

ORDINANCE NO. 1640

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, CREATING THE 1997 NORTH TOWNSEND SEWER IMPROVEMENT DISTRICT.

WHEREAS, a Petition has been submitted by the owners of the property to be assessed 100% of the costs to form the 1997 North Townsend Sewer Improvement District in substantial compliance with the requirements of Chapter 1-19 of the Official Code of the City of Montrose, Colorado, and

WHEREAS, the improvements will confer a benefit on the property to be assessed, none of the assessments are unreasonable compared with the fair market value of any parcel to be assessed, and the assessments are in compliance with the provisions of Chapter 1-19 and are equitable with respect to the resulting benefits, and

WHEREAS, the costs of any improvements to be paid by the City will confer a general public benefit and the creation of the district and construction of the improvements are in the public interest,

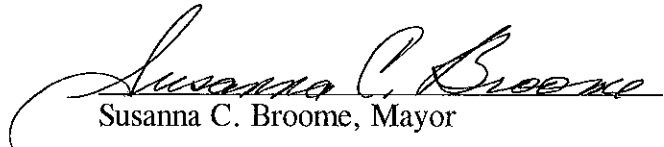
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO, as follows:

Section 1: The 1997 North Townsend Sewer Improvement District is hereby created in accordance with the terms of the Petition to create such a District as submitted, except as modified herein.

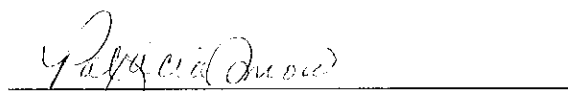
Section 2: The District shall be created, constructed and assessed in accordance with the terms of said Petition.

Section 3: The property to be included within the District, all in Montrose County, Colorado, is set out on Exhibit "1" hereto.

INTRODUCED, READ and PASSED on first reading this 10th day of July, 1997.


Susanna C. Broome, Mayor

ATTEST:


~~Mary L. Watt, City Clerk~~
Patricia Snow, Deputy City Clerk


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You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its adoption on second reading on Thursday, the 24th day of July, 1997, at the hour of 7:30 p.m. at Montrose City Hall in Montrose, Colorado.

INTRODUCED, READ and ADOPTED on second reading this 24th day of July, 1997.

Susanna C. Broome
Susanna C. Broome, Mayor

ATTEST:

Mary L. Watt
Mary L. Watt, City Clerk

EXHIBIT "1"

Tract "A"

A tract of land in the NE1/4 NW1/4 of Section 20, Township 49 North, Range 9 West, New Mexico Principal Meridian, described as commencing at the North Quarter Corner of said Section 20, thence N 89°20'00" W 461.07 feet to the easterly right-of-way line of United States Highway 50 as presently constructed; thence S 37°20'00" E 85.30 feet along said right-of-way line; thence S 35°18'00" E 387.0 feet along said right-of-way line; thence S 40°53'00" E 148.60 feet along said right-of-way line; thence S 81°19'00" E 69.70 feet; thence N 49°03'00" E 14.85 feet; thence S 89°50'00" E 8.30 feet; thence North 491.46 feet to the point of beginning.

Also a tract of land in the SE1/4 SW1/4, Section 17, Township 49 North, Range 9 West, New Mexico Principal Meridian, described as beginning at the South Quarter corner of Section 17 aforesaid; thence Westerly along the Section Line 208 feet; thence North 208 feet; thence S 89°17'00" E, 208 feet; thence South 208 feet to the point of beginning.

Tract "B"

A tract of land lying in the SE1/4 SW1/4, Section 17, Township 49 North, Range 9 West, New Mexico Principal Meridian, described as beginning at a point 208 feet north of the southeast corner of SW1/4 of Section 17 aforesaid, thence north on a line through the center of Section 17, 920.0 feet, thence N 89°17'00" W 208.0 feet; thence South 213.5 feet; thence S 33°07'00" W 852 feet; thence S 37°54'00" E 250.0 feet along the easterly right of way boundary of United States Highway #50; thence S 89°17'00" E 312.0 feet; thence North 208 feet; thence S 89°17'00" E 208.0 feet; more or less, to the point of beginning; EXCEPT a tract of land conveyed by Gladys A. Lyon and Sylvester Equipment Company to the Department of Highways, State of Colorado, by special warranty deed recorded in Book 543 at Page 754; and EXCEPTING a tract of land conveyed by Julia M. Flower to the Board of County Commissioners of Montrose County, State of Colorado, by warranty deed recorded in Book 598 at Page 878, County of Montrose, State of Colorado.

Tract "C"

Lot 1, McDermed Minor Subdivision, Section 17, Township 49 North, Range 9 West, N.M.P.M. containing 1.73 acres more or less.

Lot 2, McDermed Minor Subdivision, described as follows: Tract of land in SE1/4 SW1/4, Section 17, Township 49 North, Range 9 West, New Mexico Principal Meridian, described as follows: Beginning at a point on the easterly right-of-way line of U. S. Highway 50 from whence south quarter corner of said Section 17 bears, according to solar observation, S 63°53'02" E, 676.47 feet; thence N 33°07'00" E, 481.13 feet; thence N 36°37'00" W 200.00 feet; thence S 33°03'12"W, 495.98 feet to a point on said Easterly right-of-way line; thence S 37°32'45" E along said easterly right-of-way line, 152.95 feet; thence continuing along said easterly right-of-way line S 51°49'10" E, 42.92 feet to the point of beginning, County of Montrose, State of Colorado.

Tract "D"

A tract of land located in the Southeast Quarter of the Southwest Quarter (SE1/4 SW1/4) of Section Seventeen(17) in Township Forty-nine (49) North of Range Nine (9) West of the New Mexico Principal Meridian, described as commencing at a point 550 feet Northwesterly along the Easterly boundary line of U. S. Highway 50 from the South line of said SE1/4 SW1/4, running thence Northwesterly along said highway boundary line 150 feet, thence N 33°07'00"E 600 feet, thence Southeasterly parallel with said highway right-of-way line 150 feet, thence S 33°07'00" W 600 feet to the Point of Beginning, together with all water and water rights, ditches and ditch rights belonging thereto and used in connection therewith.

Tract "E"

A tract of land in SW1/4, Section 17, Township 49 North, Range 9 West, New Mexico Principal Meridian, described as beginning at south quarter corner said Section 17; thence North 1324 feet to northeast corner of SE1/4 SW1/4 said Section 17, thence N 89°12'00" W 1520.00 feet to east right-of-way boundary line of United States Highway 50; thence southeasterly along said east right-of-way boundary line of United States Highway 50 a distance of 1676.70 feet to its point of intersection with south section line of SE1/4 SW1/4 said Section 17; thence east along said south section line of said SE1/4 SW1/4 said Section 17, 320 feet to point of beginning.

EXCEPT the following tracts:

1. Any portion of the foregoing property held for the Montrose County Airport and included within the property described in the deed recorded in Book 718, Page 883 of the Montrose county records.
2. Tract held by Smith Enterprises, LLC and described in deed recorded in Book 854, Page 917 of the Montrose County records.
3. Tract held by Fred L. Flower and M. Noreen Flower as described in deed recorded in Book 815, Page 932 of the Montrose County records.
4. Lots 1 and 2, McDermed Minor Subdivision according to the plat recorded in Plat Book 11, Page 143 of the Montrose County records.
5. Tract held by James H. and Katherine F. Starkey as described in the deed recorded in Book 502, Page 35 of the Montrose County records.
6. Tract held by William G. and Julia E. Sunderlin as described in the deed recorded in Book 597, Page 946 of the Montrose County records
7. Tract held by Matt and Natalie L. Roth and described in deed recorded in Book 556, Page 371 of the Montrose County records.

Tract "F"

Part of the N1/2 SW1/4, Section 17, Township 49 North, Range 9 West, New Mexico Principal Meridian, in Colorado, described as beginning at a point whence the northwest corner of said Section 17 bears N 15°19'00" W 4,125.0 feet; said point of beginning being the intersection of easterly right of way line of U.S. Highway 50 with the south line of N1/2 SW1/4 of said Section 17; thence N 36°49'00" W 150 feet along easterly right of way line of U.S. Highway 50, thence N 52°45'00" E 1050 feet, thence S 36°49'00" E to the south line of N1/2 SW1/4 of said Section 17; thence west along said south subdivision line to point of beginning; AND EXCEPTING THEREFROM the following described property presently owned by the County of Montrose, to-wit: A tract of land located in the NE1/4SW1/4, Section 17, Township 49 North, Range 9 West, N.M.P.M., being a portion of the tract described by deed recorded in Book 496 at Page 262, and being more particularly described as follows: Beginning at the Northwest corner of said described tract whence the Northwest corner of said Section 17 bears approximately N 29°40'00" W 3708.8 feet, thence S 36°49'00" E to the South line of the N1/2 SW1/4 of said Section 17; thence West along said south line 125 feet to a point 100 feet from, as measured perpendicular to, the east line of said tract; thence N 36°49'00" W to a point 200 feet from, as measured perpendicular to, the north line of said tract; thence S 52°45'00" W parallel to the north line of said tract 100 feet; thence N 36°49'00" W 200 feet to a point on the north line of said tract distant thereon S 52°45'00" W 200 feet from the Northeast corner of said tract; thence N 52°45'00" E 200 feet to the point of beginning, and ALSO EXCEPTING THEREFROM Parcel 12, Tract 9 a parcel of land located in the SW1/4 of Section 17, Township 49 North, Range 9 West, N.M.P.M., described more particularly as: Commencing at the South Quarter corner of said Section 17, thence N 00°16'40" W a distance of 710.59 feet, thence N 40°36'00" W a distance of 810.38 feet to the true point of beginning, thence N 40°36'00" W a distance of 796.58 feet, more or less, thence N 53°43'20" E a distance of 53.36 feet, more or less, thence S 36°49'00" E a distance of 200 feet, more or less, thence N 35°43'20" E a distance of 100 feet, more or less, thence S 40°26'07" E a distance of 705.68 feet, more or less, thence N 89°28'40" W a distance of 183.03 feet, more or less, together with all water and water rights, ditches and ditch rights belonging thereto and used in connection therewith. It being the intent of this deed that the Grantors are conveying all of the property they presently own in the aforesaid NE1/4 SW1/4, Section 17, Township 49 North, Range 9 West, N.M.P.M.

Tract "G"

Tract of land in the N1/2 SW1/4 Section 17, Township 49 North, Range 9 West, New Mexico Principal Meridian, described as beginning at a point whence the Northwest corner of said Section 17 bears N 30°26'00" W, 3702.63 feet; thence N 36°49'00" W, 445 feet; thence S 52°45'00" W, 652.54 feet; thence S 36°49'00" E, 220 feet; thence S 52°45'00" W, 295.46 feet to a point on the easterly right of way of United States Highway #50; thence S 25°34'30" E, 190.80 feet along United States Highway #50; thence S 36°50'00" E, 13.10 feet continuing along United States Highway #50 right of way; thence N 52°45'00" E 235 feet; thence N 36°49'00" W 25 feet; thence N 52°45'00" E 750 feet to the point of beginning, EXCEPT a tract of land in the N1/2 SW1/4 Section 17, Township 49 North, Range 9 West, New Mexico Principal Meridian described as beginning at a point whence the Northwest corner of said Section bears N 30°26'00" W 3702.63 feet; thence N 36°49'00" W 445 feet; thence S

52°45'00" W 454.54 feet to the point of beginning; thence S 52°45'00" W 198 feet; thence S 36°49'00" E 220 feet; thence N 52°45'00" E, 198 feet; thence N 36°49'00" W 220 feet to the point of beginning.

Tract "H"

A tract or parcel of land in the Southwest Quarter (SW1/4) of Section Seventeen (17), Township Forty-nine (49) North, Range Nine (9) West of the New Mexico Principal Meridian described as: Beginning at the South quarter corner of Section 17 aforesaid, thence North 1324 feet, thence N 89°12'00" W 1242.14 feet, thence S 36°20'00" E 150 feet, thence N 89°12'00" W 148.82 feet, thence S 36°20'00" E 604.65 feet, Point of Beginning, thence N 33°07'00" E 435.60 feet, thence S 36°59'00" E 100 feet, thence S 33°07'00" W 435.60 feet, thence N 36°59'00" W 100 feet, to the Point of Beginning, containing one (1) acre, more or less, together with all water and water rights, ditches and ditch rights belonging thereto and used in connection therewith and together with all improvements thereon situate, and subject to a thirty-foot easement along the Southwesterly boundary of said property in the Colorado Department of Highway, Menoken Water Company, and Rocky Mountain Natural Gas Company.

Tract "I"

A tract or parcel of land containing 10.051 acres, more or less, in the SW1/4 of the SE1/4 of Section 17 and the NW1/4 of the NE1/4 of Section 20, Township 49 North, Range 9 West, of the New Mexico Principal Meridian, in Montrose County, Colorado, said tract or parcel being more particularly described as follows:

Beginning at a point on the easterly right of way line of State Highway No. 6 from which the N1/4 corner of Section 20, T. 49 N., R. 9 W., bears N 02°27'00" W. a distance of 629.7 feet;

1. Thence S 40°44'00" E along the easterly right of way line of State Highway No. 6 a distance of 400.0 feet;
2. Thence N 49°16'00" E a distance of 585.5 feet to the future building line of the Montrose County Airport;
3. Thence N 40°08'00" W along the future building line of the Montrose County Airport a distance of 1,087.8 feet to the right of way of a county road;
4. Thence S 00°13'00" W along the right of way of the county road a distance of 910.7 feet, more or less, to the point of beginning.

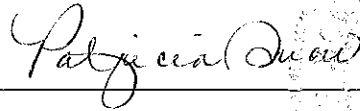


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CERTIFICATION

I, Patricia Snow, Deputy City Clerk of the City of Montrose, Colorado, do hereby certify that the attached is a true, and correct copy of Ordinance 1640, adopted by the Montrose City Council on July 24, 1997.

Date: July 31, 1997



Patricia Snow

Deputy City Clerk

