

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER STITES
Council Bill No. 06-2009
Ordinance No. 1438

Series of 2009

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2/6/09

TITLE: AN ORDINANCE PROVIDING FOR THE APPROVAL OF AGRICULTURE-ONE, A-1, ZONING ON PROPERTY RECENTLY ANNEXED TO THE CITY OF WHEAT RIDGE LOCATED EAST OF 14802 W. 44TH AVENUE INCLUDING THE RIGHTS-OF-WAY FOR STATE HIGHWAY 58, THE PROPOSED INTERCHANGE FOR HIGHWAY 58 AND CABELA DRIVE, CABELA DRIVE BETWEEN THE NEW INTERCHANGE AND W. 44TH AVENUE, AND RIGHT-OF-WAY FOR WEST 44TH AVENUE FROM WEST OF HOLMAN STREET TO THE EXISTING CITY LIMIT LINE (CASE NO. WZ-08-09/LONG'S PEAK METROPOLITAN DISTRICT)

1-5

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO THAT:

Section 1. Upon application by Long's Peak Metropolitan District, approval of Agriculture-One (A-1) zoning on property recently annexed to the City of Wheat Ridge located east of 14802 W. 44th Avenue, including the rights-of-way for State Highway 58, the proposed interchange for Highway 58 and Cabela Drive, Cabela Drive between the new interchange and W. 44th Avenue and right-of-way for W. 44th Avenue from west of Holman Street to the existing city limit line and pursuant to the findings made based on testimony and evidence presented at a public hearing before the Wheat Ridge City Council, Agriculture-One zoning is approved for the following described land:

BEING PORTIONS OF COLORADO STATE HIGHWAY 58, TOGETHER WITH PORTIONS OF WEST 44TH AVENUE, ALSO TOGETHER WITH OTHER LANDS, ALL LYING WITHIN SECTIONS 19 AND 20, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 19, FROM WHENCE THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER (SW 1/4) BEARS SOUTH 00°22'44" EAST A DISTANCE OF 2642.03 FEET, WITH ALL BEARINGS HEREIN RELATED THERETO; THENCE SOUTH 67°26'43" WEST, 2340.64 FEET TO THE NORTHWEST CORNER OF THAT CERTAIN LAND AS DESCRIBED AND CONVEYED TO THE COLORADO DEPARTMENT OF TRANSPORTATION AT RECEPTION No. 2008011087, SAID POINT BEING COINCIDENT WITH THE SOUTH LINE OF COLORADO STATE HIGHWAY 58 AS DESCRIBED AND CONVEYED IN BOOK 2227, PAGE 531, AND BEING THE POINT OF BEGINNING;



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Jefferson County, Colorado

THENCE ALONG SAID SOUTH LINE, SOUTH 80°35'52" WEST, 268.65 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER;
THENCE ALONG SAID WEST LINE, NORTH 00°09'20" WEST, 289.15 FEET TO A POINT ON THE BOUNDARY OF THAT CERTAIN LAND DESCRIBED AS PARCEL No. 26 AT RECEPTION No. 2008002606;
THENCE LEAVING SAID WEST LINE OF SAID SOUTHWEST QUARTER, ALONG SAID PARCEL No. 26 BOUNDARY THE FOLLOWING TWO (2) COURSES:

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1. NORTH 79°47'37" EAST, 403.08 FEET TO A POINT;
2. NORTH 59°33'27" EAST, 313.45 FEET TO THE SOUTHWEST CORNER OF THAT CERTAIN LAND DESCRIBED AS PARCEL No. 26A AT RECEPTION No. 2008002606;

THENCE ALONG SAID PARCEL No. 26A BOUNDARY THE FOLLOWING FOUR (4) COURSES:

1. NORTH 14°08'11" EAST, 160.20 FEET TO A POINT;
2. NORTH 00°13'13" WEST, 187.99 FEET TO A POINT;
3. SOUTH 89°29'42" WEST, 290.63 FEET TO A POINT;
4. NORTH 00°53'57" WEST, 89.92 FEET TO A POINT ON THE NORTH LINE OF WEST 44TH AVENUE AS DESCRIBED AND CONVEYED IN BOOK 359, PAGE 223;
THENCE ALONG SAID NORTH LINE, AND PARALLEL WITH THE NORTH LINE OF SAID SOUTHWEST QUARTER (SW ¼), NORTH 89°06'03" EAST, 1228.91 FEET TO A TANGENT CURVE TO THE LEFT CONCAVE NORTHWESTERLY;
THENCE NORTHEASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 20.00 FEET, AND WHOSE LONG CHORD BEARS NORTH 44°21'13" EAST AND HAS A CHORD LENGTH OF 28.16 FEET, THROUGH A CENTRAL ANGLE OF 89°29'40", FOR AN ARC LENGTH OF 31.24 FEET TO A POINT ON THE WEST LINE OF FLORA STREET;
THENCE ALONG SAID WEST LINE, NORTH 00°23'37" WEST, 20.88 FEET TO A POINT;
THENCE NORTH 89°36'23" EAST, 50.00 FEET TO A POINT ON THE EAST LINE OF SAID FLORA STREET;
THENCE ALONG A NON-TANGENT CURVE TO THE LEFT CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 30.00 FEET, AND WHOSE LONG CHORD BEARS SOUTH 45°38'47" EAST AND HAS A CHORD LENGTH OF 42.61 FEET, THROUGH A CENTRAL ANGLE OF 90°30'20", FOR AN ARC LENGTH OF 47.39 FEET TO A POINT 50.00 FEET DISTANT FROM THE SAID NORTH LINE OF SAID SOUTHWEST QUARTER (SW ¼);
THENCE PARALLEL SAID NORTH LINE, NORTH 89°06'03" EAST, 355.69 FEET TO A POINT;
THENCE SOUTH 00°23'37" EAST, 10.00 FEET TO A POINT ON THE AFORMENTIONED NORTH LINE OF SAID WEST 44TH AVENUE AS DESCRIBED AND CONVEYED IN BOOK 359, PAGE 223, AND ALSO DESCRIBED AND CONVEYED IN BOOK 323, PAGE 323 AND RECEPTION No. 89033001;
THENCE ALONG SAID NORTH LINE OF SAID WEST 44TH AVENUE THE FOLLOWING THREE (3) COURSES:

1. NORTH 89°06'03" EAST, 228.09 FEET TO A TANGENT CURVE TO THE LEFT CONCAVE NORTHERLY;
2. EASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 915.00 FEET, AND WHOSE LONG CHORD BEARS NORTH 83°04'22" EAST AND HAS A CHORD LENGTH OF 192.18 FEET, THROUGH A CENTRAL ANGLE OF 12°03'22", FOR AN ARC LENGTH OF 192.53 FEET TO A POINT OF TANGENCY;

3. NORTH 77°02'41" EAST, 3092.40 FEET TO A POINT, SAID POINT ALSO BEING A POINT OF CURVATURE OF THE NORTH LINE OF SAID WEST 44TH AVENUE;

THENCE LEAVING SAID NORTH LINE, SOUTH 12°57'19" EAST, 80.00 FEET TO THE SOUTH LINE OF SAID WEST 44TH AVENUE AS DESCRIBED AND CONVEYED IN BOOK 359, PAGE 223, AND ALSO DESCRIBED AND CONVEYED IN BOOK 323, PAGE 323 AND RECEPTION No. 89033001;

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THENCE ALONG SAID SOUTH LINE THE FOLLOWING THREE (3) COURSES:

1. SOUTH 77°02'41" WEST, 3092.40 FEET TO A TANGENT CURVE TO THE RIGHT CONCAVE NORTHERLY;
2. WESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 995.00 FEET, AND WHOSE LONG CHORD BEARS SOUTH 83°04'22" WEST AND HAS A CHORD LENGTH OF 208.98 FEET, THROUGH A CENTRAL ANGLE OF 12°03'22", FOR AN ARC LENGTH OF 209.37 FEET TO A POINT OF TANGENCY, SAID POINT BEING 40.00 FEET DISTANT FROM THE NORTH LINE OF THE SOUTHWEST QUARTER (SW ¼) OF SAID SECTION 19;

3. PARALLEL SAID NORTH LINE OF SAID SOUTHWEST QUARTER (SW ¼), SOUTH 89°06'03" WEST, 1413.02 FEET TO THE NORTHEAST CORNER OF THE AFORMENTIONED PARCEL No. 26A;

THENCE LEAVING SAID SOUTH LINE OF SAID WEST 44TH AVENUE, AND ALONG THE EAST LINE OF SAID PARCEL No. 26A, SOUTH 00°23'24" EAST, 348.26 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL No. 26A, AND BEING COINCIDENT WITH THE NORTHWEST CORNER OF PARCEL No. 24 AS DESCRIBED AND CONVEYED AT RECEPTION No. _____;

THENCE ALONG THE NORTH LINE OF SAID PARCEL No. 24 AND CONTINUING ALONG THE NORTH LINE OF PARCEL No. 25 AS DESCRIBED AND CONVEYED AT RECEPTION No. 2007134180, SOUTH 85°42'49" EAST, 518.97 FEET TO THE NORTH LINE OF COLORADO STATE HIGHWAY 58;

THENCE ALONG SAID NORTH LINE OF SAID COLORADO STATE HIGHWAY 58 THE FOLLOWING FIVE (5) COURSES:

1. NORTH 80°04'22" EAST, 705.82 FEET TO A POINT;
2. NORTH 87°12'09" EAST, 300.46 FEET TO A POINT ON THE EAST LINE OF THE SAID SOUTHWEST QUARTER (SW ¼) OF SAID SECTION 19;
3. NORTH 00°22'44" WEST, 0.28 FEET TO A POINT;
4. SOUTH 76°20'55" EAST, 199.73 FEET TO A POINT;
5. NORTH 86°53'17" EAST, 36.69 FEET TO A POINT;

THENCE LEAVING SAID NORTH LINE, SOUTH 01°45'57" WEST, 250.95 FEET TO A POINT ON THE SOUTH LINE OF SAID COLORADO STATE HIGHWAY 58;

THENCE ALONG SAID SOUTH LINE THE FOLLOWING TWO (2) COURSES:

1. SOUTH 87°00'55" WEST, 949.49 FEET TO A POINT;
2. SOUTH 80°35'52" WEST, 231.36 FEET TO THE NORTHEAST CORNER OF THAT CERTAIN LAND AS DESCRIBED AND CONVEYED TO THE COLORADO DEPARTMENT OF TRANSPORTATION AT RECEPTION No. 2008011087;

THENCE THE BOUNDARY OF SAID CERTAIN LAND AS DESCRIBED AND CONVEYED TO THE COLORADO DEPARTMENT OF TRANSPORTATION THE FOLLOWING FIVE (5) COURSES:

1. SOUTH 63°00'12" WEST, 458.54 FEET TO A POINT;
2. SOUTH 74°18'51" WEST, 322.38 FEET TO A POINT;
3. NORTH 74°33'52" WEST, 239.61 FEET TO A POINT;
4. NORTH 86°15'04" WEST, 260.84 FEET TO A POINT;
5. NORTH 00°11'45" WEST, 14.08 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,436,802 SQUARE FEET OR 32.984 ACRES OF LAND, MORE OR LESS.

Section 2. Vested Property Rights. Approval of this zoning does not create a vested property right. Vested property rights may only arise and accrue pursuant to the provisions of Section 26-121 of the Code of Laws of the City of Wheat Ridge.

Section 3. Safety Clause. The City of Wheat Ridge hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 4. Severability. If any clause, sentence, paragraph, or part of this Zoning Code or the application thereof to any person or circumstances shall for any reason be adjusted by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 5. Supersession Clause. If any provision, requirements or standard established by this Ordinance is found to conflict with similar provisions, requirements or standards found elsewhere in the Code of Laws of the City of Wheat Ridge, which are in existence as of the date of adoption of this Ordinance, the provisions, requirements and standards here shall supersede and prevail.

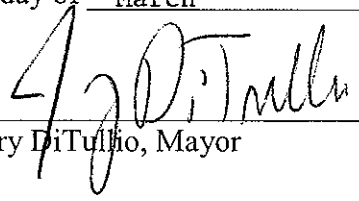
Section 6 . This Ordinance shall take effect 15 days after final publication.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 23rd day of February, 2009, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge and Public Hearing and consideration on final passage set for Monday, **March 23, 2009**, at 7:00 o'clock p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 7 to 0 , this 23rd day of March , 2009.


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SIGNED by the Mayor on this 23rd day of March , 2009.

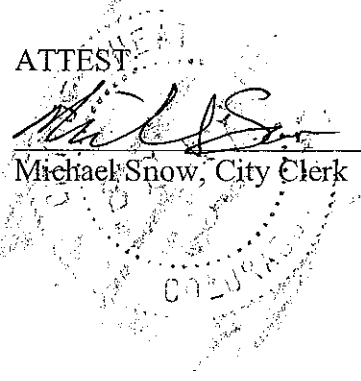


Jerry DiTullio, Mayor

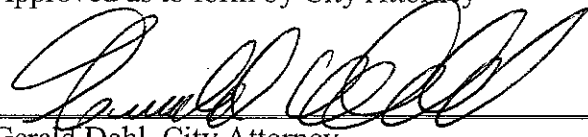
ATTEST



Michael Snow, City Clerk



Approved as to form by City Attorney



Gerald Dahl, City Attorney

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