



ORDINANCE NO. 3.105

AN ORDINANCE REZONING CERTAIN PROPERTY AND AMENDING THE ZONING DISTRICT MAP OF THE TOWN OF LARKSPUR, COLORADO (TRAILHEAD REZONING)

WHEREAS, the Town of Larkspur (“the Applicant”) is the owner of certain real property described on Exhibit A attached hereto and incorporated herein by reference, (“the Property”); and

WHEREAS, the Applicant has filed an application seeking to rezone the Property from Industrial to Open Space; and

WHEREAS, following proper notice and referral of the matter to the required agencies for comment, on December 6, 2010, the Larkspur Planning Commission conducted a public hearing on the application, and based on the application and the matters presented at the hearing, the Planning Commission recommended approval of the application without conditions, and

WHEREAS, following proper notice, on December 16, 2010, the Larkspur Town Council conducted a public hearing on the application.

FINDINGS

Based on the materials submitted by the Applicant, the Planning Commission’s recommendation and the matters presented at the public hearing, the Town Council finds as follows:

1. The requested rezoning is consistent with the current use of the Property;
2. The requested rezoning is consistent with the zoning and land uses adjacent to the Property;
3. The requested rezoning is consistent with the Larkspur Master Plan; and
4. The requested rezoning will not alter the wastewater treatment requirements, water source, fire protection or other utilities or services as they relate to the Property.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LARKSPUR, COLORADO AS FOLLOWS:

1. The real property described on Exhibit A attached hereto and incorporated herein by

reference is hereby rezoned from Industrial to Open Space, upon the effective date of this Ordinance.


2. The Town Clerk is hereby directed to amend the Town zoning map to reflect this rezoning.
3. The Town Clerk is directed to record this Ordinance with the Clerk and Recorder of Douglas County within 30 days of the effective date of this Ordinance.
4. 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 Town Council hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.
5. Repeal. Existing ordinances or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

INTRODUCED, PASSED, AND ADOPTED AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF LARKSPUR AFTER PUBLIC HEARING AND SIGNED THIS 16TH DAY OF DECEMBER, 2010.

(SEAL)



ATTEST:


Manfred Krimmer
Town Clerk

Votes Approving:	<u>6</u>
Votes Opposed:	<u>0</u>
Absent:	<u>1</u>
Abstained:	<u>0</u>

**TOWN COUNCIL OF THE
TOWN OF LARKSPUR, COLORADO**

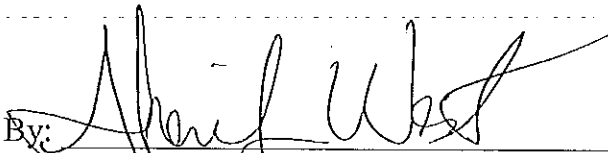
By: 
Sherilya West
Mayor

EXHIBIT "A"
TRAILHEAD REZONING
LEGAL DESCRIPTION

A parcel of land located in the Northwest $\frac{1}{4}$ of Section 34, Township 9 South, Range 67 West of the 6th Principal Meridian, Town of Larkspur, County of Douglas, State of Colorado, more particularly described as follows:

Commencing at the Southwest corner of Lot 2C, of the Garcilaso subdivision, first amendment, recorded in the Douglas County Clerks office under reception number 2004131464, said point being the point of beginning;

Thence North 87 degrees 16 minutes 11 seconds West a distance of 94.59 feet, to a point on the Easterly right of way line of the Denver & Rio Grand Western railroad;

Thence 23 degrees 24 minutes 24 seconds East, and along said Easterly right of way line of the Denver & Rio Grand Western railroad, a distance of 289.02 feet;

Thence South 72 degrees 26 minutes 41 seconds East, and departing said Easterly right of way line, and along the Westerly lot line of said Lot 2C, a distance of 93.71 feet;

Thence South 24 degrees 25 minutes 41 seconds West, and continuing along said Westerly lot line, a distance of 265.22 feet, to the point of beginning, containing 0.577 acres.