

**TOWN OF JOHNSTOWN, COLORADO
ORDINANCE NO. 2020-185**

**ORDINANCE APPROVING PUD-MU ZONING AND APPROVING
OUTLINE DEVELOPMENT PLAN FOR THE PROPERTY KNOWN AS
THE PODTBURG ANNEXATION NOS. 1-5, LOCATED IN 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,
AND CONTAINING APPROXIMATELY 462.35 ACRES**

WHEREAS, the Town Council of the Town of Johnstown approved annexation of certain property situated in 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, consisting of approximately 462.35 acres, being more particularly described on Exhibit A attached hereto and incorporated herein by this reference, known as The Podtburg Annexation Nos. 1-5 (“Property”); and

WHEREAS, Podtburg Dairy Limited Partnership, LLLP, a Colorado limited liability limited partnership, the property owner, applied for Planned Unit Development – Mixed Use (“PUD-MU”) zoning and for the Property in conjunction with annexation; and

WHEREAS, Podtburg Dairy Limited Partnership, LLLP also applied for approval of an Outline Development Plan, which is attached hereto and incorporated herein by reference as Exhibit B; and

WHEREAS, pursuant to state law, upon annexation, the Town Council must zone the Property within ninety (90) days; and

WHEREAS, on October 14, 2020, the Planning and Zoning Commission held a public hearing and recommended approval of PUD-MU zoning and approval of the Outline Development Plan for the Property; and

WHEREAS, on November 2, 2020, the Town Council held a public hearing to determine appropriate zoning for the Property and, based upon the evidence received at the hearing, found that the requested zoning of the Property to PUD-MU and the associated Outline Development Plan conform to the Town’s Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, THAT:

1. Zoning of the Property known as The Podtburg Annexation Nos. 1-5 and more particularly described on the attached Exhibit A shall hereby be designated as PUD-MU.
2. The Outline Development Plan, attached hereto as Exhibit B, is hereby approved.
3. The Town Clerk is hereby directed to publish this Ordinance as required by the Town's Home Rule Charter and state law and, not earlier than forty (40) days of the effective date of this Ordinance, but promptly thereafter, file this Ordinance with the real estate records of the Weld County Clerk and Recorder.

INTRODUCED AND APPROVED on first reading by the Town Council of the Town of Johnstown, Colorado, this ____ day of _____, 2020.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor

PASSED UPON FINAL APPROVAL AND ADOPTED on second reading by the Town Council of the Town of Johnstown, Colorado, this ____ day of _____, 2020.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor

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;

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 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 $45^{\circ} 56' 32''$, and is subtended by a Chord bearing North $77^{\circ} 50' 10''$ East a distance of 90.07 feet to a Point of Tangency;
 THENCE North $54^{\circ} 51' 44''$ 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 $66^{\circ} 21' 24''$, and is subtended by a Chord bearing North $88^{\circ} 02' 19''$ East a distance of 136.13 feet to a Point of Tangency;
 THENCE South $58^{\circ} 46' 59''$ 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 $34^{\circ} 15' 17''$, and is subtended by a Chord bearing South $75^{\circ} 54' 49''$ 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 $21^{\circ} 42' 34''$, and is subtended by a Chord bearing South $82^{\circ} 11' 10''$ 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 $27^{\circ} 03' 40''$, and is subtended by a Chord bearing South $84^{\circ} 51' 55''$ 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 $60^{\circ} 07' 42''$, and is subtended by a Chord bearing South $68^{\circ} 19' 54''$ East a distance of 171.45 feet to a Point of Tangency;
 THENCE South $38^{\circ} 16' 02''$ 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 $14^{\circ} 31' 38''$, and is subtended by a Chord bearing South $45^{\circ} 31' 53''$ East a distance of 58.45 feet to a Point of Tangency;
 THENCE South $52^{\circ} 47' 41''$ 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 $33^{\circ} 39' 29''$, and is subtended by a Chord bearing South $69^{\circ} 37' 20''$ East a distance of 106.15 feet to a Point of Tangency;
 THENCE South $86^{\circ} 27' 04''$ 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 937.08 feet, a Delta of $08^{\circ} 04' 13''$, and is subtended by a Chord bearing North $89^{\circ} 30' 49''$ East a distance of 131.88 feet to a Point of Return 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 $41^{\circ} 20' 12''$, and is subtended by a Chord bearing South $73^{\circ} 51' 12''$ East a distance of 351.74 feet to a Point of Tangency;
 THENCE South $53^{\circ} 11' 05''$ East a distance of 63.29 feet to the Westerly Right of Way line of Weld County Road 13;
 THENCE North $00^{\circ} 02' 29''$ West along said Westerly Right of Way line a distance of 2333.22 feet;
 THENCE North $00^{\circ} 02' 15''$ West continuing along said Westerly Right of Way line a distance of 1867.83 feet;
 THENCE South $00^{\circ} 36' 41''$ 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 (\pm).

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 (±).