

ORDINANCE NO. 81-6

AN ORDINANCE AMENDING ORDINANCE NO. 80-6 AND AUTHORIZING THE EXECUTION OF A QUITCLAIM DEED BY THE TOWN OF HUDSON, COLORADO, TO A TRACT OF LAND IN THE SOUTHWEST ONE-QUARTER OF SECTION 2, TOWNSHIP 1 NORTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, WELD COUNTY, COLORADO, IN ORDER TO CORRECT AN ERROR IN A LEGAL DESCRIPTION.

WHEREAS, pursuant to negotiations, the Town of Hudson, on January 28, 1981, purchased certain real property from the Four-Way Baptist Church, a/k/a Four-Way Baptist Church, Fort Lupton, a Colorado corporation, as authorized by Ordinance No. 80-6; and

WHEREAS, said transaction was completed by means of the delivery of a warranty deed from the Church to the Town, which deed was subsequently recorded on January 30, 1981, at Book 926, Reception Number 1848481 in the records of Weld County, Colorado; and

WHEREAS, as error in the legal description of the property described in said Ordinance 80-6 and in said deed has been discovered; and

WHEREAS, the Board of Trustees has determined that in order to correct the error in said legal description, it shall convey the subject property bearing the incorrect legal description to the Church by means of quitclaim deed, and it shall receive in return a new warranty deed from the Church bearing the correct legal description;

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Hudson, Colorado:

1. The conveyance by the Town of Hudson to the Four-Way Baptist Church by quitclaim deed of the real property previously conveyed by the Church to the Town on January 28, 1981, is approved, in exchange for a corrected warranty deed from the Church conveying the correctly-described property.

2. The Board of Trustees hereby authorizes the Mayor of the Town and the Town Clerk, on behalf of the Town of Hudson, to execute said quitclaim deed, and any and all documents conforming with this ordinance and necessary to effect the provisions of this ordinance.

3. The proper officers of the Town of Hudson, Colorado, are hereby authorized and directed to accept on behalf of the Town a new general warranty deed from the Four-Way Baptist Church conveying the subject property and bearing the correct legal description, and to record the same in the records of Weld County, Colorado.

4. Ordinance 80-6 is hereby amended to correct the legal description as follows:

- a) The legal description of property which the Town is authorized to purchase under paragraph 1 of said ordinance 80-6 is amended to read as follows:

PARCEL 1

That part of the SW $\frac{1}{4}$ of Section 2, Township 1 North, Range 65 West of the 6th Principal Meridian, in the TOWN OF HUDSON, described as: BEGINNING at the Southwest corner of said Section 2; thence N90°00'00"E on an assumed bearing along the South line said Section 2 a distance of 1140.00 feet; thence N02°35'00"W along the West line of a parcel of land conveyed to the Farmers Reservoir and Irrigation Company, Recorded in Weld County Records, December 23, 1913 a distance of 410.78 feet to the TRUE POINT OF BEGINNING; thence continuing N02°35'00"W along said West line a distance of 250.00 feet to a point on the North line of the S $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 2; thence N89°57'45"W along said North line a distance of 200.00 feet; thence S02°35'00"E parallel to said West line a distance of 250.00 feet; thence S89°57'45"E parallel to said North line a distance of 200.00 feet to the TRUE POINT OF BEGINNING.

PARCEL 2

That part of the SW $\frac{1}{4}$ of Section 2, Township 1 North, Range 65 West of the 6th Principal Meridian, in the TOWN OF HUDSON, described as: BEGINNING at the Southwest corner of said Section 2; thence N90°00'00"E on an assumed bearing along the South line of said SW $\frac{1}{4}$ a distance of 150.00 feet; thence N00°25'00"E parallel with the West line of said SW $\frac{1}{4}$ a distance of 45.00 feet to the TRUE POINT OF BEGINNING, said point being a point on the North R.O.W. line of Colorado State Highway #52; thence N90°00'00"E along R.O.W. line, a distance of 206.00 feet; thence N00°25'00"E parallel to said West line a distance of 400.00 feet; thence N90°00'00"E parallel to said South line a distance of 266.00 feet; thence S00°25'00"W parallel to said West line a distance of 400.00 feet; thence N90°00'00"E parallel to said South line a distance of 60.00 feet; thence N00°25'00"E parallel to said West line a distance of 200.00 feet; thence N90°00'00"E parallel to said South line a distance of 445.16 feet; thence N02°35'00"W a distance of 165.54 feet; thence N89°57'45"W a distance of 200.00 feet; thence N02°35'00"W a distance of 250.00 feet to the North line of the S $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 2; thence N89°57'45"W along said North line a distance of 755.66 feet to a point on the Southeasterly R.O.W. line of the C.B.Q. Railroad; thence S48°40'53"W along said R.O.W. line a distance of 160.47 feet to a point on the Easterly R.O.W. line of Beech Street; thence S00°25'00"W along said Easterly R.O.W. line and parallel to the West line of said SW $\frac{1}{4}$ a distance of 384.80 feet; thence N90°00'00"E parallel to said South line a distance of 120.00 feet; thence S00°25'00"W parallel to said West line SW $\frac{1}{4}$ a distance of 125.00 feet to TRUE POINT OF BEGINNING.

- b) The legal description in paragraph 2 of said Ordinance 80-6, of the property on which the Town is authorized to acquire a right of first refusal, is amended to read as follows:

PETITION FOR ANNEXATION

To the Board of Trustees of the Town of Hudson, Colorado:

The undersigned hereby respectfully petition the Board of Trustees of the Town of Hudson to annex to the Town of Hudson the territory shown on the map attached hereto and described as follows:

A part of the southwest one-quarter of Section 2, Township 4 North, Range 65 West of the 6th Principal Meridian, Weld County, Colorado, described as beginning at the southwest corner of said southwest one-quarter; thence N 90°00'00"E on an assumed bearing along the south line of said southwest one-quarter a distance of 150.00 feet to the true point of beginning; thence continuing N 90°00'00"E along said south line a distance of 990.00 feet; thence N 02°35'00"W along the west line of a parcel of land conveyed to the Farmers Reservoir and Irrigation Company, recorded in Weld County records December 23, 1913, a distance of 660.78 feet, to a point on the north line of the south one-half, southwest one-quarter, southwest one-quarter said Section 2; thence N 89°57'45"W along said north line a distance of 955.66 feet to a point on the south-easterly right-of-way line of the C. B. & Q. Railroad; thence S 48°40'53"W along said southeasterly right-of-way line a distance of 200.67 feet to a point on the west line of said southeast one-quarter; thence S 00°25'00"W along said west line a distance of 358.26 feet, thence N 90°00'00"E parallel to the south line of said southwest one-quarter a distance of 150.00 feet; thence S 00°25'00"W parallel to the west line of said southwest one-quarter a distance of 170.00 feet to the true point of beginning.

In support of this petition, petitioners state, represent and allege as follows:

1. It is desirable and necessary that the above-described territory be annexed to the Town of Hudson.
2. The petitioners are landowners of 100% of the territory, excluding streets and alleys, proposed for annexation herein.
3. Not less than one-sixth of the perimeter of the territory proposed for annexation is contiguous with the Town of Hudson.
4. A community of interest exists between the above-described territory and the Town of Hudson; said territory is urban or will be urbanized in the near future; and said territory is integrated or is capable of being integrated with the Town of Hudson.
5. In establishing the boundaries of the above-described territory, 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, has been divided into separate parts or parcels without the written consent of the landowner or landowners thereof, except and unless where such tracts or parcels are already separated by a dedicated street, road, or other public way.

6. In establishing the boundaries of the above-described territory 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 comprising twenty acres or more which, together with the buildings and improvements situated thereon have an assessed valuation in excess of \$200,000 for ad valorem tax purposes for the year next preceding the filing of the within petition for annexation, has been included within the above-described territory without the written consent of the landowner or landowners.

7. The above-described territory does not include any area which is the same or substantially the same area in which an election for an annexation to the Town of Hudson was held within the twelve months preceding the filing of this petition.

8. The above-described territory does not include any area included in another annexation proceeding involving the Town of Hudson or any other municipality.

9. At least four copies of an annexation map setting forth with reasonable certainty a written legal description of the boundaries of the area proposed to be annexed, a delineation of the outer boundaries of the above-described territory, and the location of each ownership, tract and/or the boundaries and the plat numbers of plots and lots and blocks, the portion of the boundary contiguous with the existing city limits of the Town of Hudson, and the dimensions of said contiguous boundary, all upon a material and of a size suitable for recording or filing with the Town Clerk of the Town of Hudson, accompany, have been attached hereto and hereby constitute a part of this petition.

10. The above-described territory is not presently a part of any incorporated city, city and county, or town.

11. The proposed annexation will not result in the detachment of any area from any school district nor the attachment of same to any other school district.

WHEREFORE, the undersigned respectfully petition to the Board of Trustees of the Town of Hudson to annex the above-described territory to the Town of Hudson in accordance with and pursuant to the statutes of the State of Colorado.

FOUR-WAY BAPTIST CHURCH of
Fort Lupton,
a Colorado non-profit corporation

By: *Hudson M. Seckel*

Lawrence R. Fuhmke

Trustee

Date of Signing Petition:
January 28, 1981

Mailing Address of Petitioner:

9966 Weld Co. Road 41
Fort Lupton, CO 80621

Mailing Address of Each Signer

GORDON WEICHEL
22762 N D 22 Hudson Cir 80642
LAWRENCE O. KUHNKE
P.O. Box 1, Hudson, CO 80642

STATE OF COLORADO))
)) ss. CIRCULATOR'S AFFIDAVIT
COUNTY OF WELD)

The undersigned, being first duly sworn, upon oath, deposes and says that he was the circulator of the above and foregoing petition and that the signatures on said petition are the signatures of the persons whose names they purport to be.

William K...

Subscribed and sworn to before me this 28th day of January, 1981.

Witness my hand and official seal.

My commission expires: May 17, 1983
Cynthia M. Eley
Notary Public