

CITY OF LAFAYETTE

ORDINANCE NO. 02, Series 2023

INTRODUCED BY: Councilor Tonya Briggs

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE,
COLORADO, ZONING CERTAIN CITY-OWNED LAND, FULLY DESCRIBED
HEREIN, TO THE CITY OF LAFAYETTE'S PUBLIC ZONING DISTRICT**

WHEREAS, the City of Lafayette (the "Applicant") is the owner of a parcel of real property, which is more particularly described in EXHIBIT A ("City Parcel") attached hereto and by this reference made part hereof, and has submitted an application for the initial zoning of the City Parcel; and

WHEREAS, the City Parcel and abutting rights-of-way, including the northern portion of the East Emma Street right-of-way and a portion of the former Burlington Railroad right-of-way, are concurrently being considered for annexation into the City by Ordinance No. 01, Series, 2023; and

WHEREAS, the Application includes the zoning of abutting rights-of-way, including the northern portion of the East Emma Street right-of-way and a portion of the former Burlington Railroad right-of-way; and

WHEREAS, the Planning Commission, after a public hearing on December 14, 2022, and careful consideration of all relevant facts, has recommended approval of the zoning to the City Council, subject to the City Council approving the annexation; and

WHEREAS, the City Council conducted a public hearing on the zoning Application in conformance with the Lafayette Code of Ordinances; and

WHEREAS, after considering the testimony, evidence and argument presented at the City Council public hearing, the City Council finds and determines that the Application is complete, that the Applicant has met the applicable requirements and standards set forth in Section 26-16-8 of the Lafayette Code of Ordinances because of changed or changing conditions in the area of the land for which zoning is requested due to the anticipated annexation of the subject property, and that it is in the public interest and reasonably necessary to zone the subject property to City of Lafayette P (Public) Zoning District.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, AS FOLLOWS:

Section 1. The land, City Parcel, and adjacent rights-of way, described in EXHIBIT B, attached hereto and incorporated herein, which consists of approximately 19.783 acres, more or less, shall be zoned City of Lafayette P (Public) Zoning District.

Section 2. The City Council certifies a change in the Zoning Map zoning the City Parcel and adjacent rights-of-way described in EXHIBIT B to City of Lafayette P (Public) Zoning District.

Section 3. The City Council directs that a certified copy of this Ordinance be filed with the City Clerk and further, that the City Clerk index, file, and make the Ordinance available to the public.

Section 4. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 5. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

Section 6. The repeal or modification of any provision of the Code of Ordinances of Lafayette, Colorado, by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 7. This ordinance is deemed necessary for the protection of the health, welfare, and safety of the community.

Section 8. Pursuant to Section 6.11 of the Lafayette Home Rule Charter, this ordinance shall become effective on the 60th day following the date of final approval by the City Council of the annexation as provided in Ordinance No. 01, Series 2023.

INTRODUCED AND PASSED ON FIRST READING THE 3RD DAY OF JANUARY, 2023.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THE 17th DAY OF JANUARY, 2023.

CITY OF LAFAYETTE, COLORADO

Jaideep Mangat, Mayor

ATTEST:

Lynette Beck, City Clerk

APPROVED AS TO FORM:

Mary Lynn Macsalka, City Attorney

EXHIBIT A
(ORDINANCE NO. 02, SERIES 2023)

A description of a part of the Waneka OpenSpace Parcel located in the NE1/4 of Section 2, T1S, R69W of the 6th P.M., in Boulder County, Colorado. For: City of Lafayette.

LEGAL DESCRIPTION

A tract of land located in the NE1/4 of Section 2, T1S, R69W of the 6th P.M., County of Boulder, State of Colorado, described as follows:

COMMENCING at the E1/4 Corner of said Section 2, from which the C1/4 Corner of said Section 2 bears N89°01'00"W, 2633.87 feet (Basis of Bearing), thence N89°01'00"W, 1609.84 feet along the South Line of the NE1/4 of said Section 2 to the Southeast Corner that tract of land for "structures and improvements only" as described in Bargain & Sale Deed recorded April 3, 2009, as Reception No. 2989821 of the records of Boulder County, Colorado;

Thence N0°59'00"E, 30.00 feet along the Easterly Line of that tract of land as described as said Reception No. 2989821 to the Northerly Right-of-way Line of Emma Street and the POINT OF BEGINNING;

Thence continuing N0°59'00"E, 170.00 feet along the Easterly Line of that tract of land as described as said Reception No. 2989821 to an angle point thereof;

Thence N89°01'00"W, 246.42 feet along the Northerly Line of that tract of land as described as said Reception No. 2989821 to the Easterly Right-of-way Line of the Former Chicago Burlington & Quincy Railroad;

Thence N6°32'17"W, 570.95 feet along the Easterly Right-of-way Line of said Former Chicago Burlington & Quincy Railroad to a point of curve to the left;

Thence Northerly, 211.52 feet along the arc of said curve and along the Easterly Right-of-way Line of said Former Chicago Burlington & Quincy Railroad to a point tangent, said arc having a radius of 980.37 feet, a central angle of 12°21'43", and being subtended by a chord that bears N12°43'08"W, 211.11 feet;

Thence N18°54'00"W, 827.45 feet along the Easterly Right-of-way Line of said Former Chicago Burlington & Quincy Railroad to a point of curve to the right;

Thence Northerly, 223.90 feet along the arc of said curve and along the Easterly Right-of-way Line of said Former Chicago Burlington & Quincy Railroad to a point tangent, said arc having a radius of 691.78 feet, a central angle of 18°32'38", and being subtended by a chord that bears N9°37'41"W, 222.92 feet;

Thence N0°21'22"W, 111.71 feet along the Easterly Right-of-way Line of said Former Chicago

Burlington & Quincy Railroad to the Southerly Line of that tract of land conveyed to Spencer Clark-Landman as described in Warranty Deed recorded April 19, 2018, as Reception No. 3651225 of the records of Boulder County Colorado;

Thence N89°38'38"E, 12.51 feet along the Southerly Line of that tract of land as described as said Reception No. 3651225;

Thence S0°37'49"W, 68.83 feet;

Thence S3°52'08"E, 15.07 feet;

Thence S12°20'05"E, 40.50 feet to a point of curve to the left;

Thence Southeasterly, 15.62 feet along the arc of said curve to a point tangent, said arc having a radius of 25.00 feet, a central angle of 35°48'20", and being subtended by a chord that bears S30°14'15"E, 15.37 feet;

Thence S48°08'25"E, 361.62 feet;

Thence S47°55'06"E, 184.75 feet;

Thence S14°14'57"E, 55.39 feet;

Thence S7°58'28"E, 25.38 feet;

Thence S13°33'23"E, 60.99 feet to a point of curve to the left;

Thence Southeasterly, 11.41 feet along the arc of said curve to a point tangent, said arc having a radius of 30.00 feet, a central angle of 21°47'24", and being subtended by a chord that bears S24°27'05"E, 11.34 feet;

Thence S35°20'47"E, 512.28 feet;

Thence S3°56'37"W, 776.38 feet;

Thence S0°59'00"W, 170.00 feet;

Thence S89°01'00"E, 1457.43 feet to the Westerly Right-of-way Line of N. 119th Street as described in Warranty Deed recorded August 1, 1988, as Reception No. 932922 of the records of Boulder County, Colorado;

Thence Southerly, 51.90 feet along the arc of a curve concave to the West and along the Westerly Right-of-way Line of said N. 119th Street to the Northerly Right-of-way Line of said Emma Street, said arc having a radius of 960.00 feet, a central angle of 3°05'52", and being subtended by a chord that bears S14°33'23"E, 51.90 feet;

Thence N89°01'00"W, 1521.34 feet to the POINT OF BEGINNING.

Area = 15.553 acres, more or less.

EXHIBIT B
(ORDINANCE NO. 02, SERIES 2023)

A description of the zoning area for the Waneka Open Space Parcel and abutting rights-of-way located in the NE1/4 of Section 2, T1S, R69W of the 6th P.M., in Boulder County, Colorado.

LEGAL DESCRIPTION

A tract of land located in the NE1/4 of Section 2, T1S, R69W of the 6th P.M., County of Boulder, State of Colorado, described as follows:

COMMENCING at the E1/4 Corner of said Section 2, from which the C1/4 Corner of said Section 2 bears N89°01'00"W, 2633.87 feet (Basis of Bearing), thence N89°01'00"W, 81.54 feet along the South Line of the NE1/4 of said Section 2 to the Westerly Line of N. 119th Street extend Southerly, also being the Westerly Line of the Lowe's-Waneka Annexation #1, an annexation to the City of Lafayette recorded April 5, 2007, as Reception No. 2847636 of the records of Boulder County, Colorado, and the POINT OF BEGINNING;

Thence continuing N89°01'00"W, 1781.26 feet along the South Line of the NE1/4 of said Section 2, also being the Northerly Line of the Willoughby Annexation, an annexation to the City of Lafayette by Ordinance No. 585 dated August 6, 1973, and along the Northerly Corporate Boundary of the City of Lafayette as shown on said Willoughby Annexation, to the Easterly Right-of-way Line of the Former Chicago Burlington & Quincy Railroad;

Thence Northerly, 184.64 feet along the arc of a curve concave to the East and along the Westerly Right-of-way Line of said Former Chicago Burlington & Quincy Railroad, also being the Easterly Corporate Boundary of the City of Lafayette, to a point tangent, said arc having a radius of 980.37 feet, a central angle of 10°47'28", and being subtended by a chord that bears N11°56'01"W, 184.37 feet;

Thence N83°27'43"E, 50.00 feet to a point of curvature along the Easterly Right-of-way Line of said Former Chicago Burlington & Quincy Railroad;

Thence Southerly, 160.21 feet along the arc of a curve concave to the East and along the Easterly Right-of-way Line of said Former Chicago Burlington & Quincy Railroad to the Northerly Right-of-way Line of Emma Street, said arc having a radius of 930.37 feet, a central angle of 9°52'00", and being subtended by a chord that bears S11°28'17"E, 160.02 feet;

Thence S89°01'00"E, 210.09 feet along the Northerly Right-of-way Line of said Emma Street to the Easterly Line of that tract of land for "structures and improvements only" as described in Bargain & Sale Deed recorded April 3, 2009, as Reception No. 2989821 of the records of Boulder County, Colorado;

Thence N0°59'00"E, 170.00 feet along the Easterly Line of that tract of land as described as said Reception No. 2989821 to an angle point thereof;

Thence N89°01'00"W, 246.42 feet along the Northerly Line of that tract of land as described as said Reception No. 2989821 to the Easterly Right-of-way Line of said Former Chicago Burlington & Quincy Railroad;

Thence S6°32'17"E, 13.87 feet along the Easterly Right-of-way Line of said Former Chicago Burlington & Quincy Railroad to a point of curve to the left;

Thence S83°27'43"W, 50.00 feet to a point of curvature along the Westerly Right-of-way Line of said Former Chicago Burlington & Quincy Railroad;

The following courses and distances are along the Westerly Right-of-way Line of said Former Chicago Burlington & Quincy Railroad, also being the Easterly Corporate Boundary of the City of Lafayette:

Thence N6°32'17"W, 584.82 feet to a point of curve to the left;

Thence Northerly, 200.73 feet along the arc of said curve to a point tangent, said arc having a radius of 930.37 feet, a central angle of 12°21'43", and being subtended by a chord that bears N12°43'08"W, 200.34 feet;

Thence N18°54'00"W, 666.73 feet;

Thence S89°38'38"W, 26.37 feet;

Thence N18°54'00"W, 152.34 feet to a point of curve to the right;

Thence Northerly, 248.17 feet along the arc of said curve to a point tangent, said arc having a radius of 766.78 feet, a central angle of 18°32'38", and being subtended by a chord that bears N9°37'41"W, 247.09 feet;

Thence N0°21'22"W, 151.71 feet;

Thence N89°38'38"E, 15.00 feet;

Thence N0°21'22"W, 150.00 feet to the North Line of the NE1/4 of said Section 2;

Thence S35°20'47"E, 512.28 feet;

Thence S3°56'37"W, 776.38 feet;

Thence S0°59'00"W, 170.00 feet;

Thence S89°01'00"E, 1457.43 feet to the Westerly Right-of-way Line of said N. 119th Street;

Thence leaving the Southerly Line of that tract of land as described as said Reception No. 3783560, Southerly, 82.70 feet along the arc of a curve concave to the West and along the

Westerly Right-of-way Line and the Westerly Right-of-way Line extended Southerly of said N. 119th Street, also being the Westerly Line of said Lowe's-Waneka Annexation No. 1, to the POINT OF BEGINNING, said arc having a radius of 960.00 feet, a central angle of 4°56'09", and being subtended by a chord that bears S13°38'15"E, 82.68 feet.

Area = 19.783 acres, more or less.