORADO
ORDINANCE NO. TC 2017-8**

**AN ORDINANCE OF THE TOWN OF NEW CASTLE, COLORADO, TOWN COUNCIL
ZONING A PORTION OF COUNTY ROAD 335 UPON ANNEXATION THEREOF
INTO THE TOWN.**

WHEREAS, on October 12, 2017, Garfield County (“Petitioner”) filed with the Town Clerk of the Town of New Castle, Colorado (“Town”), an annexation petition (“Petition”) and request that the Town Council commence proceedings to annex to the Town pursuant to C.R.S. § 31-21-104, that portion of County Road 335 located in unincorporated Garfield County, Colorado, described in **Exhibit “A”** attached hereto and incorporated herein by reference (“Property”); and

WHEREAS, the Municipal Annexation Act of 1965 governs the Town’s annexation process; and

WHEREAS, pursuant to C.R.S. § 31-12-115(2), annexed property must be brought under a municipality’s zoning ordinance within ninety (90) days of the annexation of the parcel; and

WHEREAS, under the Municipal Annexation Act and the Town Code, the zoning designation for the Property must comply with the Town’s 2009 Comprehensive Plan (“Comp Plan”); and

WHEREAS, pursuant to Section 16.08.050 of the Town Code, the Town Planning and Zoning Commission (“Commission”) held a duly-noticed public hearing on November 29, 2017, to consider a zoning designation for the Property and, by Resolution No. PZ 2017-5, recommended that the Property be zoned Industrial upon annexation; and

WHEREAS, pursuant to Ordinance No. TC 2017-7, the Town Council approved the annexation of the Property into the Town; and

WHEREAS, the annexation of the Property will be effective 14 days after final publication of Ordinance No. TC 2017-7; and

WHEREAS, Town Council considered a zoning designation for the Property at its duly-noticed public meeting held December 5, 2017; and

WHEREAS, based on the Comp Plan and testimony presented by Petitioner, Town staff, and the general public, the Town Council desires to zone the Property as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE NEW CASTLE TOWN COUNCIL AS FOLLOWS:

1. Recitals Incorporated by Reference. The foregoing recitals are incorporated by reference herein as findings and determinations of the Town Council.

2. Zoning. Based on the evidence and comments presented, and based the recommendations of Town staff and the Commission, the Town Council hereby approves Industrial zoning for the Property.

3. Amendment of Zoning Map. The Town zoning map shall be amended to reflect the Property and its zoning designation once the Property's zoning goes into effect.

4. Severability. Each section of this Ordinance is an independent section and a holding of any section or part thereof to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof.

5. Effective Date. This Ordinance shall be effective fourteen days after final publication pursuant to Section 4.3 of the Town Charter.

INTRODUCED on December 5, 2017, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado on December 19, 2017, read by title and number, passed without amendment, approved, and ordered published as required by the Charter.

TOWN OF NEW CASTLE, COLORADO
TOWN COUNCIL

By: _____
Art Riddile, Mayor

ATTEST:

Melody Harrison, Town Clerk

EXHIBIT A
Legal Description

The Property that is the subject of this Ordinance No. TC 2017-8 is fully described as:

A parcel of land situated in the SW1/4 of Section 32, Township 5 South, Range 90 West of the 6th P.M., and also in the NE1/4 of Section 2, Township 6 South, Range 91 West of the 6th P.M., County of Garfield, State of Colorado, said parcel being more fully described as follows:

Beginning at the Southwest Corner of that parcel of land described and shown on that Annexation Plat, recorded as Reception No. 431501 of the Garfield County records from which the Southwest Corner of said Section 32 bears S.04°11'47"E. a distance of 1315.98 feet;

thence 667.37 feet along the Southerly Line of said parcel, along a non-tangent curve to the right, having a radius of 2138.39 feet, a central angle of 17°52'53", the chord of which bears S 63°11'11" E a distance of 664.66 feet;

thence S 54°14'45" E along said Southerly Line, a distance of 579.81 to the Southeast Corner of said parcel;

thence S 54°14'45" E a distance of 331.99 feet along an offset line being 50.00 feet Northeasterly of, and parallel to, the road surface centerline of the existing County Road No. 335;

thence continuing along said offset line the following three (3) courses;

1) 430.98 feet along a curve to the left, having a radius of 3628.46 feet, a central angle of 6°48'19", the chord of which bears S 57°38'54" E, a distance of 430.72 feet;

2) S 61°03'15" E a distance of 484.41 feet;

3) 299.28 feet along a curve to the left, having a radius of 1786.15 feet, a central angle of 9°36'02", the chord of which bears S 65°51'16" E, a distance of 298.93 feet to the Westerly Line of Lot 1 of Riverside Park, as shown on the Plat thereof, recorded as Reception No. 548663;

thence S 13°22'59" W following said Westerly Line, and said Westerly Line extended, a distance of 100.51 feet;

thence along a line being 50.00 feet Southwesterly of, and parallel to the road surface centerline of the existing County Road No. 335 the following three (3) courses;

1) 326.48 feet along a non-tangent curve to the right, having a radius of 1886.15 feet, a central angle of 9°55'03", the chord of which bears N 66°00'46" W a distance of 326.07 feet;

2) N 61°03'15" W a distance of 484.42 feet;

3) 350.74 feet along a curve to the right, having a radius of 3726.87 feet, a central angle of 5°23'32", the chord of which bears N 58°21'23" W a distance of 350.61 feet to the easterly most corner of Coal Ridge Industrial Subdivision, as shown on the Plat thereof, recorded as Reception No. 571484;

thence along the Northeasterly Line of said Subdivision, the following three (3) courses:

1) 92.11 feet along a non-tangent curve to the right, having a radius of 3726.87 feet, a central angle of $1^{\circ}24'58''$, the chord of which bears $N 54^{\circ}57'09'' W$ a distance of 92.11 feet;

2) $N 54^{\circ}14'45'' W$ a distance of 911.80 feet;

3) 595.45 feet along a non-tangent curve to the left, having a radius of 2038.39 feet, a central angle of $16^{\circ}44'14''$, the chord of which bears $N 62^{\circ}36'51'' W$, a distance of 593.34 feet to the Northwest Corner of Tract A of said Coal Ridge Industrial Subdivision, also being at the Westerly Line of said Section 32;

thence $N 04^{\circ}11'47'' W$ along said Westerly Line, a distance of 108.35 feet to the point of beginning, said parcel containing 6.376 acres (277747 square feet), more or less.