

**TOWN OF SUPERIOR
ORDINANCE NO. 0-2
SERIES 2015**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE
TOWN OF SUPERIOR APPROVING THE ZONING OF
PROPERTY COMMONLY REFERRED TO AS PARCEL NO.
34REV X TO SUPERIOR TOWN CENTER PLANNED
DEVELOPMENT IN CASE #PD-ZDP-2015-1**

WHEREAS, RC Superior, LLC ("Applicant") is the owner of a parcel of property located in the Town of Superior that is generally described as Parcel No. 34Rev X and more particularly described in **Exhibit A** (the "Property");

WHEREAS, the Applicant has filed an application to have the Property zoned as Superior Town Center Planned Development;

WHEREAS, the Property is former Colorado Department of Transportation right-of-way along US Highway 36 that was annexed to the Town and acquired by the Applicant for inclusion in the Superior Town Center project;

WHEREAS, the Board of Trustees approved the annexation of the Property on November 24, 2014;

WHEREAS, inclusion of the Property in the Superior Town Center project was contemplated and approved in the Superior Town Center Planned Development Plan ("PD Plan") and the Property will be subject to the PD Plan in all respects;

WHEREAS, Section 16-7-30 of the Superior Municipal Code (the "Code") requires a public hearing and a decision by the Board of Trustees regarding the Application;

WHEREAS, the specific review criteria for zoning property as Planned Development are set forth in § 16-10-30(b) of the Code;

WHEREAS, on January 6, 2015, the Planning Commission held a properly noticed public hearing on the Application and recommended that the Board of Trustees approve the Application;

WHEREAS, on January 26, 2015, the Board of Trustees held a properly noticed public hearing on the Application; and

WHEREAS, the Board of Trustees, upon reviewing the recommendation of the Planning Commission, hearing the

statements of staff and the public, and giving due consideration to the matter, finds and determines as provided below.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR, COLORADO, as follows:

Section 1. The Board of Trustees hereby finds that the Application to zone the Property as Superior Town Center Planned Development meets all of the criteria set forth in the Code and is consistent with the Town of Superior Comprehensive Plan.

Section 2. The Board of Trustees hereby approves the Application and zones the Property as Superior Town Center Planned Development, subject to the following conditions:

a. Applicant shall make minor technical and redline corrections to plans as identified by Town Staff.

Section 3. Severability. 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 Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one or part or parts be declared unconstitutional or invalid.

Section 4. Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 26th day of January, 2015.



Clint Folsom, Mayor

ATTEST:



Phyllis L. Hardin, Town Clerk-Treasurer



EXHIBIT A

(Legal Description)

Parcel No. 34Rev X of the Department of Transportation, State of Colorado, Project Number NH 0361-103, Segment E, containing 74,122 square feet (1.702 Acres), more or less, lying in the NE 1/4 of Section 19, Township 1 South, Range 69 West of the 6th P.M., being a part of Parcel No. 34Rev delineated on Project No. T 170-1(0) and described in Book 878, Page 503, recorded December 15, 1950 in the Boulder County Clerk and Recorder's Office, being more particularly described as follows:

BEGINNING at the Center 1/4 Corner of said Section 19 (a found 3 1/4" Aluminum Cap Stamped "1996 T1S R69W C 1/4 SEC 19 24667"), whence the North 1/4 Corner of said Section 19 (a 3/4" Rebar with 3 1/4" Aluminum Cap Stamped "JACOBS T1S R69W S18 1/4 S19 2012 PLS 24961 in range box") bears North 00°02'40" West, a distance of 2647.41 feet;

THENCE North 00°02'40" West, coincident with the westerly line of the NE 1/4 of said Section 19, a distance of 463.47 feet;

THENCE South 45°06'17" East, a distance of 40.00 feet;

THENCE South 00°02'40" East parallel with said westerly line, a distance of 81.39 feet;

THENCE South 45°06'17" East, a distance of 491 .08 feet to the southerly line of the NE 1/4 of said Section 19;

THENCE South 88°53'49" West, coincident with said southerly line, a distance of 375.99 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 74,120 Square Feet or 1.702 Acres, more or less (\pm), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.