

TOWN OF SUPERIOR  
ORDINANCE NO. O-9  
SERIES 2020

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF  
SUPERIOR REZONING THE FORMER CENTURYLINK PROPERTY  
FROM PUD-RAC TO OS-N, OPEN SPACE (CASE NO. RZN-2020-  
03)

**WHEREAS**, the Town of Superior (the "Applicant") purchased certain property located in the Town of Superior, generally referred to as the former CenturyLink Property and more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference (the "Property");

**WHEREAS**, the Applicant filed an application (the "Application") to rezone the Property from Planned Unit Development with Regional Activity and Employment Center Designation (PUD-RAC) to Open Space and Natural Uses (OS-N);

**WHEREAS**, the specific requirements for rezoning are set forth in Sections 16-7-10 through 16-7-40 of the Code;

**WHEREAS**, Sections 16-7-30(a) of the Code requires a public hearing and recommendation by the Planning Commission for a rezoning request;

**WHEREAS**, on July 7, 2020, the Planning Commission held a properly-noticed public hearing on the Application recommending approval of the Application;

**WHEREAS**, Section 16-7-30(a) of the Code also requires a public hearing by the Board of Trustees prior to approval of a rezoning;

**WHEREAS**, on July 13, 2020, 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 ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR, COLORADO, as follows:

Section 1. The Board of Trustees hereby finds and determines that the Application satisfies the criteria for rezoning set forth in Sections 16-7-30 of the Code, in that the proposed rezoning furthers the goals and policies of the Comprehensive Plan and other approved plans and does not necessitate a Comprehensive Plan amendment.

Section 2. The Board of Trustees hereby rezones the Property from PUD-RAC to OS-N. The Town's zoning map shall be updated accordingly.

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 13<sup>th</sup> day of July, 2020.



Clint Folsom, Mayor

ATTEST



  
Phyllis L. Hardin, Town Clerk-Treasurer

**EXHIBIT A  
LEGAL DESCRIPTION**

The following described tracts of land situate and lying in the County of Jefferson and the County of Boulder, State of Colorado, to wit:

PARCEL 1:

A PARCEL OF LAND LOCATED IN THE NORTH HALF OF SECTION 6, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 6;  
THENCE SOUTH 89 DEGREES 21 MINUTES 24 SECONDS EAST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 6, 1545.81 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 00 DEGREES 26 MINUTES 15 SECONDS EAST, 187.28 FEET TO A POINT ON A CURVE; THENCE ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 1200.00 FEET, A CENTRAL ANGLE OF 35 DEGREES 14 MINUTES 59 SECONDS (THE CHORD OF WHICH BEARS SOUTH 20 DEGREES 36 MINUTES 01 SECONDS WEST, 726.68 FEET), 738.27 FEET TO A POINT ON A CURVE ON THE NORTHERLY RIGHT OF WAY LINE OF COLORADO STATE HIGHWAY NO. 128; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING SIX (6) COURSES:

1. THENCE ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 1973.67 FEET, A CENTRAL ANGLE OF 01 DEGREES 40 MINUTES 54 SECONDS (THE CHORD OF WHICH BEARS SOUTH 89 DEGREES 20 MINUTES 47 SECONDS EAST, 57.93 FEET), 57.93 FEET TO A POINT OF TANGENT;
2. THENCE SOUTH 88 DEGREES 30 MINUTES 20 SECONDS EAST ALONG SAID TANGENT, 209.52 FEET;
3. THENCE NORTH 89 DEGREES 20 MINUTES 40 SECONDS EAST, 144.16 FEET TO A POINT OF CURVE;
4. THENCE ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 1375.00 FEET, A CENTRAL ANGLE OF 20 DEGREES 11 MINUTES 40 SECONDS, 484.63 FEET TO A POINT OF TANGENT;
5. THENCE NORTH 69 DEGREES 09 MINUTES 00 SECONDS EAST ALONG SAID TANGENT, 1295.87 FEET TO A POINT OF CURVE;
6. THENCE ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 1179.50 FEET, A CENTRAL ANGLE OF 02 DEGREES 06 MINUTES 15 SECONDS, 43.32 FEET;

THENCE NORTH 10 DEGREES 53 MINUTES 01 SECONDS WEST, 200.53 FEET;  
THENCE NORTH 23 DEGREES 02 MINUTES 53 SECONDS EAST, 114.01 FEET TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 6;  
THENCE SOUTH 89 DEGREES 23 MINUTES 12 SECONDS WEST ALONG SAID LINE, 771.89 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 6;  
THENCE NORTH 89 DEGREES 21 MINUTES 24 SECONDS WEST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 6, 1117.70 FEET TO THE POINT OF BEGINNING,  
COUNTY OF JEFFERSON, STATE OF COLORADO.

PARCEL 2:

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 6;  
THENCE SOUTH 89 DEGREES 23 MINUTES 12 SECONDS WEST ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 6, 1143.48 FEET;  
THENCE SOUTH 10 DEGREES 53 MINUTES 01 SECONDS EAST, 243.30 FEET TO A POINT ON A CURVE ON THE NORTHERLY RIGHT OF WAY LINE OF COLORADO STATE HIGHWAY NO. 128;  
THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING THREE (3) COURSES:

1. THENCE ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 1405.30 FEET, A CENTRAL ANGLE OF 11 DEGREES 41 MINUTES 18 SECONDS (THE CHORD OF WHICH BEARS NORTH 79 DEGREES 23 MINUTES 39 SECONDS EAST, 286.18 FEET), 286.68 FEET TO A POINT OF TANGENT;
2. THENCE NORTH 73 DEGREES 33 MINUTES 00 SECONDS EAST ALONG SAID TANGENT 333.30 FEET TO A POINT OF CURVE;
3. THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 2851.80 FEET, A CENTRAL ANGLE OF 10 DEGREES 11 MINUTES 11 SECONDS, 507.01 FEET TO THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 6;  
THENCE NORTH 01 DEGREES 10 MINUTES 21 SECONDS EAST ALONG SAID LINE, 4.40 FEET TO THE POINT OF BEGINNING,  
COUNTY OF JEFFERSON, STATE OF COLORADO.

PARCEL 3:

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF SECTION 31, TOWNSHIP 1 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 31;  
THENCE SOUTH 89 DEGREES 21 MINUTES 24 SECONDS EAST ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 31 1672.34 FEET TO THE POINT OF BEGINNING;  
THENCE CONTINUING SOUTH 89 DEGREES 21 MINUTES 24 SECONDS EAST ALONG SAID LINE, 991.17 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 31;  
THENCE NORTH 89 DEGREES 23 MINUTES 12 SECONDS EAST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 31, 771.89 FEET;  
THENCE NORTH 23 DEGREES 02 MINUTES 58 SECONDS EAST, 1436.68 FEET TO A POINT ON A CURVE;  
THENCE ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 1480.00 FEET, A CENTRAL ANGLE OF 32 DEGREES 44 MINUTES 19 SECONDS (THE CHORD OF WHICH BEARS SOUTH 86 DEGREES 33 MINUTES 14 SECONDS WEST, 834.21 FEET), 845.66 FEET TO THE NORTHEASTERLY CORNER OF THAT PARCEL DESCRIBED AT RECEPTION NO. 1755560 OF THE BOULDER COUNTY RECORDS;

THENCE ALONG THE EASTERLY, SOUTHERLY AND WESTERLY LINES OF SAID PARCEL THE FOLLOWING EIGHT (8) COURSES;

1. THENCE SOUTH 19 DEGREES 48 MINUTES 56 SECONDS EAST, 30.00 FEET TO A POINT ON A CURVE;
2. THENCE ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 1450.00 FEET, A CENTRAL ANGLE OF 06 DEGREES 26 MINUTES 25 SECONDS (THE CHORD BEARS SOUTH 66 DEGREES 57 MINUTES 52 SECONDS WEST, 162.90 FEET), 162.99 FEET TO A POINT OF COMPOUND CURVE;
3. THENCE ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 3739.90 FEET, A CENTRAL ANGLE OF 05 DEGREES 55 MINUTES 29 SECONDS (THE CHORD OF WHICH BEARS SOUTH 60 DEGREES 46 MINUTES 55 SECONDS WEST, 386.56 FEET), 386.73 FEET;
4. THENCE SOUTH 56 DEGREES 27 MINUTES 33 SECONDS EAST, 239.91 FEET;
5. THENCE SOUTH 31 DEGREES 22 MINUTES 46 SECONDS WEST, 474.66 FEET;
6. THENCE NORTH 56 DEGREES 27 MINUTES 33 SECONDS WEST, 88.00 FEET;
7. THENCE NORTH 40 DEGREES 59 MINUTES 36 SECONDS WEST, 153.00 FEET;
8. THENCE NORTH 01 DEGREES 45 MINUTES 51 SECONDS EAST, 266.61 FEET TO A POINT ON A CURVE;

THENCE ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 3769.90 FEET, A CENTRAL ANGLE OF 16 DEGREES 06 MINUTES 42 SECONDS (THE CHORD OF WHICH BEARS SOUTH 46 DEGREES 09 MINUTES 27 SECONDS WEST, 1056.61 FEET), 1060.10 FEET TO A POINT ON CURVE;

THENCE ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 360.00 FEET, A CENTRAL ANGLE OF 06 DEGREES 21 MINUTES 59 SECONDS (THE CHORD OF WHICH BEARS SOUTH 25 DEGREES 46 MINUTES 36 SECONDS EAST, 39.98 FEET), 40.00 FEET TO A POINT ON A CURVE;

THENCE ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 1500.00 FEET, A CENTRAL ANGLE OF 04 DEGREES 51 MINUTES 52 SECONDS (THE CHORD OF WHICH BEARS SOUTH 27 DEGREES 13 MINUTES 38 SECONDS WEST, 127.32 FEET), 127.35 FEET TO THE POINT OF BEGINNING.  
COUNTY OF BOULDER, STATE OF COLORADO.

PARCEL 4:

A PARCEL OF LAND LOCATED IN THE EAST HALF OF SECTION 31, TOWNSHIP 1 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 31;  
THENCE SOUTH 89 DEGREES 23 MINUTES 12 SECONDS WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 31, 1143.48 FEET;  
THENCE NORTH 10 DEGREES 53 MINUTES 01 SECONDS WEST, 12.69 FEET;  
THENCE NORTH 06 DEGREES 16 MINUTES 21 SECONDS EAST, 964.05 FEET TO A POINT ON A CURVE;  
THENCE ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 3669.72 FEET, A CENTRAL ANGLE OF 12 DEGREES

15 MINUTES 33 SECONDS (THE CHORD OF WHICH BEARS NORTH 25 DEGREES 37 MINUTES 55 SECONDS EAST, 783.69 FEET), 785.18 FEET TO A POINT OF TANGENT;  
THENCE NORTH 31 DEGREES 45 MINUTES 41 SECONDS EAST ALONG SAID TANGENT, 1359.50 FEET TO THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 31;  
THENCE SOUTH 00 DEGREES 17 MINUTES 48 SECONDS WEST ALONG SAID LINE, 138.00 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 31;  
THENCE SOUTH 00 DEGREES 17 MINUTES 13 SECONDS WEST ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 31, 2683.02 FEET TO THE POINT OF BEGINNING,  
COUNTY OF BOULDER, STATE OF COLORADO.

PARCEL 5:

A PARCEL OF LAND LOCATED IN THE NORTHWEST ONE-QUARTER OF SECTION 6, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN AND IN THE NORTHEAST ONE-QUARTER OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHWEST CORNER OF SAID SECTION 6;  
THENCE SOUTH 89 DEGREES 21 MINUTES 24 SECONDS EAST ALONG THE NORTH LINE OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 6, A DISTANCE OF 50.38 FEET TO THE POINT OF BEGINNING;  
THENCE SOUTH 89 DEGREES 21 MINUTES 24 SECONDS EAST CONTINUING ALONG THE NORTH LINE OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 6, A DISTANCE OF 1495.43 FEET;  
THENCE SOUTH 00 DEGREES 26 MINUTES 15 SECONDS EAST, A DISTANCE OF 187.28 FEET TO A POINT OF CURVATURE;  
THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 35 DEGREES 14 MINUTES 59 SECONDS, A RADIUS OF 1200.00 FEET, A DISTANCE OF 738.27 FEET TO A POINT ON A CURVE ON THE NORTH RIGHT OF WAY OF COLORADO STATE HIGHWAY NO. 128;  
THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 20 DEGREES 30 MINUTES 10 SECONDS, A RADIUS OF 1973.67 FEET, A CHORD BEARING OF SOUTH 79 DEGREES 33 MINUTES 41 SECONDS WEST, A CHORD LENGTH OF 702.50 FEET, A DISTANCE OF 706.26 FEET TO A POINT OF TANGENCY;  
THENCE SOUTH 69 DEGREES 18 MINUTES 36 SECONDS WEST, A DISTANCE OF 632.01 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 6;  
THENCE NORTH 00 DEGREES 26 MINUTES 00 SECONDS WEST ALONG THE WEST LINE OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 6, A DISTANCE OF 146.46 FEET;  
THENCE SOUTH 69 DEGREES 35 MINUTES 49 SECONDS WEST, A DISTANCE OF 842.74 FEET TO A POINT ON A CURVE ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF McCASLIN BOULEVARD;

THENCE THE FOLLOWING THREE (3) COURSES ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE OF McCASLIN BOULEVARD;

1. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 28 DEGREES 09 MINUTES 35 SECONDS, A RADIUS OF 2141.83 FEET, A CHORD BEARING OF NORTH 27 DEGREES 04 MINUTES 00 SECONDS EAST, A CHORD LENGTH OF 1042.10 FEET, A DISTANCE OF 1052.67 FEET TO A POINT OF TANGENCY;
2. NORTH 41 DEGREES 08 MINUTES 53 SECONDS EAST, A DISTANCE OF 468.38 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 6;
3. NORTH 26 DEGREES 02 MINUTES 10 SECONDS EAST, A DISTANCE OF 113.01 FEET TO THE POINT OF BEGINNING, COUNTY OF JEFFERSON, STATE OF COLORADO.

PARCEL 6:

A PARCEL OF LAND LOCATED IN THE EAST HALF OF SECTION 31, TOWNSHIP 1 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, AND THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 31;  
THENCE SOUTH 89 DEGREES 23 MINUTES 12 SECONDS WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 31, 1143.48 FEET TO THE POINT OF BEGINNING;  
THENCE SOUTH 10 DEGREES 53 MINUTES 01 SECONDS EAST, 243.30 FEET TO A POINT ON A CURVE ON THE NORTHERLY RIGHT OF WAY LINE OF COLORADO STATE HIGHWAY NO. 128;  
THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING THREE (3) COURSES:

1. THENCE ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 1405.30 FEET, A CENTRAL ANGLE OF 04 DEGREES 07 MINUTES 42 SECONDS (THE CHORD OF WHICH BEARS SOUTH 87 DEGREES 18 MINUTES 09 SECONDS WEST, 101.23 FEET), 101.26 FEET TO A POINT OF TANGENT;

2. THENCE SOUTH 89 DEGREES 22 MINUTES 00 SECONDS WEST ALONG SAID TANGENT, 232.27 FEET TO A POINT OF CURVE;  
3. THENCE ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 1179.50 FEET, A CENTRAL ANGLE OF 18 DEGREES 06 MINUTES 45 SECONDS, 372.87 FEET;

THENCE NORTH 10 DEGREES 53 MINUTES 01 SECONDS WEST, 200.53 FEET;  
THENCE NORTH 23 DEGREES 02 MINUTES 53 SECONDS EAST, 1534.06 FEET TO A POINT OF CURVE;  
THENCE ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 3969.72 FEET, A CENTRAL ANGLE OF 00 DEGREES 14 MINUTES 24 SECONDS (THE CHORD OF WHICH BEARS NORTH 23 DEGREES 10 MINUTES 04 SECONDS EAST, 16.62 FEET), 16.62 FEET TO A POINT ON A CURVE ON THE SOUTH BOUNDARY OF ROCK CREEK RANCH FILING NO. 21;  
THENCE ALONG SAID BOUNDARY AND ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 1480.00 FEET, A CENTRAL ANGLE OF 11 DEGREES 40 MINUTES 25 SECONDS (THE CHORD OF WHICH BEARS SOUTH 71 DEGREES 14 MINUTES 25 SECONDS EAST, 301.02 FEET), 301.54 FEET TO A POINT ON A CURVE;  
THENCE ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 3669.72 FEET, A CENTRAL ANGLE OF 04 DEGREES 09 MINUTES 24 SECONDS (THE CHORD OF WHICH BEARS SOUTH 21 DEGREES 34 MINUTES 50 SECONDS WEST, 266.17 FEET), 266.23 FEET;  
THENCE SOUTH 06 DEGREES 16 MINUTES 21 SECONDS WEST, 964.05 FEET;  
THENCE SOUTH 10 DEGREES 53 MINUTES 01 SECONDS EAST, 12.69 FEET TO THE POINT OF BEGINNING,  
COUNTY OF BOULDER, STATE OF COLORADO.