

PETITION FOR ANNEXATION**To the Town of Johnstown**

(Weld County)

PODTBURG ANNEXATION PETITION #1-#5

The undersigned, in accordance with Article 12, Chapter 31, CRS, as amended, hereby petition the Town Council of the Town of Johnstown, Colorado, for annexation to the Town of Johnstown the unincorporated territory more particularly described on Exhibit A which is attached hereto and incorporated herein by this reference, located in the County of Weld and State of Colorado, and to be known as the Podtburg Annexation #1-#5 to the Town of Johnstown. In support of said Petition, your petitioners allege that:

- (1) It is desirable and necessary that the territory described on Exhibit A be annexed to the Town of Johnstown, Colorado.
- (2) Not less than one-sixth (1/6) of the perimeter of that area proposed to be annexed is contiguous with the Town of Johnstown, Colorado.
- (3) A community of interest exists between the territory proposed to be annexed and the Town of Johnstown, Colorado.
- (4) The territory proposed to be annexed is urban or will be urbanized in the near future;
- (5) The territory proposed to be annexed is integrated or is capable of being integrated with the Town of Johnstown, Colorado;
- (6) The signatures of the Petition comprise one hundred percent (100%) of the landowners of the territory to be included in the area proposed to be annexed and said landowners attesting to the facts and agreeing to the conditions herein contained will negate the necessity of any annexation election;
- (7) No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate:
 - (a) Is divided into separate parts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels are separated by a dedicated street, road or other public way;
 - (b) Comprising twenty (20) acres or more and which, together with the building and improvements situated thereon has an assessed value in excess of Two Hundred Thousand Dollars (\$200,000.00) for ad valorem tax purposes to be annexed without the written consent of the landowner or landowners.
- (8) No part of the area proposed to be annexed is more than three miles from a point on the municipal boundary, as such was established more than one year before this annexation will take place;
- (9) The area proposed to be annexed comprises more than ten acres and an impact report as provided in Section 31-12-105.5, CRS, as amended, is required.
- (10) The area proposed to be annexed is located within Weld County, Weld County School District RE-5J, Northern Colorado Water Conservancy District, Little Thompson Water

- (11) The mailing address of each signer, the legal description of the land owned by each signer and the date of signing of each signature are all shown on this Petition;
- (12) Accompanying this Petition are five (5) prints of the area proposed to be following information:
- (a) A written legal description of the boundaries of the area proposed to be annexed;
 - (b) A map showing the boundary of the area proposed to be annexed, such map prepared and containing the seal of a registered engineer or land surveyor;
 - (c) Within the annexation boundary map there is shown the location of each ownership tract in unplatted land, and if part or all of the area is to be platted at the time of the effectiveness of the annexation (as opposed to after such effectiveness), then the boundaries and the plat number of plots or of lots and blocks are shown;
 - (d) Next to the boundary of the area proposed to be annexed is drawn the contiguous boundary of the Town of Johnstown, and the contiguous boundary of any other municipality abutting the area proposed to be annexed;
 - (e) The dimensions of the contiguous boundaries are shown on the map.
 - (f) A proposed drainage plan and a proposed utilities plan.
- (13) The territory to be annexed is not presently a part of any incorporated city, city and county, or town;
- (14) The undersigned agree to the following conditions, which shall be covenants running with the land, and which shall, at the option of the Town, appear on the annexation map:
- (a) Water rights shall be provided as mutually agreed to by the Town and the undersigned; The undersigned specifically agree that they have not sold or transferred any water rights appurtenant to their property within the past year nor will they do so during the pendency of this annexation petition and once annexed to the Town of Johnstown, they will not sell or transfer any water rights appurtenant to the subject property without the prior written approval of the Johnstown Town Council.
 - (b) The owners shall participate in providing drainage plan and improvements and payment of a unit drainage fee as may be required by the Town the area;
 - (c) The undersigned hereby waive any and all “vested rights” previously created pursuant to Section 24-68-103, CRS, as amended.
 - (d) Petitioner has filed this Petition subject to the following conditions:
 - (1) Concurrently with its approval of annexation of the Property, the Town Board:
 - (a) approves zoning of the Property which is substantially consistent with the Zoning Application; and
 - (b) approves and authorizes execution of the Annexation

(2) Petitioner hereby reserves the sole, exclusive and unilateral right to withdraw this Petition if there is a legal challenge to an ordinance approving annexation of the Property, the Annexation and Development Agreement, or zoning of the Property by so notifying the Town Clerk in writing at any point prior to the later to occur of: (a) forty (40) days after the latest effective date of the final ordinance(s) approving annexation of the Property, the Annexation and Development Agreement, or zoning of the Property as requested pursuant to the Zoning Application; or (b) any later date contemplated in such Annexation and Development Agreement.

(3) Prior to expiration of the period described in the foregoing subparagraph (2) without Petitioner having withdrawn the Petition, neither Petitioner nor the Town shall cause or permit the occurrence of the conditions to effectiveness of the annexation as set forth in Section -113(2)(b) of the Annexation Act.

(d) The undersigned and the Town may enter into an Annexation Agreement prior to the effective date of this annexation, which agreement shall be additional conditions as effectively as if set forth in this Petition. Except for the terms and conditions of this Petition and of the Annexation Agreement, which terms and conditions Petitioner expressly approves and therefore do not constitute an imposition of additional terms and conditions within the meaning of Section -107(1)(g) of the Annexation Act, Petitioner requests that no additional terms and conditions be imposed upon annexation of the Property to the Town.

(15) Petitioner represents that: (Check one)

X No part of the property to be annexed is included within any site specific development plan approved by Weld County, Colorado.

 A site-specific development plan has been approved by Weld County, Colorado, which has created a vested right.

(16) Submitted with this Petition is the required \$ 0.00 for publication costs.

(Signature pages are attached.)

EXECUTED this 28 day of FEB, 2020

PODTBURG DAIRY LIMITED PARTNERSHIP, LLLP,
a Colorado limited liability limited partnership

By: 
Name: GREG PODTBURG
Its: OWNER

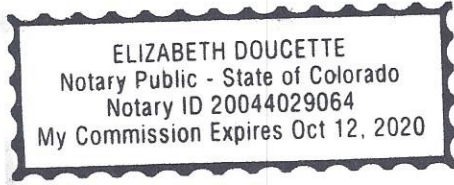
STATE OF COLORADO)
) ss.
COUNTY OF WELD)

The foregoing instrument was acknowledged before me this 28 day of FEB, 2020,

The foregoing Affidavit of Circulator was subscribed and sworn to before me this 28
day of February, 2020, by Rick Podtburg.

ATTACHMENT 2

Witness my hand and official seal.



Notary Public *Elizabeth Doucette*
My Commission Expires: 10/12/2020

PODTBURG ANNEXATION #1

A parcel of land being a portion of the Northwest Quarter of Section Eighteen (18), Township Four North (T.4N.), Range Sixty-seven West (R.67W.) and a portion of the Northeast Quarter of Section Thirteen (13), Township Four North (T.4N.), Range Sixty-eight West (R.68W.), Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado:

COMMENCING at the Northeast Corner of said Section 13 and assuming the East line of the Northeast Quarter of Section 13 as bearing South 00°02'15" East a distance of 2647.90 feet with all other bearings contained herein relative thereto:

THENCE South 00°02'15" East along the East line of the Northeast Quarter of said Section 13 a distance of 30.04 feet to a Southerly line of Maplewood Acres Annexation to the Town of Johnstown recorded March 25, 2009 as Reception No. 3612645 in the Records of Weld County and to the **POINT OF BEGINNING**.

THENCE South 87° 11' 22" East a distance of 30.04 feet to the intersection of the Easterly Right of Way line of Weld County Road 13 and the Southerly Right of Way line of Weld County Road 46;

THENCE South 11° 32' 58" West a distance of 149.36 feet to the East line of the Northeast Quarter of said Section 13;

THENCE North 11° 30' 44" West a distance of 150.80 feet to the intersection of the Westerly Right of Way line of Weld County Road 13 and the Southerly Right of Way line of Weld County Road 46, said point also being the Southwesterly corner of said Maplewood Acres Annexation to the Town of Johnstown;

THENCE North 89° 54' 46" East along a Southerly line of said Maplewood Acres Annexation a distance of 30.00 feet to the East line of the Northeast Quarter of said Section 13 and to the **POINT OF BEGINNING**.

TOTAL ANNEXED AREA for the Podtburg Annexation #1 is 0.10 acres, more or less (±).

PODTBURG ANNEXATION #2

A parcel of land being a portion of the Northwest Quarter of Section Eighteen (18), Township Four North (T.4N.), Range Sixty-seven West (R.67W.) and a portion of the Northeast Quarter of Section Thirteen (13), Township Four North (T.4N.), Range Sixty-eight West (R.68W.), Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado:

COMMENCING at the Northeast Corner of said Section 13 and assuming the East line of the Northeast Quarter of Section 13 as bearing South 00°02'15" East a distance of 2647.90 feet with all other bearings contained herein relative thereto:

THENCE South 00°02'15" East along the East line of the Northeast Quarter of said Section 13 a distance of 177.85 feet to the **POINT OF BEGINNING**.

THENCE North 11° 32' 58" East a distance of 149.36 feet to the intersection of the Easterly Right of Way

line of Weld County Road 13 and the Southerly Right of Way line of Weld County Road 46;

ATTACHMENT 2

THENCE South 02° 15' 22" West a distance of 749.63 feet to the East line of the Northeast Quarter of said Section 13;

THENCE North 02° 19' 35" West a distance of 751.10 feet to the intersection of the Westerly Right of Way line of Weld County Road 13 and the Southerly Right of Way line of Weld County Road 46, said point also being the Southwesterly corner of Maplewood Acres Annexation to the Town of Johnstown recorded March 25, 2009 as Reception No. 3612645 in the Records of Weld County;

THENCE South 11° 30' 44" East a distance of 150.80 feet to the East line of the Northeast Quarter of said Section 13 and to the **POINT OF BEGINNING**.

TOTAL ANNEXED AREA for the Podtburg Annexation #2 is 0.42 acres, more or less (±).

PODTBURG ANNEXATION #3

A parcel of land being a portion of the West Half of Section Eighteen (18), Township Four North (T.4N.), Range Sixty-seven West (R.67W.) and a portion of the East Half of Section Thirteen (13), Township Four North (T.4N.), Range Sixty-eight West (R.68W.), Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado:

COMMENCING at the Northeast Corner of said Section 13 and assuming the East line of the Northeast Quarter of Section 13 as bearing South 00°02'15" East a distance of 2647.90 feet with all other bearings contained herein relative thereto:

THENCE South 00°02'15" East along the East line of the Northeast Quarter of said Section 13 a distance of 780.56 feet to the **POINT OF BEGINNING**.

THENCE North 02° 15' 22" East a distance of 749.63 feet to the intersection of the Easterly Right of Way line of Weld County Road 13 and the Southerly Right of Way line of Weld County Road 46;

THENCE South 00° 02' 15" East along the Westerly Right of Way line of said Weld County Road 13 a distance of 750.00 feet;

THENCE South 00° 32' 02" West a distance of 3001.06 feet to the East line of the Southeast Quarter of said Section 13;

THENCE North 00° 36' 41" West a distance of 3002.53 feet to the Westerly Right of Way line of said Weld County Road 13;

THENCE North 00° 02' 15" West a distance of 750.00 feet to the intersection of the Westerly Right of Way line of Weld County Road 13 and the Southerly Right of Way line of Weld County Road 46, said point also being the Southwesterly corner of Maplewood Acres Annexation to the Town of Johnstown recorded March 25, 2009 as Reception No. 3612645 in the Records of Weld County;

THENCE South 02° 19' 35" East a distance of 751.10 feet to the East line of the Northeast Quarter of said Section 13 and to the **POINT OF BEGINNING**.

TOTAL ANNEXED AREA for the Podtburg Annexation #3 is 2.58 acres, more or less (±).

PODTBURG ANNEXATION #4

A parcel of land being a portion of the West Half of Section Eighteen (18) and the Northwest Quarter of Section Nineteen (19), Township Four North (T.4N.), Range Sixty-seven West (R.67W.) and a portion of the East Half of Section Thirteen (13) and the North Half of Section Twenty-four (24), Township Four

COMMENCING at the Northeast Corner of said Section 13 and assuming the East line of the Northeast Quarter of Section 13 as bearing South 00°02'15" East a distance of 2647.90 feet with all other bearings contained herein relative thereto:

THENCE South 00°02'15" East along the East line of the Northeast Quarter of said Section 13 a distance of 2647.90 feet to the East Quarter Corner of Section 13;

THENCE South 00°02'29" East along the East line of the Southeast Quarter of said Section 13 a distance of 1134.55 feet to the **POINT OF BEGINNING**.

THENCE North 00° 32' 02" East a distance of 3001.06 feet to the Easterly Right of Way line of Weld County Road 13;

The following Three (3) courses are along the Westerly Right of Way lines of Weld County Road 13.

THENCE South 00° 02' 15" East a distance of 1866.36 feet;

THENCE South 00° 02' 29" East a distance of 2648.03 feet;

THENCE South 00° 06' 39" West a distance of 1324.43 feet;

THENCE South 89° 43' 17" West a distance of 2680.42 feet to the Northeast Corner of Northmoor Acres Second Filing recorded March 20, 1972 as Reception No. 1585866;

The following Ten (10) courses are along the Easterly, Southerly, and Westerly lines of Tract D-1 of said Northmoor Acres Second Filing:

THENCE South 00° 06' 15" West a distance of 13.89 feet to the Southeast Corner of said Tract D-1

THENCE North 89° 44' 34" West a distance of 152.81 feet;

THENCE South 88° 54' 36" West a distance of 68.31 feet;

THENCE South 88° 58' 33" West a distance of 351.36 feet;

THENCE South 88° 41' 39" West a distance of 225.35 feet;

THENCE South 89° 11' 58" West a distance of 121.90 feet;

THENCE South 89° 47' 15" West a distance of 155.18 feet;

THENCE South 89° 38' 59" West a distance of 451.60 feet;

THENCE South 89° 26' 24" West a distance of 423.45 feet;

THENCE South 89° 05' 24" West a distance of 649.81 feet to an Easterly line of Wilson Ranch Annexation to the Town of Berthoud recorded April 23, 2004 as Reception No. 3173568;

The following Four (4) courses are along the Easterly lines of said Wilson Ranch Annexation:

THENCE North 00° 03' 04" East a distance of 43.07 feet;

THENCE South 89° 56' 54" West a distance of 20.00 feet;

THENCE North 00° 03' 04" East a distance of 1331.68 feet to the North line of the Northwest Quarter of Section 24;

THENCE North 00° 03' 04" East a distance of 30.00 feet to the Northerly Right of Way of Weld County Road 44;

THENCE North 89° 55' 24" East along said Northerly Right of Way line of Weld County Road 44 a distance of 2620.33 feet to the East line of the Southeast Quarter of said Section 13;

THENCE North 00° 02' 05" West along said East line a distance of 857.85 feet to the Southwest corner of Lot B of Recorded Exemption No. 1061-13-4 RE-3863;

The following Seventeen (17) courses are along the Southerly lines of Lot B of Recorded Exemption No. 1061-13-4 RE-3863 recorded October 18, 2004 as Reception No. 3228383 of the Records of Weld County:

THENCE South 79° 11' 49" East a distance of 251.09 feet;

THENCE along the arc of a curve concave to the Northwest a distance of 92.52 feet, said curve has a Radius of 115.39 feet, a Delta of 45° 56' 32", and is subtended by a Chord bearing North 77° 50' 10" East a distance of 90.07 feet;

THENCE North 54° 51' 44" East a distance of 181.87 feet;

THENCE along the arc of a curve concave to the Southeast a distance of 144.05 feet, said curve has a Radius of 124.38 feet, a Delta of 66° 21' 24", and is subtended by a Chord bearing North 88° 02' 19" East a distance of 136.13 feet;

THENCE South 58° 46' 59" East a distance of 133.41 feet;

THENCE along the arc of a curve concave to the Northeast a distance of 115.53 feet, said curve has a Radius of 193.24 feet, a Delta of 34° 15' 17", and is subtended by a Chord bearing South 75° 54' 49" East a distance of 113.82 feet;

THENCE along the arc of a curve concave to the Southwest a distance of 285.43 feet, said curve has a Radius of 753.31 feet, a Delta of 21° 42' 34", and is subtended by a Chord bearing South 82° 11' 10" East a distance of 283.73 feet;

THENCE along the arc of a curve concave to the Northeast a distance of 378.03 feet, said curve has a

Radius of 800.39 feet, A Delta of 27° 03' 40", and is subtended by a Chord bearing South 84° 51' 55" East a distance of 374.53 feet;
 THENCE along the arc of a curve concave to the Southwest a distance of 179.58 feet, said curve has a Radius of 171.12 feet, a Delta of 60° 07' 42", and is subtended by a Chord bearing South 68° 19' 54" East a distance of 171.45 feet;
 THENCE South 38° 16' 02" East a distance of 117.93 feet;
 THENCE along the arc of a curve concave to the Northeast a distance of 58.61 feet, said curve has a Radius of 231.16 feet, a Delta of 14° 31' 38", and is subtended by a Chord bearing South 45° 31' 53" East a distance of 58.45 feet;
 THENCE South 52° 47' 41" East a distance of 176.69 feet;
 THENCE along the arc of a curve concave to the Northeast a distance of 107.69 feet, said curve has a Radius of 183.32 feet, a Delta of 33° 39' 29", and is subtended by a Chord bearing South 69° 37' 20" East a distance of 106.15 feet;
 THENCE South 86° 27' 04" East a distance of 88.57 feet;
 THENCE along the arc of a curve concave to the Northwest a distance of 131.99 feet, said curve has a Radius of 937.08 feet, a Delta of 08° 04' 13", and is subtended by a Chord bearing North 89° 30' 49" East a distance of 131.88 feet;
 THENCE along the arc of a curve concave to the Southwest a distance of 359.49 feet, said curve has a Radius of 498.28 feet, a Delta of 41° 20' 12", and is subtended by a Chord bearing South 73° 51' 12" East a distance of 351.74 feet;
 THENCE South 53° 11' 05" East a distance of 63.29 feet to the Westerly Right of Way line of Weld County Road 13;
 THENCE North 00° 02' 29" West along said Westerly Right of Way line a distance of 2333.22 feet;
 THENCE North 00° 02' 15" West continuing along said Westerly Right of Way line a distance of 1867.83 feet;
 THENCE South 00° 36' 41" East a distance of 3002.53 feet to the East line of the Southeast Quarter of said Section 13 and to the **POINT OF BEGINNING**.

TOTAL ANNEXED AREA for the Podtburg Annexation #4 is 212.76 acres, more or less (±).

PODTBURG ANNEXATION #5

A parcel of land being a portion of the West Half of Section Nineteen (19) and the Northwest Quarter of Section Thirty (30), Township Four North (T.4N.), Range Sixty-seven West (R.67W.) and a portion of Section Twenty-four (24) and the Northeast Quarter of Section Twenty-five (25), Township Four North (T.4N.), Range Sixty-eight West (R.68W.), Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado:

COMMENCING at the Northeast Corner of said Section 13 and assuming the East line of the Northeast Quarter of Section 13 as bearing South 00°02'15" East a distance of 2647.90 feet with all other bearings contained herein relative thereto:

THENCE South 00°02'15" East along the East line of the Northeast Quarter of said Section 13 a distance of 2647.90 feet to the East Quarter Corner of Section 13;
 THENCE South 00°02'29" East along the East line of the Southeast Quarter of said Section 13 a distance of 2647.99 feet to the Southeast Corner of said Section 13;
 THENCE South 00°06'39" West along the East line of the Northeast Quarter of the Northeast Quarter of Section 24 a distance of 1324.59 feet to the Southeast Corner of the Northeast Quarter of the Northeast Quarter of said Section 24 and to the **POINT OF BEGINNING**.

THENCE North 89° 43' 17" East a distance of 30.00 feet to the Easterly Right of Way line of Weld County Road 13;

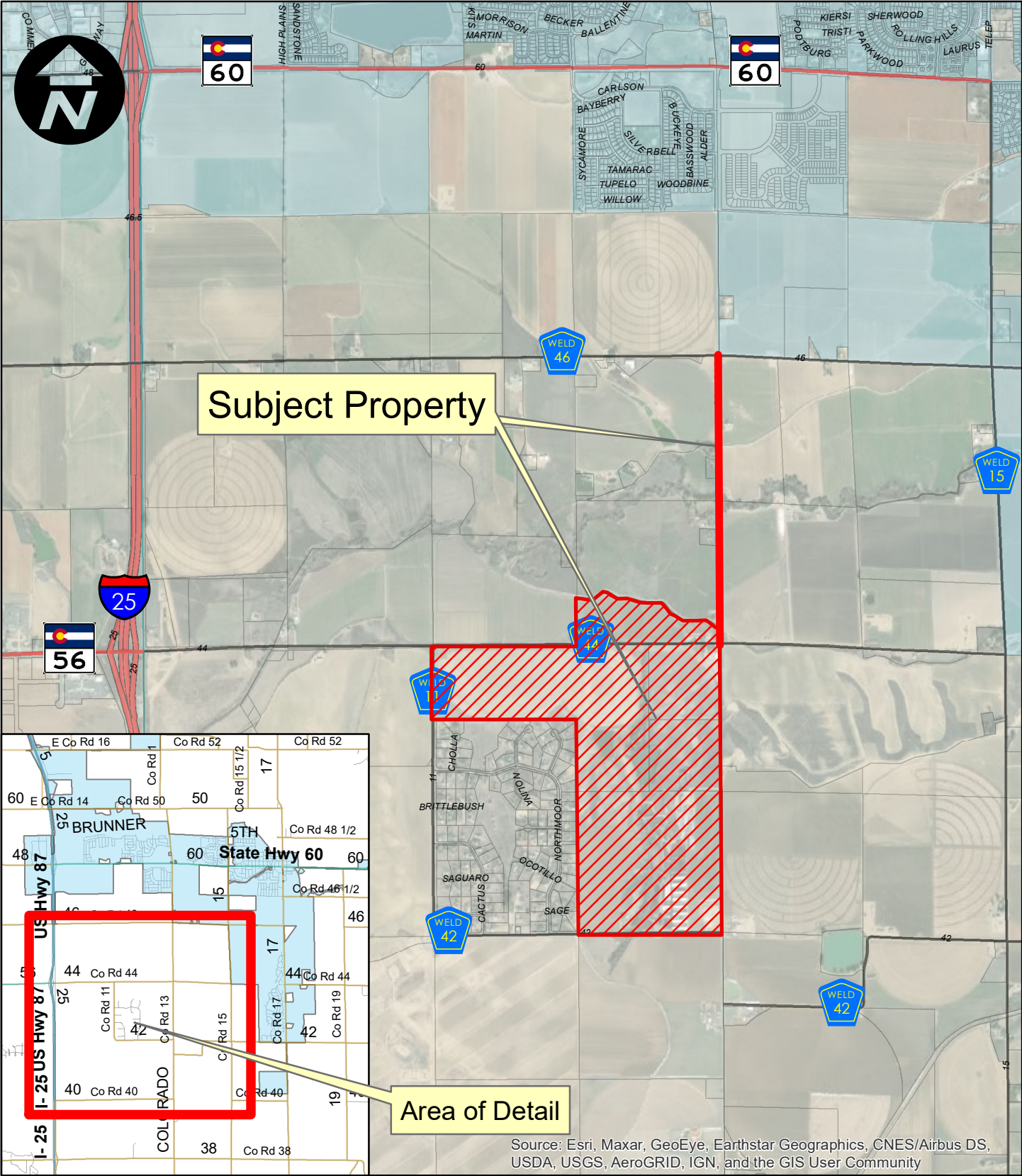
The following Three (3) courses are along the Easterly Right of Way line of said Weld County Road 13.

THENCE South 00° 06' 39" West a distance of 1324.80 feet;
 THENCE South 00° 06' 37" West a distance of 2649.04 feet;
 THENCE South 00° 06' 37" West a distance of 29.74 feet to the Easterly prolongation of the Southerly Right of Way line of Weld County Road 42;
 THENCE South 89° 36' 32" West along said Easterly prolongation of the Southerly Right of Way line of Weld County Road 42 a distance of 29.74 feet;
 THENCE South 89° 36' 32" West continuing along the Southerly Right of Way line of said Weld County Road 42 a distance of 2650.03 feet;
 THENCE North 00° 23' 48" West a distance of 30.00 feet to the South Quarter Corner of said Section 24;
 THENCE North 00° 06' 15" East along the Easterly line of Northmoor Acres Second Filing recorded March 20, 1972 as Reception No. 1585866 of the Records of Weld County a distance of 3964.93 feet to the Southeast Corner of Tract D-1 of said Northmoor Acres Second Filing;
 THENCE North 00° 06' 15" East continuing along the Easterly line of said Northmoor Acres Second Filing a distance of 13.89 feet to the Center-North Sixteenth Corner of said Section 24;
 THENCE North 89° 43' 17" East along the South Line of the North Half of the Northeast Quarter of said Section 24 a distance of 2650.42 feet to the **POINT OF BEGINNING**.

TOTAL ANNEXED AREA for the Podtburg Annexation #5 is 246.49 acres, more or less (±).

ATTACHMENT 2

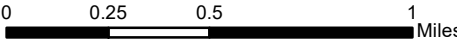
{00802396.DOCX / 1 }



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



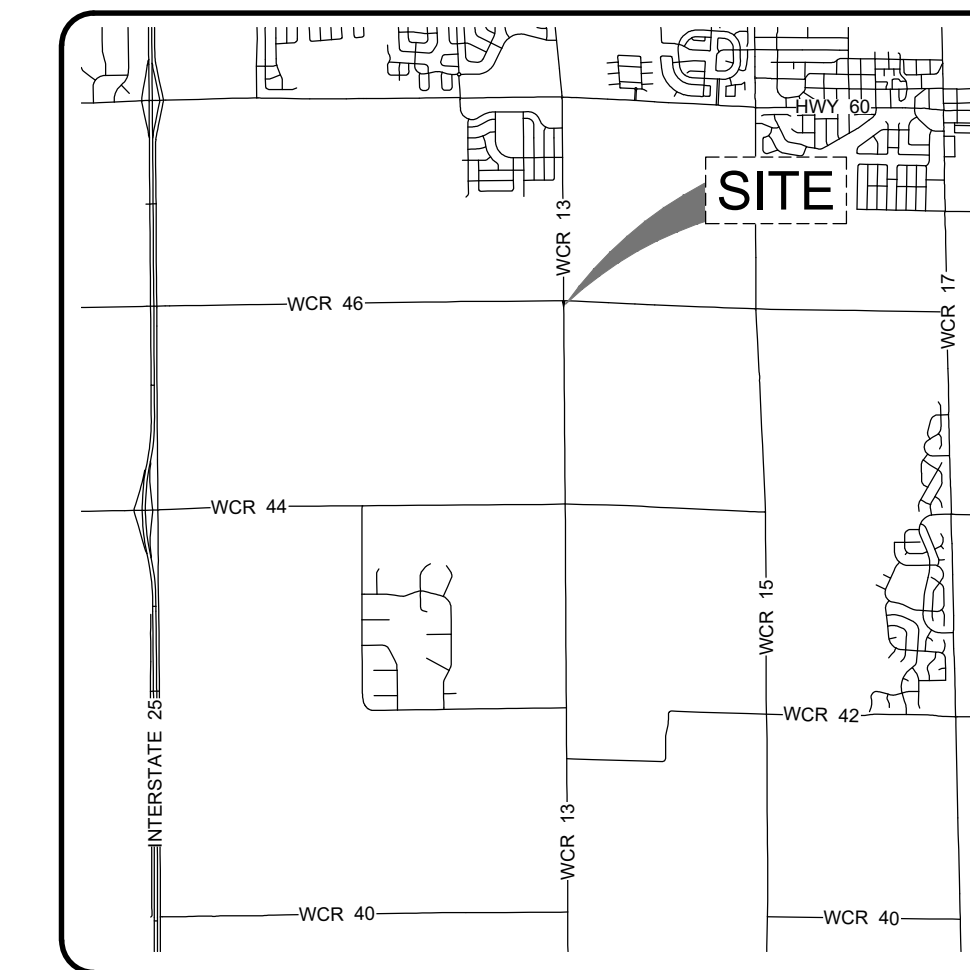
ANX20-0001
Podtburg Annexation
T4N R67W Sections 24 & 13



PODTBURG ANNEXATIONS #1, #2, #3, #4, & #5

TO THE TOWN OF JOHNSTOWN

A PARCEL OF LAND BEING PORTIONS OF THE WEST HALF OF SECTION 18, THE WEST HALF OF SECTION 19, AND THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 4 NORTH, RANGE 67 WEST AND PORTIONS OF SECTION 13, SECTION 24 AND THE NORTH HALF OF SECTION 25, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO



VICINITY MAP
SCALE: 1" = 5000'

NOTICE:
According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after you discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years after the date of the certificate shown hereon.

SECTION: 13, 18, 19, 24, 25, 30
TOWNSHIP: 4 N
RANGE: 67 & 68 W (6th PM)

NORTHERN ENGINEERING
970.221.4158
970.221.4158
FOOT COLLINS 301 North Hines Street, Suite 100, 80521 GREELEY, CO 80633
northernengineering.com

DATE: 09/26/2019
SCALE: 1" = 30'
REVIEWED BY: S. Lund
PROJECT: 1859-001
CLIENT:
DRAWN BY: A. Lund

PODTBURG ANNEXATION #1
S18,19,30-T4N-R67W & S13,24,25-T4N-R68W
WELD COUNTY, STATE OF COLORADO

Sheet
1
Of 7 Sheets

DESCRIPTION: PODTBURG ANNEXATION #1

A parcel of land being a portion of the Northwest Quarter of Section Eighteen (18), Township Four North (T.4N.), Range Sixty-seven West (R.67W.) and a portion of the Northeast Quarter of Section Thirteen (13), Township Four North (T.4N.), Range Sixty-eight West (R.68W.), Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado:

COMMENCING at the Northeast Corner of said Section 13 and assuming the East line of the Northeast Quarter of Section 13 as bearing South 00°02'15" East a distance of 2647.90 feet with all other bearings contained herein relative thereto:

THENCE South 00°02'15" East along the East line of the Northeast Quarter of said Section 13 a distance of 30.04 feet to a Southerly line of Maplewood Acres Annexation to the Town of Johnstown recorded March 25, 2009 as Reception No. 3612645 in the Records of Weld County and to the **POINT OF BEGINNING**.

THENCE South 87°11'22" East a distance of 30.04 feet to the intersection of the Easterly Right of Way line of Weld County Road 13 and the Southerly Right of Way line of Weld County Road 46;

THENCE South 11°32'58" West a distance of 149.36 feet to the East line of the Northeast Quarter of said Section 13;

THENCE North 11°30'44" West a distance of 150.80 feet to the intersection of the Westerly Right of Way line of Weld County Road 13 and the Southerly Right of Way line of Weld County Road 46, said point also being the Southwesterly corner of said Maplewood Acres Annexation to the Town of Johnstown;

THENCE North 89°54'46" East along a Southerly line of said Maplewood Acres Annexation a distance of 30.00 feet to the East line of the Northeast Quarter of said Section 13 and to the **POINT OF BEGINNING**.

TOTAL ANNEXED AREA for the Podtburg Annexation #1 is 0.10 acres, more or less (±).

OWNERS APPROVAL AND DEDICATION:

Know all men by these presents that the undersigned, being the sole owner of the land described hereon, excluding public rights-of-way, request that the land described hereon be annexed under the name of PODTBURG ANNEXATION #1 to the Town of Johnstown.

In witness whereof, we have hereunto set our hands and seal this _____ day of _____, 20____.

OWNER _____ OWNER _____

STATE OF COLORADO)
) SS

COUNTY OF WELD)

The foregoing instrument was acknowledged before me by _____ this _____ day of _____, 20____.

My commission expires: _____ Notary Public _____

SURVEYOR:
Northern Engineering
Steven A. Lund
820 8th Street, Greeley, Colorado
970-395-9880

APPLICANT:
Podtburg Dairy Limited Partnership, LLLP
Greg Podtburg
37905 Weld County Road 35
Eaton, CO 80615
970-313-3601

PODTBURG ANNEXATION #1	
TOTAL PERIMETER.....	360.20'
CONTIGUOUS BOUNDARY.....	60.04'
MINIMUM CONTIGUOUS PERIMETER FEET REQUIRED.....	60.03'

//////
INDICATES PRESENT TOWN BOUNDARY LINE

PLANNING AND ZONING APPROVAL:

This Map to be known as PODTBURG ANNEXATION #1 was recommended to the Town Council for approval by action of the Planning and Zoning Commission of the Town of Johnstown, Colorado at the regular meeting held on the _____ day of _____, 20____.

Chair, Planning & Zoning Commission

TOWN COUNCIL APPROVAL:

This Map to be known as PODTBURG ANNEXATION #1 is approved and accepted to the Town of Johnstown, Colorado by Ordinance Number _____, passed and adopted on final reading at a regular meeting of the Town Council of the Town of Johnstown, Colorado, held on the _____ day of _____, 20____.

Gary Lebsack, Mayor

Attest: Town Clerk

SURVEY NOTES:

1. Basis of Bearings: The East line of the Northeast Quarter of Section 13 as bearing South 00°02'15" East (assumed bearing) and Monumented as shown hereon.
2. Unit of measure is U.S. Survey Feet.
3. No rights-of-way or easements, except those shown hereon, were determined by this survey, nor was any research conducted to determine the existence of additional easements, per the request of the client.
4. This survey does not constitute a title search by the surveyor to determine ownership or easements of record.

SURVEYOR'S CERTIFICATION:

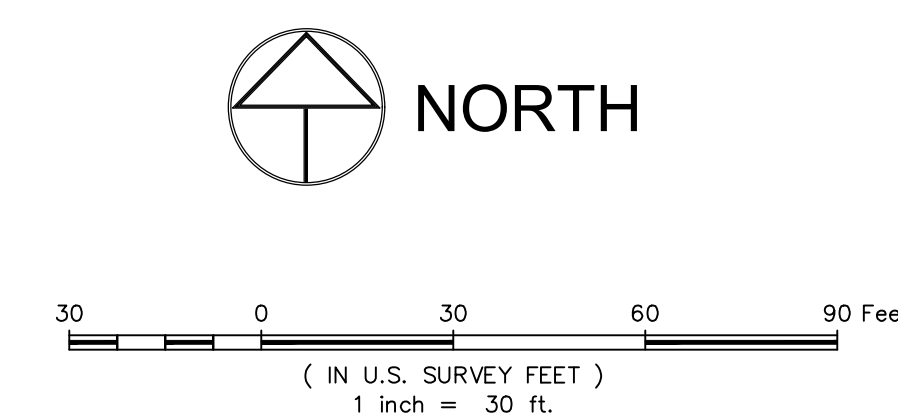
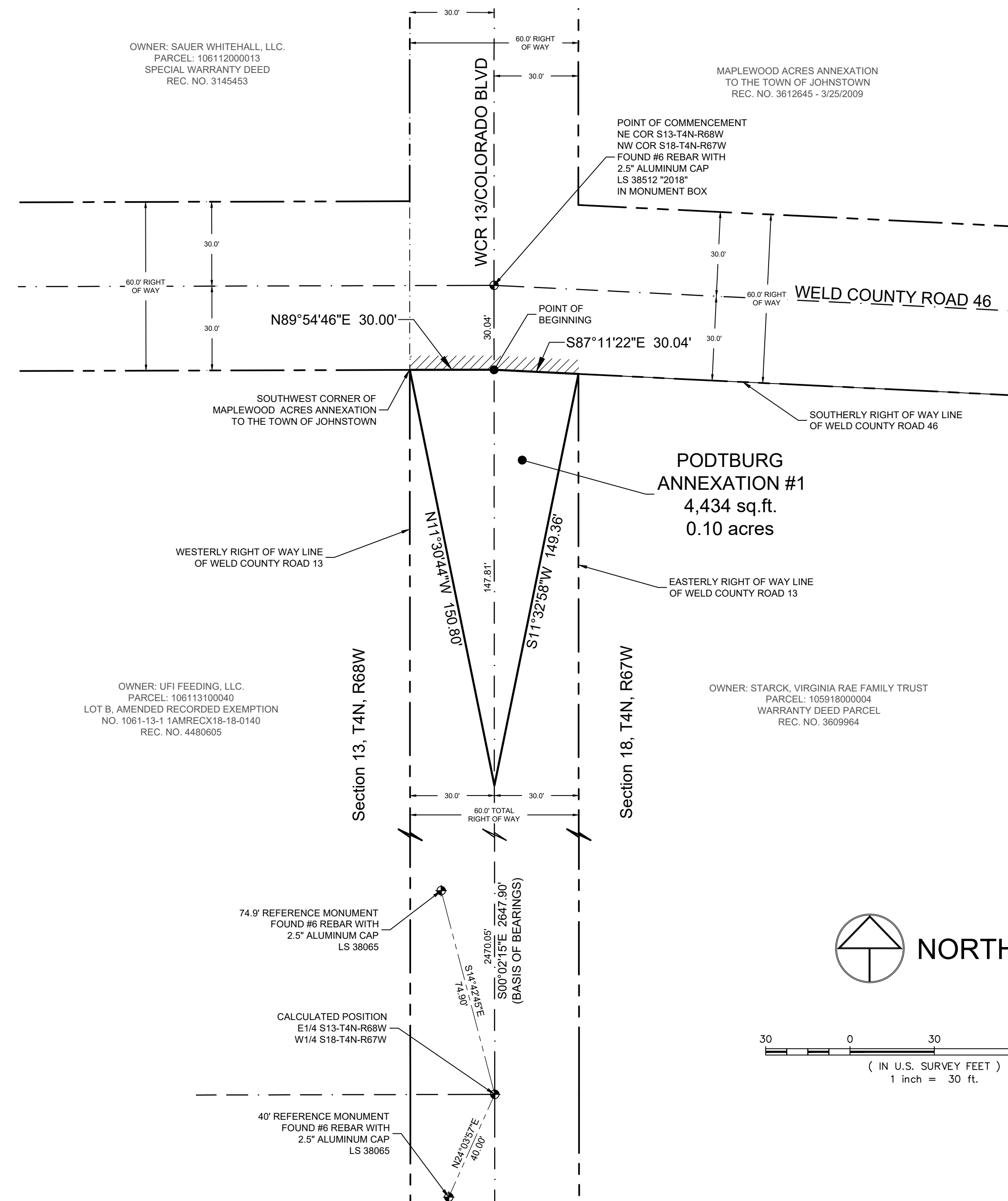
I, Steven A. Lund, a Colorado Registered Professional Land Surveyor do hereby state that this Property Description of land proposed to be annexed to the Town of Johnstown, County of Weld, State of Colorado, was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge, information, belief, and in my professional opinion.

I further state that not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous to the boundary line of the Town of Johnstown, County of Weld, State of Colorado.

Steven A. Lund - on behalf of Northern Engineering
Colorado Registered Professional
Land Surveyor #34995

	CALCULATED POSITION
	FOUND PROPERTY MONUMENT
	FOUND SECTION CORNER AS DESCRIBED

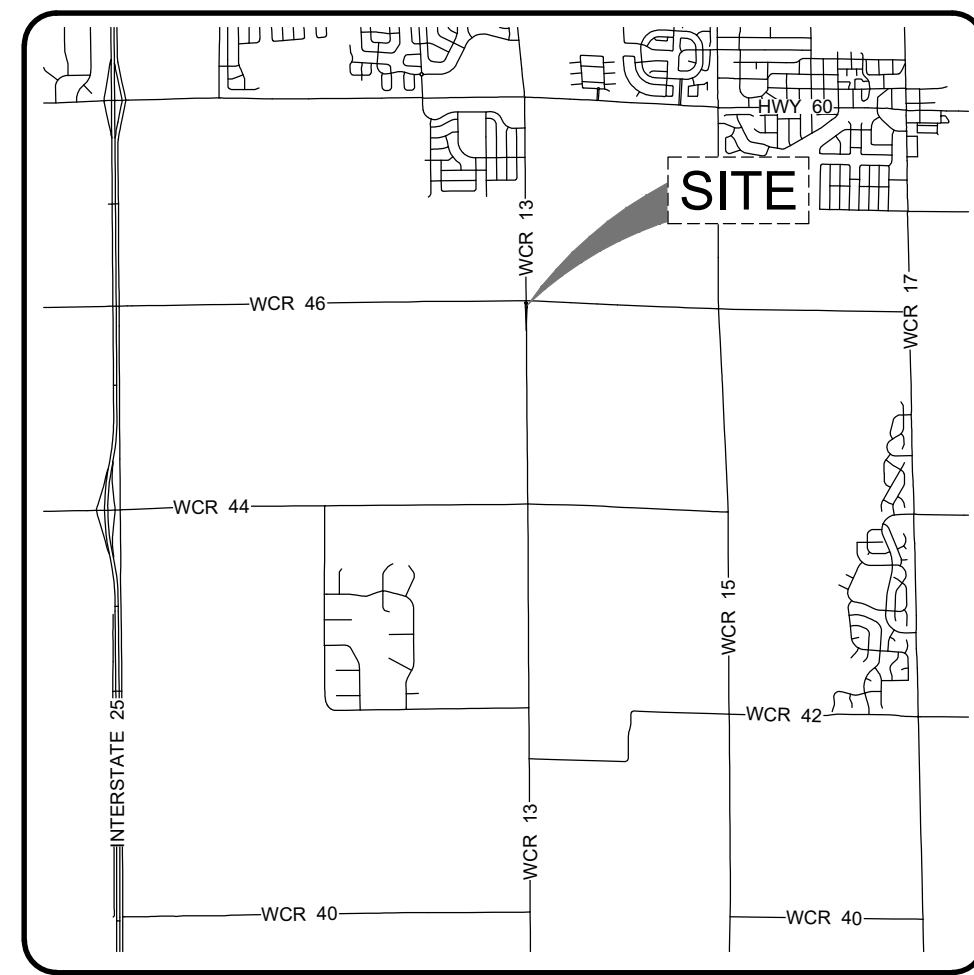
	RIGHT OF WAY LINE
	SECTION LINE
	ANNEXATION BOUNDARY LINE
	PROPERTY LINE
	EXISTING ANNEXATION LINE
	EASEMENT LINE



PODTBURG ANNEXATIONS #1, #2, #3, #4, & #5

TO THE TOWN OF JOHNSTOWN

A PARCEL OF LAND BEING PORTIONS OF THE WEST HALF OF SECTION 18, THE WEST HALF OF SECTION 19, AND THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 4 NORTH, RANGE 67 WEST AND PORTIONS OF SECTION 13, SECTION 24 AND THE NORTH HALF OF SECTION 25, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO



VICINITY MAP
SCALE: 1" = 5000'

SURVEYOR:
Northern Engineering
Steven A. Lund
820 8th Street, Greeley, Colorado
970-395-9880

APPLICANT:
Podtburg Dairy Limited Partnership, LLLP
Greg Podtburg
37905 Weld County Road 35
Eaton, CO 80615
970-313-3601

SYMBOL LEGEND

	CALCULATED POSITION
	FOUND PROPERTY MONUMENT
	FOUND SECTION CORNER AS DESCRIBED

LINE LEGEND

	RIGHT OF WAY LINE
	SECTION LINE
	ANNEXATION BOUNDARY LINE
	PROPERTY LINE
	EXISTING ANNEXATION LINE
	EASEMENT LINE

DESCRIPTION: PODTBURG ANNEXATION #2

A parcel of land being a portion of the Northwest Quarter of Section Eighteen (18), Township Four North (T.4N.), Range Sixty-seven West (R.67W.) and a portion of the Northeast Quarter of Section Thirteen (13), Township Four North (T.4N.), Range Sixty-eight West (R.68W.), Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado:

COMMENCING at the Northeast Corner of said Section 13 and assuming the East line of the Northeast Quarter of Section 13 as bearing South 00°02'15" East a distance of 2647.90 feet with all other bearings contained herein relative thereto:

THENCE South 00°02'15" East along the East line of the Northeast Quarter of said Section 13 a distance of 177.85 feet to the **POINT OF BEGINNING**.

THENCE North 11° 32' 58" East a distance of 149.36 feet to the intersection of the Easterly Right of Way line of Weld County Road 13 and the Southerly Right of Way line of Weld County Road 46;

THENCE South 02° 15' 22" West a distance of 749.63 feet to the East line of the Northeast Quarter of said Section 13;

THENCE North 02° 19' 35" West a distance of 751.10 feet to the intersection of the Westerly Right of Way line of Weld County Road 13 and the Southerly Right of Way line of Weld County Road 46, said point also being the Southwest corner of Maplewood Acres Annexation to the Town of Johnstown recorded March 25, 2009 as Reception No. 3612645 in the Records of Weld County;

THENCE South 11° 30' 44" East a distance of 150.80 feet to the East line of the Northeast Quarter of said Section 13 and to the **POINT OF BEGINNING**.

TOTAL ANNEXED AREA for the Podtburg Annexation #2 is 0.42 acres, more or less (±).

OWNERS APPROVAL AND DEDICATION:

Know all men by these presents that the undersigned, being the sole owner of the land described hereon, excluding public rights-of-way, request that the land described hereon be annexed under the name of PODTBURG ANNEXATION #2 to the Town of Johnstown.

In witness whereof, we have hereunto set our hands and seal this _____ day of _____, 20____.

OWNER _____ OWNER _____

STATE OF COLORADO)

) SS

COUNTY OF WELD)

The foregoing instrument was acknowledged before me by _____ this

_____ day of _____, 20____.

My commission expires: _____ Notary Public _____

PLANNING AND ZONING APPROVAL:

This Map to be known as PODTBURG ANNEXATION #2 was recommended to the Town Council for approval by action of the Planning and Zoning Commission of the Town of Johnstown, Colorado at the regular meeting held on the _____ day of _____, 20____.

Chair, Planning & Zoning Commission _____

TOWN COUNCIL APPROVAL:

This Map to be known as PODTBURG ANNEXATION #2 is approved and accepted to the Town of Johnstown, Colorado by Ordinance Number _____, passed and adopted on final reading at a regular meeting of the Town Council of the Town of Johnstown, Colorado, held on the _____ day of _____, 20____.

Gary Lebsack, Mayor _____

Attest: Town Clerk _____

SURVEY NOTES:

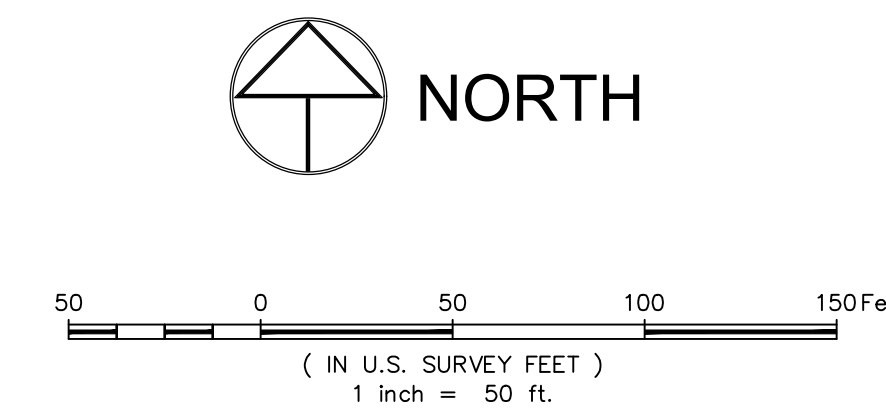
1. Basis of Bearings: The East line of the Northeast Quarter of Section 13 as bearing South 00°02'15" East (assumed bearing) and Monumented as shown hereon.
2. Unit of measure is U.S. Survey Feet.
3. No rights-of-way or easements, except those shown hereon, were determined by this survey, nor was any research conducted to determine the existence of additional easements, per the request of the client.
4. This survey does not constitute a title search by the surveyor to determine ownership or easements of record.

SURVEYOR'S CERTIFICATION:

I, Steven A. Lund, a Colorado Registered Professional Land Surveyor do hereby state that this Property Description of land proposed to be annexed to the Town of Johnstown, County of Weld, State of Colorado, was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge, information, belief, and in my professional opinion.

I further state that not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous to the boundary line of the Town of Johnstown, County of Weld, State of Colorado.

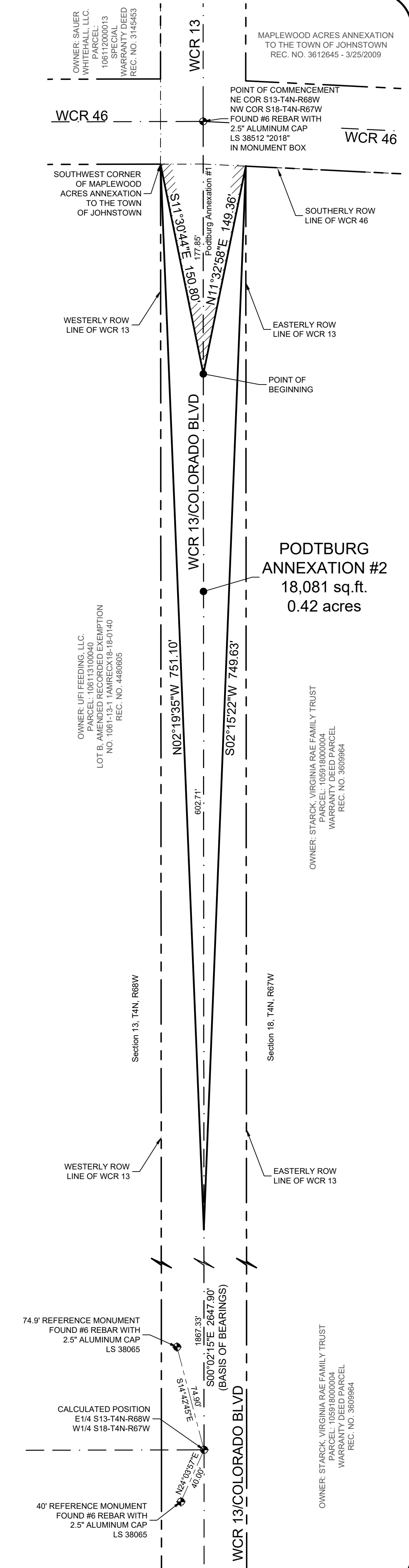
Steven A. Lund - on behalf of Northern Engineering
Colorado Registered Professional
Land Surveyor #34995



PODTBURG ANNEXATION #2

TOTAL PERIMETER.....	1800.90'
CONTIGUOUS BOUNDARY.....	300.16'
MINIMUM CONTIGUOUS PERIMETER FEET REQUIRED.....	300.15'

INDICATES PRESENT TOWN BOUNDARY LINE



NOTICE:
According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years after the date of the certificate shown hereon.

SECTION: 4, 25, 630
TOWNSHIP: 4 N
RANGE: 67 & 68 W (6th PM)

NORTHERN ENGINEERING

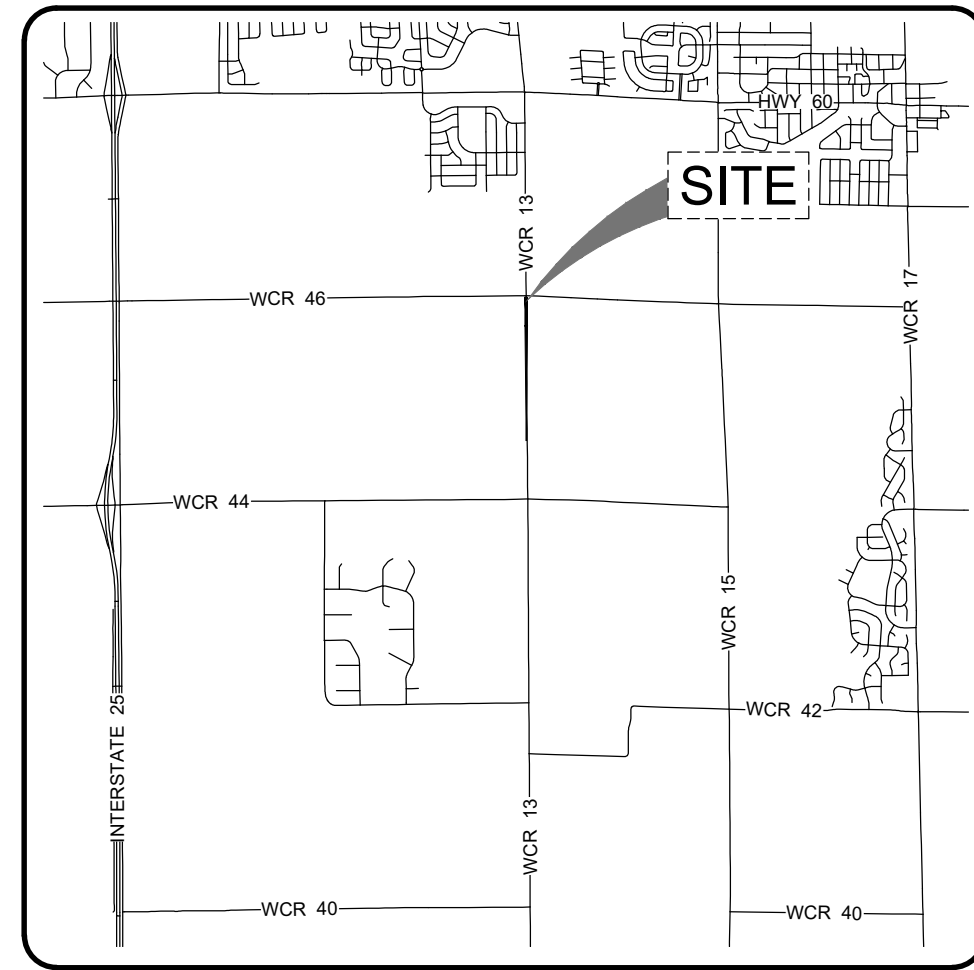
970.223.4158
970.223.4158
FORT COLLINS, 301 North Innes Street, Suite 100, 80521
GREELEY, 820 8th Street, 80633

PROJECT: 1659-001	DATE: 09/26/2019	SCALE: 1" = 50'	REVIEWED BY: S. Lund
CLIENT:			
DRAWN BY: A. Lund			

PODTBURG ANNEXATION #2
S18, 19, 30-T4N-R67W & S13, 24, 25-T4N-R68W
WELD COUNTY, STATE OF COLORADO

PODTBURG ANNEXATIONS #1, #2, #3, #4, & #5

TO THE TOWN OF JOHNSTOWN
A PARCEL OF LAND BEING PORTIONS OF THE WEST HALF OF SECTION 18, THE WEST HALF OF SECTION 19,
AND THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 4 NORTH, RANGE 67 WEST
AND PORTIONS OF SECTION 13, SECTION 24 AND THE NORTH HALF OF SECTION 25, TOWNSHIP 4 NORTH,
RANGE 68 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO



VICINITY MAP
SCALE: 1" = 5000'

APPLICANT:
Podtburg Dairy Limited Partnership, LLLP
Greg Podtburg
37905 Weld County Road 35
Eaton, CO 80615
970-313-3601

SURVEYOR:
Northern Engineering
Steven A. Lund
830 9th Street, Greeley, Colorado
970-395-9880



50 0 50 100 150 Feet
(IN U.S. SURVEY FEET)
1 inch = 50 ft.

SYMBOL LEGEND	
	CALCULATED POSITION
	FOUND PROPERTY MONUMENT
	FOUND SECTION CORNER AS DESCRIBED

LINE LEGEND	
	RIGHT OF WAY LINE
	SECTION LINE
	ANNEXATION BOUNDARY LINE
	LOT LINE
	EXISTING ANNEXATION LINE
	EASEMENT LINE

DESCRIPTION: PODTBURG ANNEXATION #3

A parcel of land being a portion of the West Half of Section Eighteen (18), Township Four North (T.4N.), Range Sixty-seven West (R.67W.) and a portion of the East Half of Section Thirteen (13), Township Four North (T.4N.), Range Sixty-eight West (R.68W.), Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado:

COMMENCING at the Northeast Corner of said Section 13 and assuming the East line of the Northeast Quarter of Section 13 as bearing South 00°02'15" East a distance of 2647.90 feet with all other bearings contained herein relative thereto:

THENCE South 00°02'15" East along the East line of the Northeast Quarter of said Section 13 a distance of 780.56 feet to the **POINT OF BEGINNING**.

THENCE North 02° 15' 22" East a distance of 749.63 feet to the intersection of the Easterly Right of Way line of Weld County Road 13 and the Southerly Right of Way line of Weld County Road 46;

THENCE South 00° 02' 15" East along the Westerly Right of Way line of said Weld County Road 13 a distance of 750.00 feet;

THENCE South 00° 32' 02" West a distance of 3001.06 feet to the East line of the Southeast Quarter of said Section 13;

THENCE North 00° 36' 41" West a distance of 3002.53 feet to the Westerly Right of Way line of said Weld County Road 13;

THENCE North 00° 02' 15" West a distance of 750.00 feet to the intersection of the Westerly Right of Way line of Weld County Road 13 and the Southerly Right of Way line of Weld County Road 46, said point also being the Southwesterly corner of Maplewood Acres Annexation to the Town of Johnstown recorded March 25, 2009 as Reception No. 3612645 in the Records of Weld County;

THENCE South 02° 19' 35" East a distance of 751.10 feet to the East line of the Northeast Quarter of said Section 13 and to the **POINT OF BEGINNING**.

TOTAL ANNEXED AREA for the Podtburg Annexation #3 is 2.58 acres, more or less (±).

OWNERS APPROVAL AND DEDICATION:

Know all men by these presents that the undersigned, being the sole owner of the land described hereon, excluding public rights-of-way, request that the land described hereon be annexed under the name of PODTBURG ANNEXATION #3 to the Town of Johnstown.

In witness whereof, we have hereunto set our hands and seal this _____ day of _____, 20____.

OWNER _____ OWNER _____

STATE OF COLORADO)
) SS
COUNTY OF WELD)
The foregoing instrument was acknowledged before me by _____ this _____ day of _____, 20____.

My commission expires: _____ Notary Public

PLANNING AND ZONING APPROVAL:

This Map to be known as PODTBURG ANNEXATION #3 was recommended to the Town Council for approval by action of the Planning and Zoning Commission of the Town of Johnstown, Colorado at the regular meeting held on the _____ day of _____, 20____.

Chair, Planning & Zoning Commission

TOWN COUNCIL APPROVAL:

This Map to be known as PODTBURG ANNEXATION #3 is approved and accepted to the Town of Johnstown, Colorado by Ordinance Number _____ passed and adopted on final reading at a regular meeting of the Town Council of the Town of Johnstown, Colorado, held on the _____ day of _____, 20____.

Gary Lebsack, Mayor

Attest: Town Clerk

PODTBURG ANNEXATION #3	
TOTAL PERIMETER.....	9004.33'
CONTIGUOUS BOUNDARY.....	1500.73'
MINIMUM CONTIGUOUS PERIMETER FEET REQUIRED.....	1500.72'

INDICATES PRESENT TOWN BOUNDARY LINE

SURVEY NOTES:

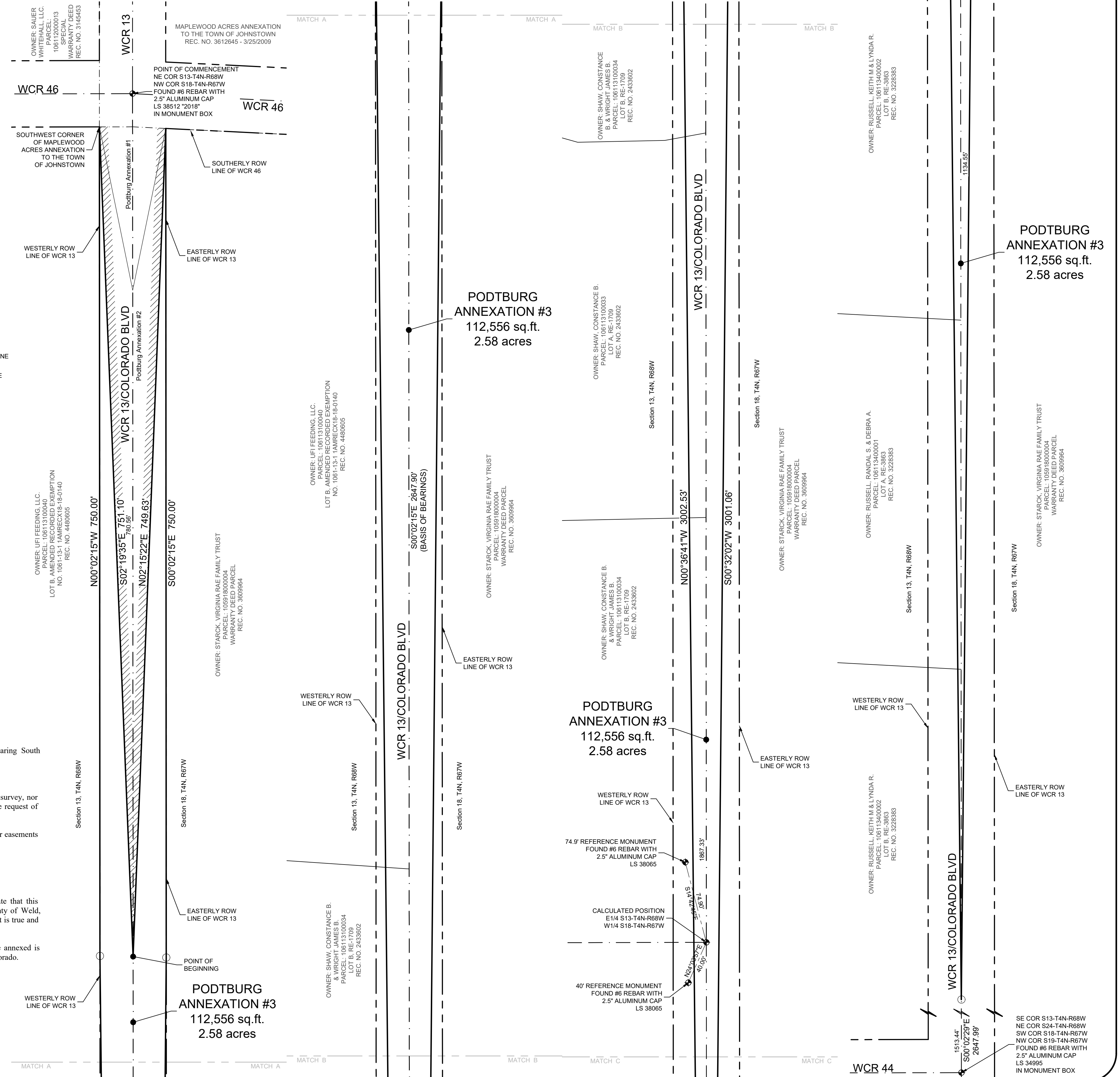
1. Basis of Bearings: The East line of the Northeast Quarter of Section 13 as bearing South 00°02'15" East (assumed bearing) and Monumented as shown hereon.
2. Unit of measure is U.S. Survey Feet.
3. No rights-of-way or easements, except those shown hereon, were determined by this survey, nor was any research conducted to determine the existence of additional easements, per the request of the client.
4. This survey does not constitute a title search by the surveyor to determine ownership or easements of record.

SURVEYOR'S CERTIFICATION:

I, Steven A. Lund, a Colorado Registered Professional Land Surveyor do hereby state that this Property Description of land proposed to be annexed to the Town of Johnstown, County of Weld, State of Colorado, was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge, information, belief, and in my professional opinion.

I further state that not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous to the boundary line of the Town of Johnstown, County of Weld, State of Colorado.

Steven A. Lund - on behalf of Northern Engineering
Colorado Registered Professional
Land Surveyor #34995



NOTICE:
According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years after the date of the certificate shown hereon.

SECTION:	4, 25, 630
TOWNSHIP:	4 N
RANGE:	67 & 68 W (6th PM)

NORTHERN ENGINEERING
970.229.4158
noren@northerneng.com

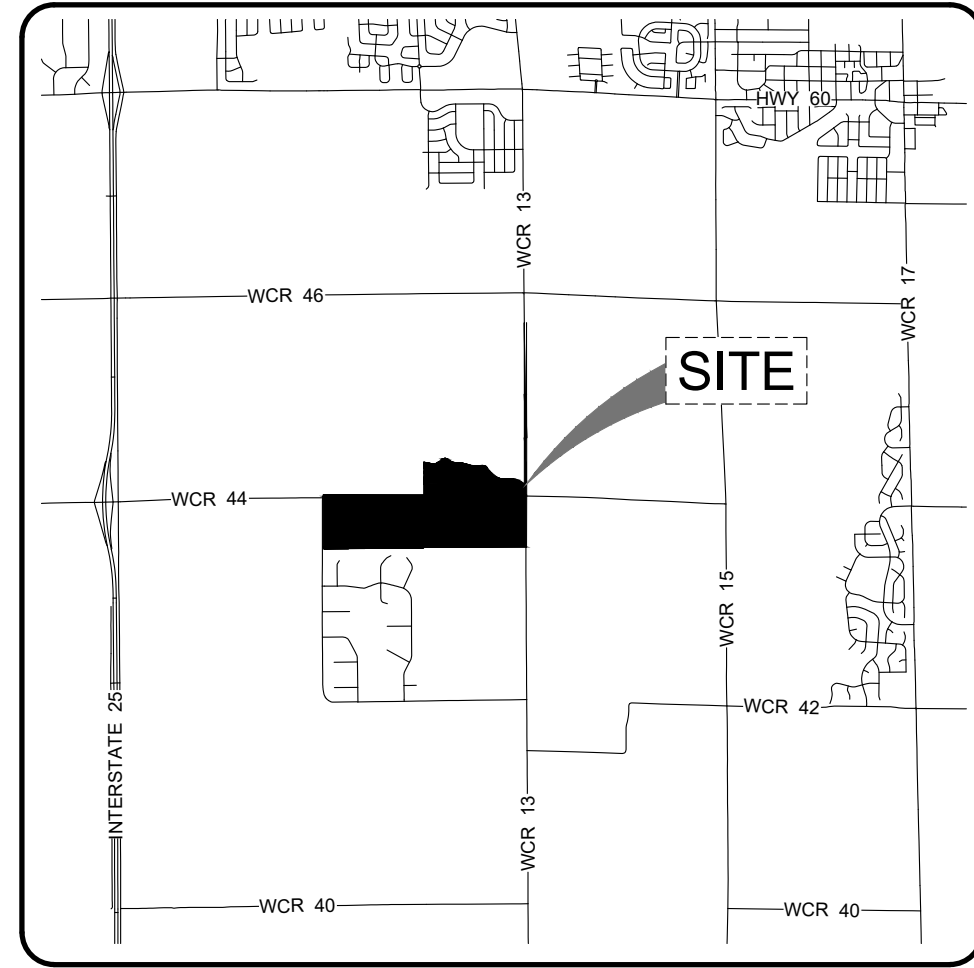
PROJECT:	1659-001	DATE:	09/26/2019
CLIENT:		SCALE:	1" = 50'
DRAWN BY:	A. Lund	REVIEWED BY:	S. Lund

PODTBURG ANNEXATION #3
S18, 19, 30-T4N-R67W & S13, 24, 25-T4N-R68W
WELD COUNTY, STATE OF COLORADO

PODTBURG ANNEXATIONS #1, #2, #3, #4, & #5

TO THE TOWN OF JOHNSTOWN

A PARCEL OF LAND BEING PORTIONS OF THE WEST HALF OF SECTION 18, THE WEST HALF OF SECTION 19, AND THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 4 NORTH, RANGE 67 WEST AND PORTIONS OF SECTION 13, SECTION 24 AND THE NORTH HALF OF SECTION 25, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO



VICINITY MAP
SCALE: 1" = 5000'

DESCRIPTION: PODTBURG ANNEXATION #4

A parcel of land being a portion of the West Half of Section Eighteen (18) and the Northwest Quarter of Section Nineteen (19), Township Four North (T.4N.), Range Sixty-seven West (R.67W.) and a portion of the East Half of Section Thirteen (13) and the North Half of Section Twenty-four (24), Township Four North (T.4N.), Range Sixty-eight West (R.68W.), Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado;

COMMENCING at the Northeast Corner of said Section 13 and assuming the East line of the Northeast Quarter of Section 13 as bearing South 00°02'15" East a distance of 2647.90 feet with all other bearings contained herein relative thereto:

THENCE South 00°02'15" East along the East line of the Northeast Quarter of said Section 13 a distance of 2647.90 feet to the East Quarter Corner of Section 13;
THENCE South 00°02'29" East along the East line of the Southeast Quarter of said Section 13 a distance of 1134.55 feet to the POINT OF BEGINNING.

THENCE North 00° 32' 02" East a distance of 3001.06 feet to the Easterly Right of Way line of Weld County Road 13;
The following Three (3) courses are along the Easterly Right of Way lines of Weld County Road 13.

THENCE South 00° 02' 15" East a distance of 1866.36 feet;
THENCE South 00° 02' 29" East a distance of 2648.03 feet;
THENCE South 00° 06' 39" West a distance of 1324.43 feet;
THENCE South 89° 43' 17" West a distance of 2680.42 feet to the Northeast Corner of Northmoor Acres Second Filing recorded March 20, 1972 as Reception No. 1585866;

The following Ten (10) courses are along the Easterly, Southerly, and Westerly lines of Tract D-1 of said Northmoor Acres Second Filing:
THENCE South 00° 06' 15" West a distance of 13.89 feet to the Southeast Corner of said Tract D-1
THENCE North 89° 44' 34" West a distance of 152.81 feet;
THENCE South 88° 54' 36" West a distance of 68.31 feet;
THENCE South 88° 58' 33" West a distance of 351.36 feet;
THENCE South 88° 41' 39" West a distance of 225.35 feet;
THENCE South 89° 11' 58" West a distance of 121.90 feet;
THENCE South 89° 47' 15" West a distance of 155.18 feet;
THENCE South 89° 38' 59" West a distance of 451.60 feet;
THENCE South 89° 26' 24" West a distance of 423.45 feet;
THENCE South 89° 05' 24" West a distance of 649.81 feet to an Easterly line of Wilson Ranch Annexation to the Town of Berthoud recorded April 23, 2004 as Reception No. 3173568;

The following Four (4) courses are along the Easterly lines of said Wilson Ranch Annexation:
THENCE North 00° 03' 04" East a distance of 43.07 feet;
THENCE South 89° 56' 54" West a distance of 20.00 feet;
THENCE North 00° 03' 04" East a distance of 1331.68 feet to the North line of the Northwest Quarter of Section 24;
THENCE North 00° 03' 04" East a distance of 30.00 feet to the Northerly Right of Way of Weld County Road 44;
THENCE North 89° 55' 24" East along said Northerly Right of Way line of Weld County Road 44 a distance of 2620.33 feet to the West line of the Southeast Quarter of said Section 13;
THENCE North 00° 02' 05" West along said West line a distance of 857.85 feet to the Southwest corner of Lot B of Recorded Exemption No. 1061-13-4 RE-3863;

The following Seventeen (17) courses are along the Southerly lines of Lot B of Recorded Exemption No. 1061-13-4 RE-3863 recorded October 18, 2004 as Reception No. 3228383 of the Records of Weld County:
THENCE South 79° 11' 49" East a distance of 251.09 feet to a Point of Curvature;
THENCE along the arc of a curve concave to the Northwest a distance of 92.52 feet, said curve has a Radius of 115.39 feet, a Delta of 45° 56' 32", and is subtended by a Chord bearing North 77° 50' 10" East a distance of 90.07 feet to a Point of Tangency;
THENCE North 54° 51' 44" East a distance of 181.87 feet to a Point of Curvature;
THENCE along the arc of a curve concave to the Southeast a distance of 144.05 feet, said curve has a Radius of 124.38 feet, a Delta of 66° 21' 24", and is subtended by a Chord bearing North 88° 02' 19" East a distance of 136.13 feet to a Point of Tangency;
THENCE South 58° 46' 59" East a distance of 133.41 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Northeast a distance of 115.53 feet, said curve has a Radius of 193.24 feet, a Delta of 34° 15' 17", and is subtended by a Chord bearing South 75° 54' 49" East a distance of 113.82 feet to a Point of Return Curvature;
THENCE along the arc of a curve concave to the Southwest a distance of 285.43 feet, said curve has a Radius of 753.31 feet, a Delta of 21° 42' 34", and is subtended by a Chord bearing South 82° 11' 10" East a distance of 283.73 feet to a Point of Return Curvature;
THENCE along the arc of a curve concave to the Northeast a distance of 378.03 feet, said curve has a Radius of 800.39 feet, a Delta of 27° 03' 40", and is subtended by a Chord bearing South 84° 51' 55" East a distance of 374.53 feet to a Point of Return Curvature;
THENCE along the arc of a curve concave to the Southwest a distance of 179.58 feet, said curve has a Radius of 171.12 feet, a Delta of 60° 07' 42", and is subtended by a Chord bearing South 68° 19' 54" East a distance of 171.12 feet to a Point of Tangency;
THENCE South 38° 16' 02" East a distance of 117.93 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Northeast a distance of 58.61 feet, said curve has a Radius of 231.16 feet, a Delta of 14° 31' 38", and is subtended by a Chord bearing South 45° 31' 53" East a distance of 58.45 feet to a Point of Tangency;
THENCE South 52° 47' 41" East a distance of 176.69 feet to a Point of Curvature;
THENCE along the arc of a curve concave to the Northeast a distance of 107.69 feet, said curve has a Radius of 183.32 feet, a Delta of 33° 39' 29", and is subtended by a Chord bearing South 69° 37' 20" East a distance of 106.15 feet to a Point of Tangency;
THENCE South 86° 27' 04" East a distance of 88.57 feet to a Point of Curvature;
THENCE along the arc of a curve concave to the Northwest a distance of 131.99 feet, said curve has a Radius of 957.08 feet, a Delta of 08° 04' 13", and is subtended by a Chord bearing North 89° 30' 49" East a distance of 131.88 feet to a Point of Reverse Curvature;

THENCE along the arc of a curve concave to the Southwest a distance of 359.49 feet, said curve has a Radius of 498.28 feet, a Delta of 41° 20' 12", and is subtended by a Chord bearing South 73° 51' 12" East a distance of 351.74 feet to a Point of Tangency;
THENCE South 53° 11' 05" East a distance of 63.29 feet to the Westerly Right of Way line of Weld County Road 13;
THENCE North 00° 02' 29" West along said Westerly Right of Way line a distance of 2333.22 feet;
THENCE North 00° 02' 15" West continuing along said Westerly Right of Way line a distance of 1867.83 feet;
THENCE South 00° 36' 41" East a distance of 3002.53 feet to the East line of the Southeast Quarter of said Section 13 and to the POINT OF BEGINNING.

TOTAL ANNEXED AREA for the Podtburg Annexation #4 is 212.76 acres, more or less (±).

OWNERS APPROVAL AND DEDICATION:

Know all men by these presents that the undersigned, being the sole owner of the land described hereon, excluding public rights-of-way, request that the land described hereon be annexed under the name of PODTBURG ANNEXATION #4 to the Town of Johnstown.

In witness whereof, we have hereunto set our hands and seal this _____ day of _____, 20____.

OWNER _____ OWNER _____

STATE OF COLORADO) SS

COUNTY OF WELD)

The foregoing instrument was acknowledged before me by _____ this _____ day of _____, 20____.

My commission expires: _____ Notary Public _____

PLANNING AND ZONING APPROVAL:

This Map to be known as PODTBURG ANNEXATION #4 was recommended to the Town Council for approval by action of the Planning and Zoning Commission of the Town of Johnstown, Colorado at the regular meeting held on the _____ day of _____, 20____.

Chair, Planning & Zoning Commission _____

TOWN COUNCIL APPROVAL:

This Map to be known as PODTBURG ANNEXATION #4 is approved and accepted to the Town of Johnstown, Colorado by Ordinance Number _____, passed and adopted on final reading at a regular meeting of the Town Council of the Town of Johnstown, Colorado, held on the _____ day of _____, 20____.

Gary Lebsack, Mayor

Attest: Town Clerk _____

SURVEY NOTES:

1. Basis of Bearings: The East line of the Northeast Quarter of Section 13 as bearing South 00°02'15" East (assumed bearing) and Monumented as shown herein.
2. Unit of measure is U.S. Survey Feet.
3. No rights-of-way or easements, except those shown hereon, were determined by this survey, nor was any research conducted to determine the existence of additional easements, per the request of the client.
4. This survey does not constitute a title search by the surveyor to determine ownership or easements of record.

SURVEYOR'S CERTIFICATION:

I, Steven A. Lund, a Colorado Registered Professional Land Surveyor do hereby state that this Property Description of land proposed to be annexed to the Town of Johnstown, County of Weld, State of Colorado, was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge, information, belief, and in my professional opinion.

I further state that not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous to the boundary line of the Town of Johnstown, County of Weld, State of Colorado.

Steven A. Lund - on behalf of Northern Engineering
Colorado Registered Professional
Land Surveyor #34995

APPLICANT:
Podtburg Dairy Limited Partnership, LLLP
Greg Podtburg
37905 Weld County Road 35
Eaton, CO 80615
970-313-3601

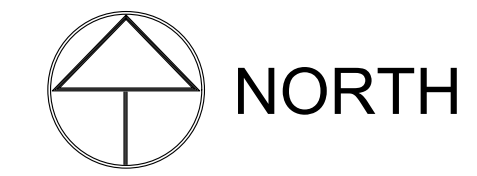
PODTBURG ANNEXATION #4	
TOTAL PERIMETER.....	29106.26'
CONTIGUOUS BOUNDARY.....	6003.59'
MINIMUM CONTIGUOUS PERIMETER FEET REQUIRED.....	4851.04'

SURVEYOR:
Northern Engineering
Steven A. Lund
820 8th Street, Greeley, Colorado
970-395-9880

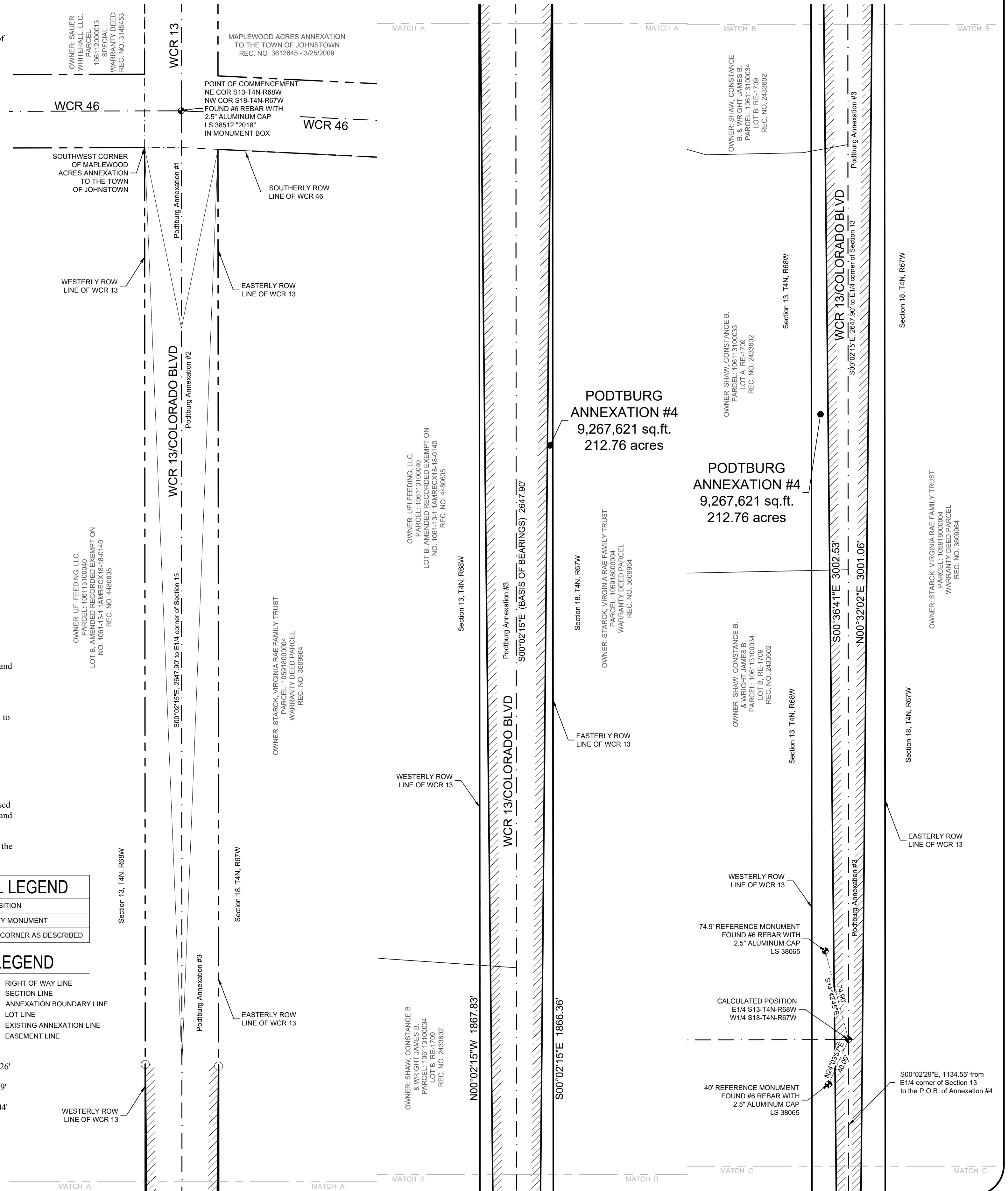
SYMBOL LEGEND	
	CALCULATED POSITION
	FOUND PROPERTY MONUMENT
	FOUND SECTION CORNER AS DESCRIBED

LINE LEGEND	
	RIGHT OF WAY LINE
	SECTION LINE
	ANNEXATION BOUNDARY LINE
	LOT LINE
	EXISTING ANNEXATION LINE
	EASEMENT LINE

INDICATES PRESENT TOWN BOUNDARY LINE

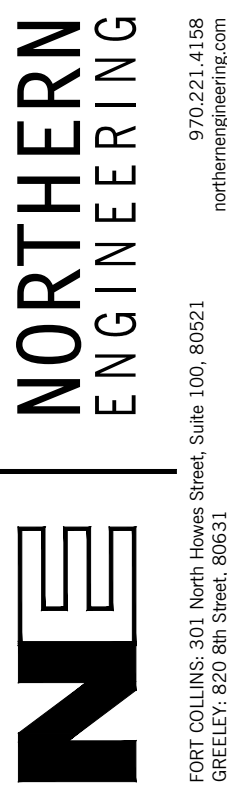


50 0 50 100 150 Feet
(IN U.S. SURVEY FEET)
1 inch = 50 ft.



NOTICE:
According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years after the date of the certificate shown hereon.

SECTION: 4, 25&30
TOWNSHIP: 4 N
RANGE: 67 & 68 W (6th PM)



PROJECT: 1659-001
DATE: 08/26/2019
CLIENT: S. Lund
DRAWN BY: A. Lund
REVIEWED BY: S. Lund

PODTBURG ANNEXATION #4
S18, 19, 30-T4N-R67W & S13, 24, 25-T4N-R68W
WELD COUNTY, STATE OF COLORADO

Sheet
4
Of 7 Sheets

PODTBURG ANNEXATIONS #1, #2, #3, #4, & #5

TO THE TOWN OF JOHNSTOWN

A PARCEL OF LAND BEING PORTIONS OF THE WEST HALF OF SECTION 18,
THE WEST HALF OF SECTION 19 AND THE NORTHWEST QUARTER OF SECTION 30,
TOWNSHIP 4 NORTH, RANGE 67 WEST, AND PORTIONS OF SECTION 13, SECTION 24,
AND THE NORTH HALF OF SECTION 25, TOWNSHIP 4 NORTH,
RANGE 68 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO

LINE	LENGTH	BEARING
L1	13.89'	S00°06'15"W
L2	152.81'	N89°44'34"W
L3	68.31'	S88°54'38"W
L4	351.36'	S88°58'33"W
L5	225.35'	S88°41'39"W
L6	121.90'	S89°11'58"W
L7	156.18'	S89°47'15"W
L8	43.07'	N00°03'04"E
L9	20.00'	S89°56'54"W
L10	30.00'	N00°03'04"E
L11	251.09'	S79°11'49"E
L12	181.87'	N54°51'44"E
L13	133.41'	S58°46'59"E
L14	117.93'	S38°16'02"E
L15	176.69'	S52°47'41"E
L16	88.57'	S86°27'04"E
L17	63.29'	S53°11'05"E

CURVE	DELTA	RADIUS	LENGTH	BEARING	CHORD
C1	45°56'32"	115.39'	92.52'	N77°50'10"E	90.07'
C2	66°21'24"	124.38'	144.05'	N88°02'19"E	136.13'
C3	34°15'17"	193.24'	115.53'	S75°54'49"E	113.82'
C4	21°42'34"	753.31'	285.43'	S82°11'10"E	283.73'
C5	27°03'40"	800.39'	378.03'	S84°51'55"E	374.53'
C6	60°07'42"	171.12'	179.58'	S68°19'54"E	171.45'
C7	14°31'38"	231.16'	58.61'	S45°31'53"E	58.45'
C8	33°39'29"	183.32'	107.69'	S69°37'20"E	106.15'
C9	8°04'13"	937.08'	131.99'	N89°30'49"E	131.88'
C10	41°20'12"	498.28'	359.49'	S73°51'12"E	351.74'

SW1/4 SECTION 13
T4N R68W

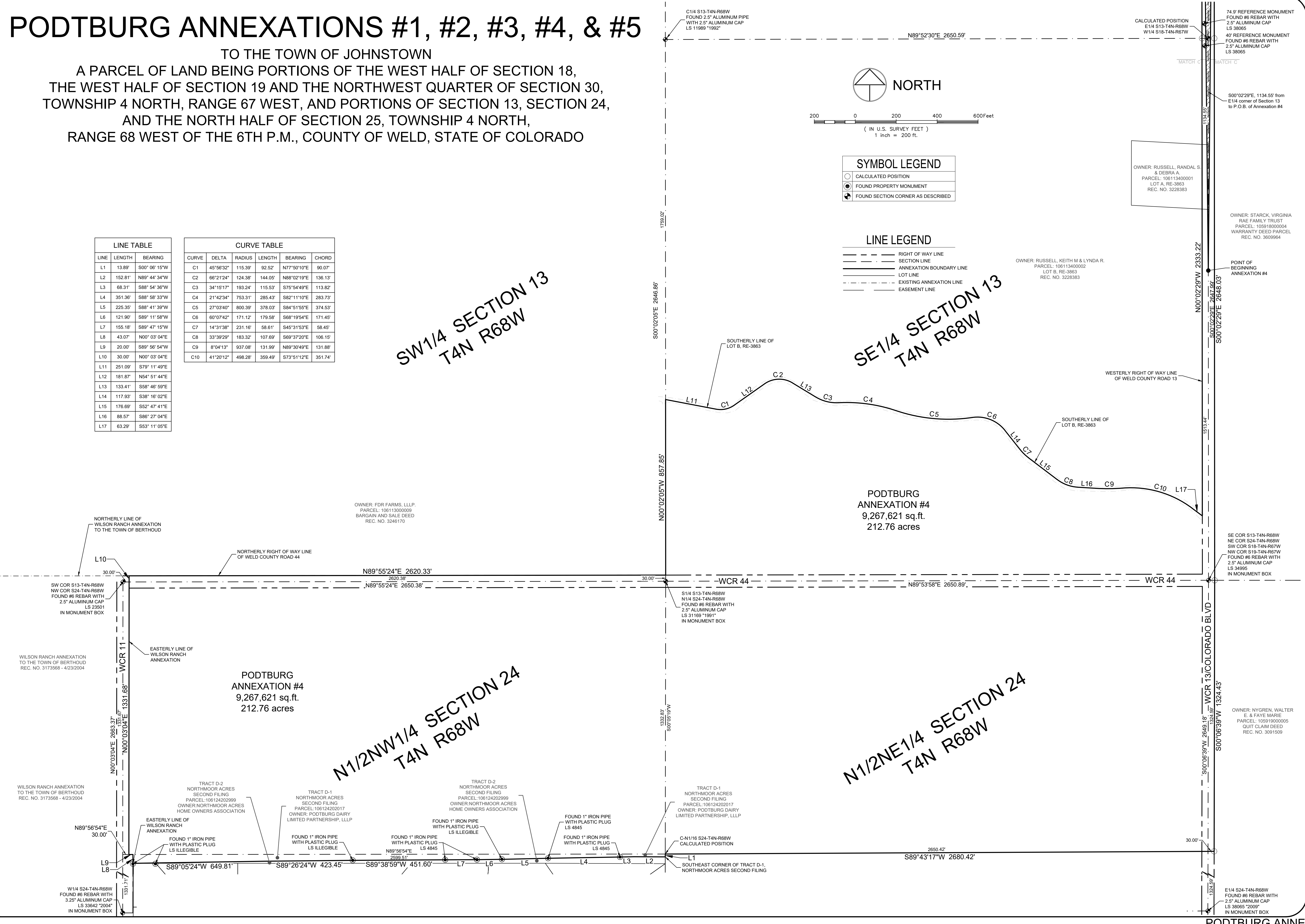
SE1/4 SECTION 13
T4N R68W

N1/2NW1/4 SECTION 24
T4N R68W

N1/2NE1/4 SECTION 24
T4N R68W

PODTBURG ANNEXATION #4
9,267,621 sq.ft.
212.76 acres

PODTBURG ANNEXATION #4
9,267,621 sq.ft.
212.76 acres

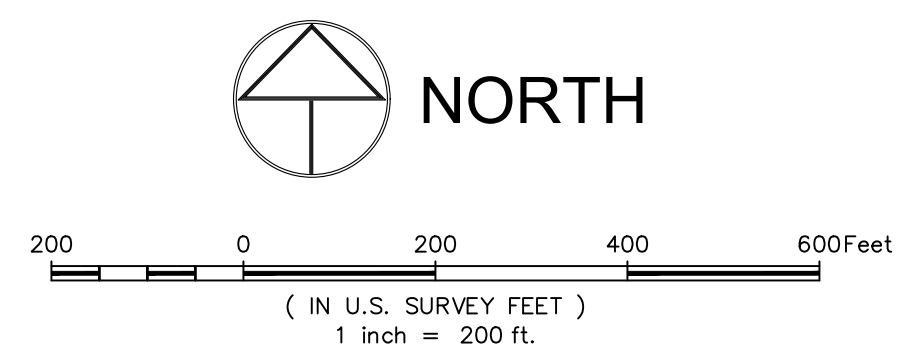


SYMBOL LEGEND

○	CALCULATED POSITION
●	FOUND PROPERTY MONUMENT
⊙	FOUND SECTION CORNER AS DESCRIBED

LINE LEGEND

---	RIGHT OF WAY LINE
- - -	SECTION LINE
---	ANNEXATION BOUNDARY LINE
---	LOT LINE
---	EXISTING ANNEXATION LINE
---	EASEMENT LINE



NOTICE:
According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after you discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years after the date of the certificate shown hereon.

SECTION: 24, 25, 30
TOWNSHIP: 4 N
RANGE: 67 & 68 W (6th PM)

NORTHERN ENGINEERING

970.231.4158
nortnengr.com

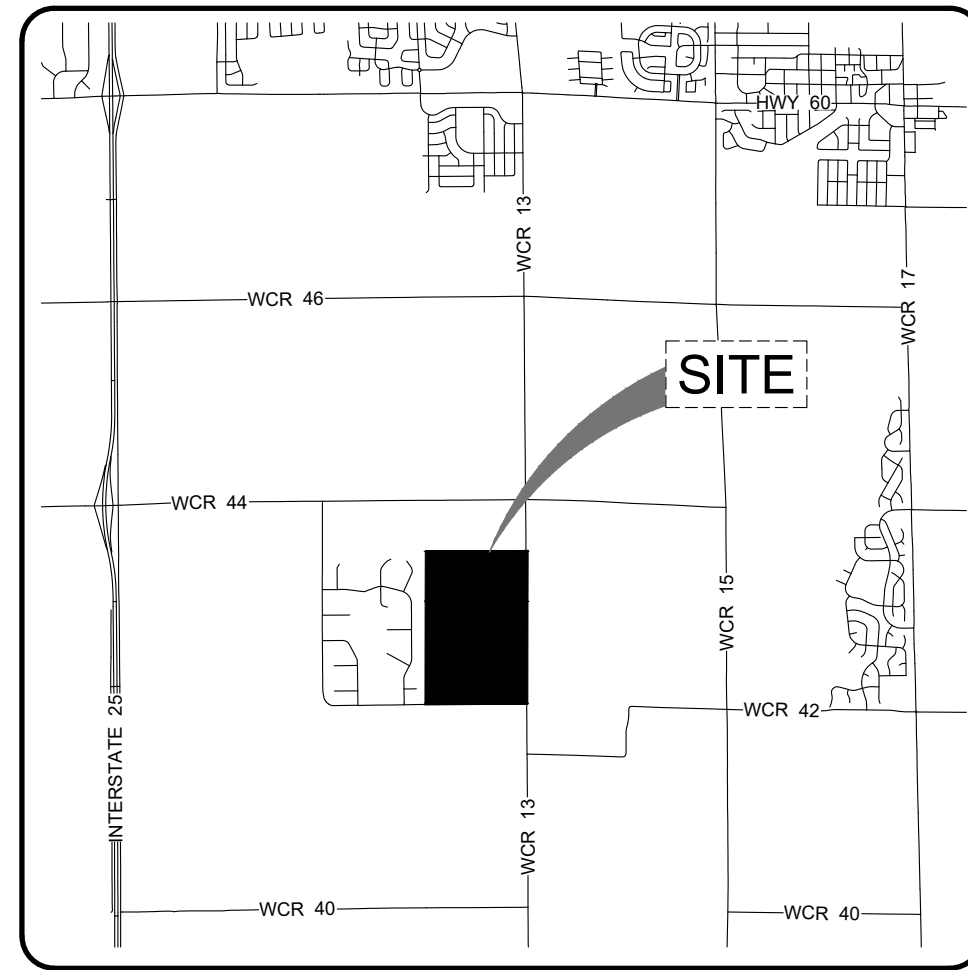
DATE:	08/26/2019
SCALE:	1" = 200'
REVIEWED BY:	S. Lund
DRAWN BY:	A. Lund

PODTBURG ANNEXATION #4
S18,19,30-T4N-R67W & S13,24,25-T4N-R68W
WELD COUNTY, STATE OF COLORADO

PODTBURG ANNEXATIONS #1, #2, #3, #4, & #5

TO THE TOWN OF JOHNSTOWN

A PARCEL OF LAND BEING PORTIONS OF THE WEST HALF OF SECTION 18, THE WEST HALF OF SECTION 19 AND THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 4 NORTH, RANGE 67 WEST, AND PORTIONS OF SECTION 13, SECTION 24 AND THE NORTH HALF OF SECTION 25, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO



VICINITY MAP
SCALE: 1" = 5000'

DESCRIPTION: PODTBURG ANNEXATION #5

A parcel of land being a portion of the West Half of Section Nineteen (19) and the Northwest Quarter of Section Thirty (30), Township Four North (T.4N.), Range Sixty-seven West (R.67W.) and a portion of Section Twenty-four (24) and the Northeast Quarter of Section Twenty-five (25), Township Four North (T.4N.), Range Sixty-eight West (R.68W.), Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado:

COMMENCING at the Northeast Corner of said Section 13 and assuming the East line of the Northeast Quarter of Section 13 as bearing South 00°02'15" East a distance of 2647.90 feet with all other bearings contained herein relative thereto:

- THENCE South 00°02'15" East along the East line of the Northeast Quarter of said Section 13 a distance of 2647.90 feet to the East Quarter Corner of Section 13;
- THENCE South 00°02'29" East along the East line of the Southeast Quarter of said Section 13 a distance of 2647.99 feet to the Southeast Corner of said Section 13;
- THENCE South 00°06'39" West along the East line of the Northeast Quarter of the Northeast Quarter of Section 24 a distance of 1324.59 feet to the Southeast Corner of the Northeast Quarter of the Northeast Quarter of said Section 24 and to the **POINT OF BEGINNING**.

- THENCE North 89°43'17" East a distance of 30.00 feet to the Easterly Right of Way line of Weld County Road 13;
- The following Three (3) courses are along the Easterly Right of Way line of said Weld County Road 13.
- THENCE South 00°06'39" West a distance of 1324.80 feet;
- THENCE South 00°06'37" West a distance of 2649.04 feet;
- THENCE South 00°06'37" West a distance of 29.74 feet to the Easterly prolongation of the Southerly Right of Way line of Weld County Road 42;
- THENCE South 89°36'32" West along said Easterly prolongation of the Southerly Right of Way line of Weld County Road 42 a distance of 29.74 feet;
- THENCE South 89°36'32" West continuing along the Southerly Right of Way line of said Weld County Road 42 a distance of 2650.03 feet;
- THENCE North 00°23'48" West a distance of 30.00 feet to the South Quarter Corner of said Section 24;
- THENCE North 00°06'15" East along the Easterly line of Northmoor Acres Second Filing recorded March 20, 1972 as Reception No. 1585866 of the Records of Weld County a distance of 3964.93 feet to the Southeast Corner of Tract D-1 of said Northmoor Acres Second Filing;
- THENCE North 00°06'15" East continuing along the Easterly line of said Northmoor Acres Second Filing a distance of 13.89 feet to the Center-North Sixteenth Corner of said Section 24;
- THENCE North 89°43'17" East along the South Line of the North Half of the Northeast Quarter of said Section 24 a distance of 2650.42 feet to the **POINT OF BEGINNING**.

TOTAL ANNEXED AREA for the Podtburg Annexation #5 is 246.49 acres, more or less (±).

SYMBOL LEGEND	
○	CALCULATED POSITION
●	FOUND PROPERTY MONUMENT
⊗	FOUND SECTION CORNER AS DESCRIBED

LINE LEGEND	
---	RIGHT OF WAY LINE
---	SECTION LINE
---	ANNEXATION BOUNDARY LINE
---	LOT LINE
---	EXISTING ANNEXATION LINE
---	EASEMENT LINE

OWNERS APPROVAL AND DEDICATION:

Know all men by these presents that the undersigned, being the sole owner of the land described hereon, excluding public rights-of-way, request that the land described hereon be annexed under the name of PODTBURG ANNEXATION #5 to the Town of Johnstown.

In witness whereof, we have hereunto set our hands and seal this _____ day of _____, 20____.

OWNER _____ OWNER _____

STATE OF COLORADO)
) SS
COUNTY OF WELD)
The foregoing instrument was acknowledged before me by _____ this _____ day of _____, 20____.

My commission expires: _____ Notary Public _____

PLANNING AND ZONING APPROVAL:

This Map to be known as PODTBURG ANNEXATION #5 was recommended to the Town Council for approval by action of the Planning and Zoning Commission of the Town of Johnstown, Colorado at the regular meeting held on the _____ day of _____, 20____.

Chair, Planning & Zoning Commission _____

TOWN COUNCIL APPROVAL:

This Map to be known as PODTBURG ANNEXATION #5 is approved and accepted to the Town of Johnstown, Colorado by Ordinance Number _____, passed and adopted on final reading at a regular meeting of the Town Council of the Town of Johnstown, Colorado, held on the _____ day of _____, 20____.

Gary Lebsack, Mayor _____

Attest: Town Clerk _____

SURVEY NOTES:

- Basis of Bearings: The East line of the Northeast Quarter of Section 13 as bearing South 00°02'15" East (assumed bearing) and Monumented as shown hereon.
- Unit of measure is U.S. Survey Feet.
- No rights-of-way or easements, except those shown hereon, were determined by this survey, nor was any research conducted to determine the existence of additional easements, per the request of the client.
- This survey does not constitute a title search by the surveyor to determine ownership or easements of record.

SURVEYOR'S CERTIFICATION:

I, Steven A. Lund, a Colorado Registered Professional Land Surveyor do hereby state that this Property Description of land proposed to be annexed to the Town of Johnstown, County of Weld, State of Colorado, was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge, information, belief, and in my professional opinion.

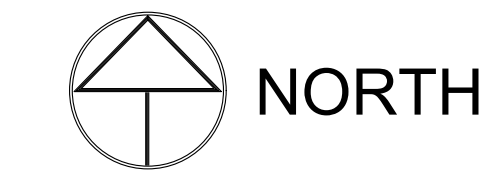
I further state that not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous to the boundary line of the Town of Johnstown, County of Weld, State of Colorado.

Steven A. Lund - on behalf of Northern Engineering
Colorado Registered Professional
Land Surveyor #34995

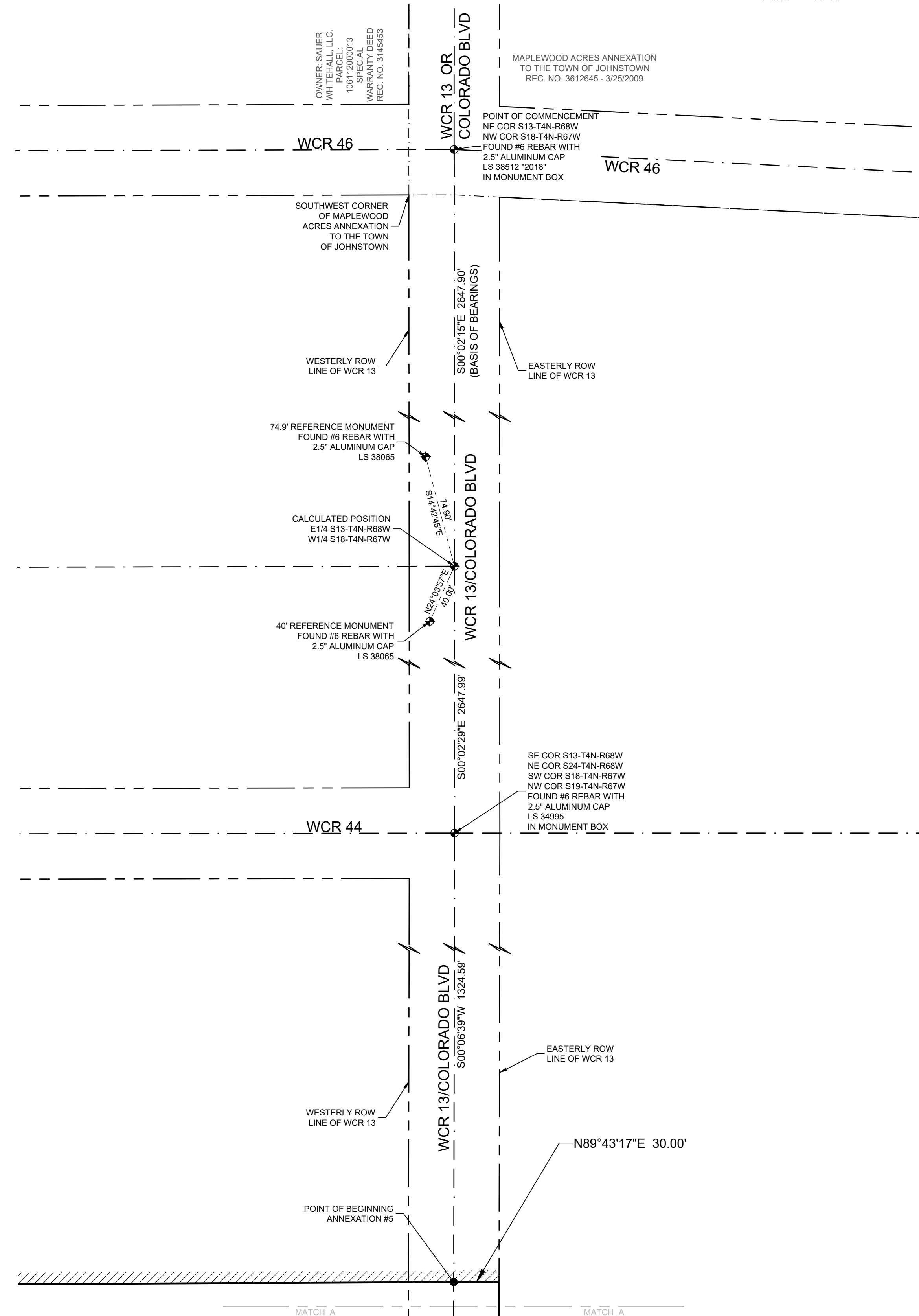
APPLICANT:
Podtburg Dairy Limited Partnership, LLLP
Greg Podtburg
37905 Weld County Road 35
Eaton, CO 80615
970-313-3601

PODTBURG ANNEXATION #5
TOTAL PERIMETER..... 13372.59'
CONTIGUOUS BOUNDARY..... 2694.31'
MINIMUM CONTIGUOUS PERIMETER FEET REQUIRED..... 2228.77'

INDICATES PRESENT TOWN BOUNDARY LINE



0 50 100 150 Feet
(IN U.S. SURVEY FEET)
1 inch = 50 ft.



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SECTION: 4, 25, 630
TOWNSHIP: 4 N
RANGE: 67 & 68 W (6th PM)

NORTHERN ENGINEERING

970.220.4158
nortnengr.com

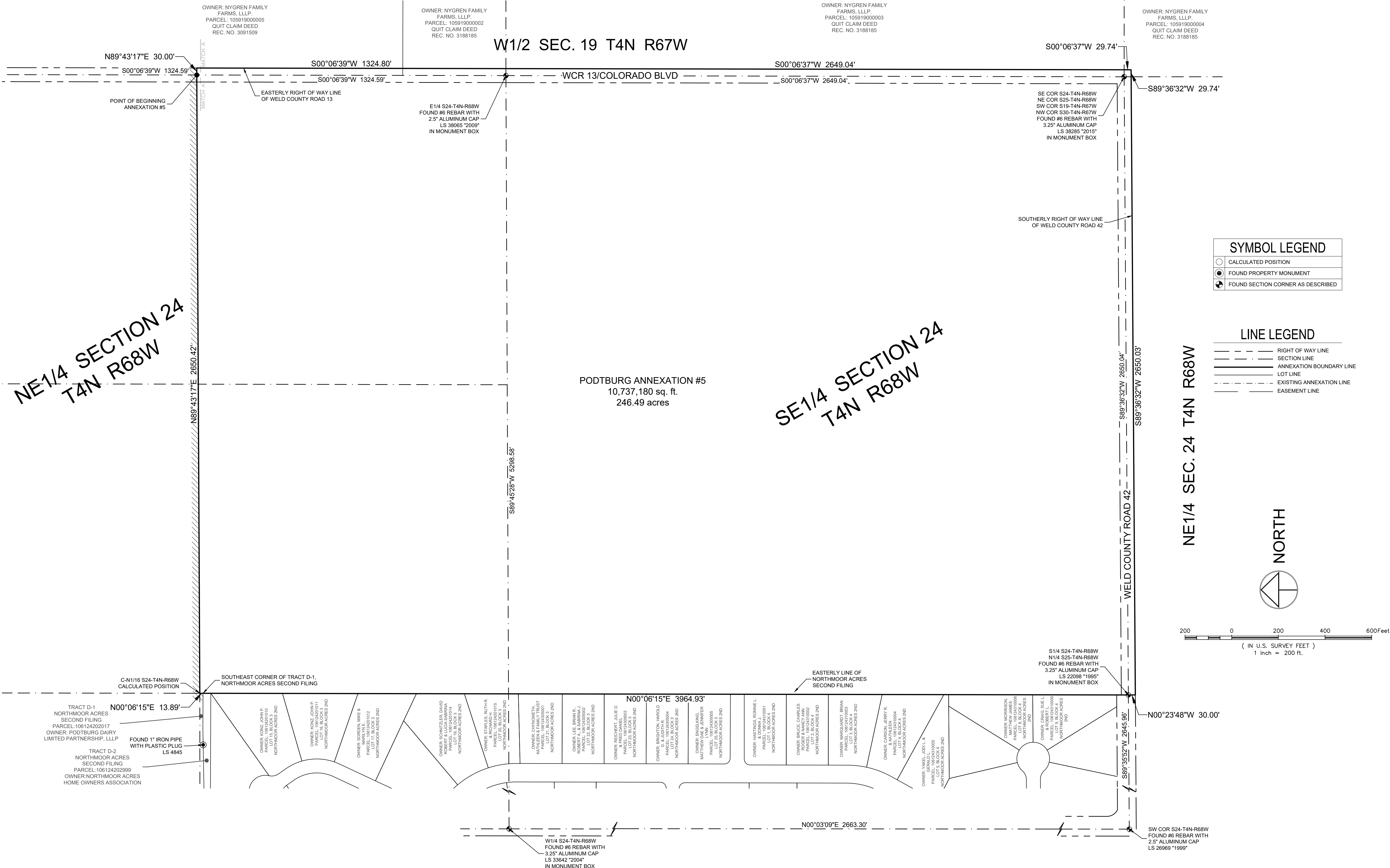
REQUEST: 1859-001	DATE: 09/26/2019	SCALE: 1" = 50'	REVIEWED BY: S. Lund
CLIENT:			DRAWN BY: A. Lund

PODTBURG ANNEXATION #5
S18,19,30-T4N-R67W & S13,24,25-T4N-R68W
WELD COUNTY, STATE OF COLORADO

Sheet
6
Of 7 Sheets

PODTBURG ANNEXATIONS #1, #2, #3, #4, & #5

TO THE TOWN OF JOHNSTOWN
A PARCEL OF LAND BEING PORTIONS OF THE WEST HALF OF SECTION 18,
THE WEST HALF OF SECTION 19 AND THE NORTHWEST QUARTER OF SECTION 30,
TOWNSHIP 4 NORTH, RANGE 67 WEST, AND PORTIONS OF SECTION 13, SECTION 24,
AND THE NORTH HALF OF SECTION 25, TOWNSHIP 4 NORTH,
RANGE 68 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO



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SECTION: 4, 25, 30
TOWNSHIP: 4 N
RANGE: 67 & 68 W (6th PM)

NORTHERN ENGINEERING

970.221.4158
970.221.4158
GRIFFIN, 820 8th Street, Suite 100, Broomfield, CO 80021

PROJECT: 1659-001
DATE: 08/26/2019
CLIENT:
DRAWN BY: A. Lund
REVIEWED BY: S. Lund

PODTBURG ANNEXATION #5
S18,19,30-T4N-R67W & S13,24,25-T4N-R68W
WELD COUNTY, STATE OF COLORADO

Sheet
7
Of 7 Sheets



Town of Johnstown

PLANNING & ZONING COMMISSION AGENDA MEMORANDUM

ITEM:	Item #1: Public Hearing of Podtburg Annexations #1 - 5 Item #2: Public Hearing of Podtburg Annexation Establishment of Zoning
DESCRIPTION:	Proposed annexation of 462.35 acres with ODP for PUD-MU zoning
LOCATION:	Portions of section 18, 19, & 30 of Township 4 North, Range 67 West; and portions of section 13, 23, & 25 of Township 4 North, Range 68 West.
APPLICANT:	Podtburg Dairy, LLLP
STAFF:	Darryll Wolnik, Planner II
HEARING DATE:	October 14, 2020

BACKGROUND & SUMMARY

The applicant, Podtburg Dairy LLLP, is requesting a series of five individual annexations totalling 462.35 acres of land located in portions of sections 18, 19, & 30 of Township 4 North, Range 67 West, and portions of sections 13, 23, & 25 of Township 4 North, Range 68 West. Petitioner is proposing annexation of Weld County Rd. 13 (Colorado Blvd.) from current Town limits at the corner of Weld County Rd. 13 and Weld County Rd. 46, south to Weld County Rd. 13 and Weld County Rd. 44. The applicant is additionally requesting the zoning designation PUD-MU (Planned Unit Development – Mixed Use) for the property with an Outline Development Plan (ODP).

The subject property is bordered on all sides by unincorporated Weld County, except for the portion to the northwest, which borders the Town of Berthoud. Zoning on the lands within Berthoud is PUD (Planned Unit Development). Zoning on the all other surrounding properties is AG (Agricultural).

Surrounding land uses are mostly agricultural. The exception is the properties which lay to the southwest of the quarter section,. Northmoor Acres, situated directly to the west, is a large-lot residential subdivision in unincorporated Weld County with 102 single family homes.

As noted above this is a “serial” annexation, meaning it is achieved by annexing mutiple pieces of property in immediate succession, each which must meet state statute requirements in CRS 31-21-104.

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HISTORY

Historically, there have been two uses for the overall property. Prior to the Podtburg's purchasing a majority of the property in the late 1990's, the area was used for farming. The only exception is the former Knutson Home on the property, owned by the Podtburg's as of July, 2020. This was historically used as a residence. The Podtburg Dairy operations moved from further north to its present location. As part of the land use applications for their dairy operations, the Podtburgs applied for a Use By Special Review (USR) in Weld County. This USR, USR-1258, was approved by Weld County in August, 2001. The property has been used as a dairy since that time.

In 2019, the Town of Johnstown initiated an update to their growth management area (GMA) and 2001 comprehensive plan land use map (Case #CPA19-001). This update made two important changes to the subject property. First, added approximately 81 acres of property north of Northmoor Acres to the Johnstown GMA. Second, it reclassified all of the subject property south of Weld County Road 44 from "Conservation-oriented Agricultural / Large Lot Residential" to "Residential Mixed Use". This change was made to the Land Use Framework Plan contained in the 2006 Johnstown Comprehensive Plan Update. These changes were approved by Town Council on November 4, 2019, by way of Resolution 2019-22.

ATTACHMENTS

- 1-Vicinity Map
- 2- Application & Petition
- 3-Annexation Map
- 4-Zoning Map
- 5-Neighborhood Meeting Summary

NOTICE

A notice informing adjacent property owners of their possible eligibility for annexation was sent out on September 11, 2020. Said notice was sent because this annexation utilizes annexation of right-of-way to satisfy contiguity requirements of Colorado Revised Statutes, and CRS 31-12-105(e.3) requires such notification.

Notice for the Planning & Zoning Commission hearing was published in the local paper of widest circulation, the Johnstown Breeze, on Thursday, September 24, 2020. This notice provided the date, time, and location of the Planning and Zoning Commission hearing, as well as a description of the project. Notices were mailed to all property owners within 500 feet of the property in question. This notice included a map of the proposed annexation and zoning.

On Monday, September 21, Town Council passed Resolution 2020-27, finding the proposed annexation in substantial compliance with Colorado Revised Statutes and the Colorado Constitution. This resolution set the public hearing date for the proposed annexation as Monday, November 2, 2020.

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Notice for the November 2nd Town Council hearing was published in the local newspaper of widest circulation, the Johnstown Breeze, beginning on Thursday, October 1, 2020. This notice provides the date, time, and location of the Town Council hearing, as well as a description of the project. This notice, along with a copy of Resolution 2020-27, is published in the Johnstown Breeze for four (4) consecutive weeks. Notices will be mailed to all property owners within 500 feet of the property in question, including a map of the proposed annexation and zoning.

NEIGHBORHOOD MEETING

An online neighborhood meeting was held on Tuesday, September 29, 2020. Notice for said meeting was mailed to all property owners within 500 feet of the proposed annexation on Wednesday, September 16, 2020, advertising the meeting time and place. Town Staff and the Applicants team were present and roughly a dozen neighbors attended. See the neighborhood meeting summary (Attachment 5) for a summary of comments and concerns.

ANALYSIS

Annexation: This annexation is being considered by the Town for the following reasons:

1. At least 1/6 of the area to be annexed for each individual annexation is contiguous to the Town of Johnstown boundary.
2. The property is planned to be zoned and developed as urban-level development.
3. The property is located within the Town of Johnstown Growth Management Area.
4. The Town is capable of providing water, sewer, and police service to the property.
5. The Town is authorized to annex the area without an election under Section 30(b) of Article II of the Colorado Constitution.

Johnstown Comprehensive Plan Alignment

P.2-5: The intersection of WCR 44 & WCR 13 is marked as a “village center”, in compliance with the commercial proposed at this intersection as part of this ODP.

Goal CF-1: New development achieves the community’s goals and is consistent with the Town’s vision – building blocks.

This proposal will create a new village center and add green space and new neighborhoods.

Goal CF-2: Beautiful Town gateways and entries at major intersections – gateways.

The proposed annexation sits at the corner of WCR 13 (Colorado Blvd.) and WCR 44, which has a major interchange with I-25 just two (2) miles west. This intersection will be a gateway into town for those coming from that interchange. Additionally, this intersection, while not called out as a gateway in the 2006 Comprehensive Plan, will act as at least an interim southern gateway into town. The golf course

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corner at WCR 11 and WCR 44 will also offer a distinct transition from future adjacent development and announce “arrival” to the Town from the west.

Goal DD-1: A diversified economic base with employment opportunities available to the region – district mix.

The proposed zoning for the property is MU-Mixed Use, which will allow for a mix of commercial uses. In addition, the golf course will provide unique jobs not currently seen within Johnstown.

Zoning

The current zoning for the property is AG-Agriculture in Weld County. The current zoning and use is subject to Weld County Use by Special Review (USR) number USR-1258, which allows for the operation of a dairy on the property. There are additional USR’s granted in the immediate vicinity, including USR-558 for a compressor station just north of the site along WCR 13, a dog kennel in adjacent Northmoor Acres as part of SUP-35, and a home business directly west-adjacent in Northmoor Acres for a home business (USR-1538).

The applicant requests zoning PUD-MU, upon annexation. The ODP would allow for a mix of residential uses across up to 188 acres (40.7%) of the property. There is no overall maximum density for the property. Densities will be controlled by individual planning area, which will establish maximum densities. Planning areas “A” and “B”, which directly abut existing Northmoor Acres, will have a density of no more than five (5) dwelling units per acre. Area “C”, located along Colorado Blvd. south of Weld County Road 44, will be allowed a density of up to ten (10) dwelling units per acre. The 41 acre “Area D,” north of County Road 44, is designated as either golf or residential use, and shall be allowed densities of at least 5 dwelling units per acre and not more than 20 dwelling units per acre. Area “D” will have increased density due to its proximity to a future major intersection in Johnstown, being Colorado Blvd. and Weld County Road 44.

The ODP also addresses the ability to transfer area and densities between planning areas, up to 30%, with maximum DU/Ac assigned to residential areas. That transfer-ability allows for some flexibility in terms of size and configuration, as more detailed design ensues with future development plans and platting. The ODP also allows for transfer of commercial acreage from planning area “H” to either planning area “F” or “G”, should that area develop as residential only.

Two areas at this Colorado Blvd. and WCR 44 intersection, totaling 12.12 acres of the proposed annexation, will be designated for commercial development. Additional commercial development is shown at the NW corner of WCR 42 and WCR 13. Commercial development at these intersections is supported by the fact that WCR 13 / Colorado Blvd. (as it is known in incorporated areas) is a major arterial, and a major north-south corridor through not just Johnstown, but Northern Colorado. In fact,

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Colorado Blvd. runs from 88th Ave. in Thornton to just north of Highway 392 in Windsor. These commercial uses will be limited to 50% lot coverage, and will require at least 20% landscape area coverage. The remaining 247.89 acres are devoted to use as a golf course.

As part of the annexation agreement, the petitioner has agreed to develop design guidelines for the property. These more detailed guidelines will be in conformance with this proposed ODP and will act as the legal zoning regulation for the property. Said guidelines shall be developed in conjunction with the subdivision and development plan review process for the property. All “individual development” projects (i.e., individual site planning for commercial, multi-family, or golf/clubhouse uses) within the proposed annexation area shall be subject to these future design guidelines. These projects shall require approval from a design review committee and the Johnstown Review Committee. Any development subject to these design guidelines shall require administrative approval only; no hearings before Planning & Zoning Commission will be required. Hearings on subdivisions and master development plans would still go to hearing, in compliance with current code requirements.

Development Standards

This ODP sets forth some basic development standards regarding setbacks, building heights, and lot sizes. More detailed design guidelines will be completed with the subdivision and development plan review process, as detailed above. Development standards for residential uses across all four residential planning areas will be consistent with one another. What will change between those planning areas is the allowed uses. In this way, impacts will be reduced to the existing Northmoor Acres, as lower densities are placed nearest that residential development. To further aid this reduction in impact, maximum height for attached single-family residential will be set at 30’, rather than the 35’ more typically seen in most residential developments.

Multi-family residential and commercial buildings require a bit more flexibility given their more-intense nature, and more prominent location. Such development will have a maximum height of 50’ by right, but will be able to apply for a Conditional Use Grant for buildings above 50’ and up to 70’ in height. Such a provision will allow for increases in height given the correct use and location, while having the ability to mitigate specific impacts. For example, the setback for buildings up to 50’ is 15’ from both property lines and arterial roadways. A Conditional Use Grant would allow staff to require additional setbacks or other buffering techniques, given the height of a building.

Infrastructure

Currently, there is no town water or sewer service to the property. The Town does have plans to construct a water main along WCR 13 in 2021, which will provide future service to the property.

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Sewer service will be provided by the Town of Berthoud, as part of an intergovernmental agreement dated 06/28/2005. This agreement allows for development constructed on this property to utilize capacity within the Berthoud's wastewater treatment system. The Town will work with the Applicant/Developer to install an eight (8) inch sewer line from Berthoud's sewer system to the site of the proposed annexation and development. Details of timing and financing of infrastructure will be addressed in the proposed annexation agreement, and subsequent development agreements, which are approved by Town Council.

Regarding transportation networks in the area there are both major and minor arterials that border this proposed annexation. As previously stated, Colorado Blvd. is the Town's most significant north-south arterial, traversing from Thornton to Windsor. Weld County Road 44, which intersects with Colorado Blvd. and runs along the northern edge of this proposed annexation. Weld County Road 44 has a major interchange at I-25 roughly two (2) miles to the west. As such, it is important to the town as a major arterial roadway, with an eventual buildout of four (4) lanes. These two roads are vitally important to connectivity and access not just to the southern portion of Johnstown, but to the entire Town in general. Also of note are Weld County Roads 42 and 11. These roads are designated as minor arterials and provide secondary access to the proposed annexation to the south and west. Additionally, High Plains Blvd., CDOT's I-25 Parallel Arterial, is planned to the west of this proposed project.

Vesting of a "Site Specific Development Plan" (per CRS 24-68-101)

Petitioner has requested vesting in excess of the typical three (3) year vesting provided under Colorado Revised Statutes. Petitioner has requested 15 years of vesting for the development and planning of the site. Such vesting would preclude the Town from changing the zoning or allowed uses within the proposed annexation from this proposed ODP, for a period of 15 years. However, a property owner may apply to change the zoning or amend the ODP at any time, which would render the extended vesting period moot in that area, if changes are approved. This vesting is addressed in a proposed annexation / development agreement that will be discussed at Town Council as part of the overall annexation and zoning matters.

It is unusual for zoning to be vested, as a legislative action; however, there are details within the Outline Development Plan in terms of densities and design standards that are more typically subject to vesting, and that would be covered by that vesting period. In this case, the Applicant recognizes the long timeline for full build-out of this property, and wanted to ensure they are able to continue to move forward on their vision over the lifetime of the project.

Staff Concerns

Staff is concerned with the proposed golf use for the property. The application is proposing a golf course as primary focus of their overall development. Golf courses create great value on adjacent areas, may attract associated commercial uses, and most consider them to be quite attractive – they also utilize

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enormous amounts of water to keep them green and playable. With future development plans, Staff strongly encourages specific efforts at water conservation and incorporating natural areas and alternative landscaping adjacent to the course. Golf courses also utilize many chemicals for fertilizing to keep the grounds attractive and playable. These chemicals can create harmful runoff that infiltrates surface water and can have dramatic negative effects on surface water and aquatic life. The operations of the future course should work with the Town to ensure appropriate water quality treatment, and state-of-the-art treatments to avoid unnecessary impacts on the water shed. And, while a golf course is no doubt attractive, there are potential social equity issues with any such development; namely whether or not it will be public or private, and the cost of membership, and other considerations. The Town certainly permits a golf course as a use; Staff would appreciate any considerations to ensure this “community amenity” can indeed be reasonably enjoyed by our entire community, and be designed and operated to the best benefit of adjacent waterways and wildlife.

Staff is further concerned with zoning of portions of the property. The intersections of WCR 13 & 44 and WCR 13 & 42 are future major intersections for the Town, especially WCR 13 & 44, with its direct access to I-25 two (2) miles to the west. The small amount of commercial zoning at these intersections is concerning largely due to the potential viability of these intersections as commercial drivers and centers of activity. The Town may want to encourage larger-scale commercial or retail, vs low-density residential, at such vital intersections. The “transfer” clause in the ODP may assist somewhat with any commercial enterprise that wishes to expand beyond the current small acreage show; however, there is concern that residential could do the same and claim more “commercial” areas for residential use. Residential is often (relatively) easier and faster to develop and market; whereas commercial wants to see nearby residential in place prior to development. Protecting our vital intersections should be a consideration as the Town continues to develop. Density and scale of commercial and retail development at these intersections is important to the development of the south portion of Johnstown, and to Johnstown as a complete community.

RECOMMENDED PLANNING AND ZONING COMMISSION FINDINGS AND MOTIONS

Item #1 Annexation: Podtburg Annexations # 1-5

It is recommended that Planning and Zoning Commission send a positive recommendation to Town Council that the Podtburg Annexations #1-5 be approved based upon the following findings:

1. The area is contiguous to the Town of Johnstown along at least 1/6 of its boundaries.
2. The property is located within the Town of Johnstown Growth Management Area.
3. The Town can adequately and efficiently provide utility and police services.

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4. The proposed zoning is consistent with the Town of Johnstown Comprehensive Plan.
5. The property is eligible for annexation without election pursuant to the Colorado Constitution Article II, Section 30(b).

Recommended Motion

Based on the application received, associated submittal materials, and the preceding analysis, the Planning & Zoning Commission finds that the request for the Podtburg Annexation # 1-5 furthers the *Johnstown Area Comprehensive Plan* goals, and is compatible with all other applicable Town standards and regulations, and therefore moves to recommend to the Town Council approval of the Podtburg Annexation # 1-5 based upon the findings as stated in the staff report.

Alternate Motions

- A. Motion to Approve with Conditions: "I move that the Commission recommend to Town Council approval of the Podtburg Annexation # 1-5 with the following conditions..."
- B. Motion to Deny: "I move that the Commission recommend to the Town Council denial of the Podtburg Annexation # 1-5 based upon the following..."

Item #2 Zoning: Podtburg Annexation # 1-5 - Establishment of Zoning

It is recommended that Planning and Zoning Commission send a positive recommendation to Town Council that the requested zoning of PUD-MU for the Podtburg Annexation # 1-5 be approved based upon the following findings:

1. The proposed zoning is consistent with the Town of Johnstown Comprehensive Plan.
2. The proposed zoning and accompanying uses are the best use for the area, namely commercial uses at the major intersections.

Motion

Based on the application received, associated submittal materials, and the preceding analysis, the Planning & Zoning Commission finds that the request for PUD-MU zoning for the Podtburg Annexation # 1-5 furthers the *Johnstown Area Comprehensive Plan* goals, and is compatible with all other applicable Town standards and regulations, and therefore moves to recommend to the Town Council approval of the request for PUD-MU zoning for the Podtburg Annexation # 1-5 based upon the 2 findings as stated in the staff report.

Alternate Motion

Motion to Deny: "I move that the Commission recommend to the Town Council denial of the request for PUD-MU zoning for the Podtburg Annexation # 1-5 based upon the following..."

Planner:

Reviewed by:



Darryll Wolnik

Kim Meyer

Planner II

Planning & Development Director

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