

PROOF OF PUBLICATION

STATE OF COLORADO)
)
COUNTY OF EAGLE)

I, Jenny Rakow, Town Clerk for the Town of Eagle, do solemnly swear and affirm that I published in full a true and correct copy of "ORDINANCE 05, SERIES 2023 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO, REZONING THE PROPERTY FORMERLY KNOWN AS EAGLE RIVER STATION FROM RESOURCE (R) TO COMMERCIAL GENERAL EAST (CGE)" on the Town of Eagle's web site, www.townofeagle.org, on the 15th day of March 2023.

Witness my hand and seal this 15th day of March 2023.

Jenny Rakow
Town
Clerk



Ordinance Effective Date:

March 26, 2023

TOWN OF EAGLE, COLORADO
ORDINANCE NO. 05
(Series of 2023)

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO,
REZONING THE PROPERTY FORMERLY KNOWN AS EAGLE RIVER STATION FROM
RESOURCE (R) TO COMMERCIAL GENERAL EAST (CGE)**

WHEREAS, Eagle Meadows Colorado LLC is the owner of certain real property formerly known as Eagle River Station, and more particularly described in the **Exhibit A**, attached hereto and incorporated herein by this reference (the "Property");

WHEREAS, on December 21, 2022, Scot Hunn, on behalf of Eagle Meadows Colorado LLC (the "Applicant"), submitted an application to rezone the Property from Resource (R) to Commercial General East (CGE);

WHEREAS, on February 21, 2023, the Planning and Zoning Commission held a properly-noticed public hearing on the Application and recommended that the Town Council approve the Application;

WHEREAS, on March 14, 2023, the Town Council held a properly-noticed public hearing on the Application; and

WHEREAS, the Town Council, upon reviewing the recommendation of the Planning and Zoning Commission, hearing the statements of staff and the public, and giving due consideration to the matter, determines as provided below.

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

Section 1. Findings. The Town Council finds that the Application satisfies all applicable criteria in the Eagle Municipal Code.

Section 2. Decision. Based on the foregoing findings, the Town Council hereby rezones the Property from Resource (R) to Commercial General East (CGE). The Town's official 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 Town Council 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 public health, safety and welfare.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED ON MARCH 14, 2023.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk



Exhibit A

PARCEL 1:

EAGLE RIVER STATION ANNEXATION 1

A PARCEL OF LAND LOCATED WITHIN TRACTS 59, 60, 61 AND 62, SECTIONS 27, 28, 33 AND 34, TOWNSHIP 4 SOUTH, RANGE 84 WEST OF THE SIXTH PRINCIPAL MERIDIAN, ACCORDING TO THE SUPPLEMENTAL PLAT OF THE INDEPENDENT RESURVEY THEREOF ACCEPTED IN THE U.S. SURVEYOR GENERAL'S OFFICE, JUNE 20, 1922, EAGLE COUNTY COLORADO, WITH THE BEARINGS DESCRIBED HEREON BASED ON A BEARING OF N00°37'32"W FOR THE WEST LINE OF SAID TRACT 59 BETWEEN CORNER NO. 4 BEING A 2 1/2" ALUMINUM CAP ON 2 1/4" ALUMINUM PIPE, PE/PLS NO. 23089, FOUND IN PLACE AND CORNER NO. 5 BEING A 2 1/2" GLO BRASS CAP ON 1" IRON PIPE, FOUND IN PLACE, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT SAID CORNER NO. 4 OF TRACT 59 ALSO BEING CORNER NO. 3 OF SAID TRACT 60, CORNER NO. 4 OF SAID TRACT 61 AND THE NORTHEAST CORNER OF EAGLE VALLEY COMMERCIAL PARK, FILING NO. 2, ACCORDING TO THE FINAL PLAT THEREOF RECORDED IN BOOK 702 AT PAGE 365 AT THE EAGLE COUNTY CLERK AND RECORDER'S OFFICE, EAGLE, COLORADO; THENCE ALONG THE SOUTH LINE OF SAID TRACT 61 ALSO BEING THE NORTHEASTERLY LINE OF SAID EAGLE VALLEY COMMERCIAL PARK, FILING NO. 2, S89°05'16"W, 390.68 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 70; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

- 1) N60°24'00"E, 2611.72 FEET;
- 2) N69°50'12"E, 143.40 FEET;

THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LINE S24°14'54"W, 1628.00 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF UNION PACIFIC RAILROAD, BEING 50.00 FEET FROM THE CENTER OF THE EXISTING TRACKS; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY S59°13'37"W, 1554.84 FEET TO THE SOUTHEASTERLY CORNER OF SAID EAGLE VALLEY COMMERCIAL PARK, FILING NO. 2 ALSO BEING A POINT ON THE 4 - 5 LINE OF SAID TRACT 59; THENCE ALONG SAID 4 - 5 LINE ALSO BEING THE EASTERN LINE OF SAID EAGLE VALLEY COMMERCIAL PARK, FILING NO. 2 N00°37'32"W, 946.69 FEET TO THE POINT OF BEGINNING, COUNTY OF EAGLE, STATE OF COLORADO.

AND

PARCEL 2:

EAGLE RIVER STATION ANNEXATION 2

A PARCEL OF LAND LOCATED WITHIN TRACTS 58, 59, 60 AND 62, SECTIONS 27 AND 34, TOWNSHIP 4 SOUTH, RANGE 84 WEST OF THE SIXTH PRINCIPAL MERIDIAN, ACCORDING TO THE SUPPLEMENTAL PLAT OF THE INDEPENDENT RESURVEY THEREOF ACCEPTED IN THE U.S. SURVEYOR GENERAL'S OFFICE, JUNE 20, 1922, EAGLE COUNTY, COLORADO, WITH THE BEARINGS DESCRIBED HEREON BASED ON A BEARING OF N00°37'32"W FOR THE WEST LINE OF SAID TRACT 59 BETWEEN CORNER NO. 4 BEING A 2 1/2" ALUMINUM CAP ON 2 1/4" ALUMINUM PIPE, PE/PLS NO. 23089, FOUND IN PLACE AND CORNER NO. 5 BEING A 2 1/2" GLO BRASS CAP ON 1" IRON PIPE, FOUND IN PLACE, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 70 FROM WHICH SAID CORNER NO. 4 OF TRACT 59 ALSO BEING CORNER NO. 3 OF SAID TRACT 60, CORNER NO. 4 OF SAID TRACT 61 AND THE NORTHEAST CORNER OF EAGLE VALLEY COMMERCIAL PARK, FILING NO. 2, ACCORDING TO THE FINAL PLAT THEREOF RECORDED IN BOOK 702 AT PAGE 365 AT THE EAGLE COUNTY CLERK AND RECORDER'S OFFICE, EAGLE, COLORADO, BEARS S56°30'26"W, 2416.03 FEET; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 70 THE FOLLOWING FIVE (5) COURSES:

- (1) N69°50'12"E, 143.40 FEET;
- (2) ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A LENGTH OF 1013.48 FEET, A RADIUS OF 5579.60 FEET, A TANGENT OF 508.14 FEET, A DELTA OF 10°24'26" AND A CHORD OF 1012.09 FEET THAT BEARS N68°28'52"E;
- (3) N75°42'18"E, 333.13 FEET;
- (4) N69°59'51"E, 319.78 FEET;
- (5) N76°25'05"E, 926.49 FEET;

THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY S67°31'26"W, 1092.56 FEET TO A POINT ON THE EAST LINE OF LOT 2 OF THE RED MOUNTAIN RANCH EXEMPTION AS DESCRIBED ON THE PLAT THEREOF RECORDED IN BOOK 372 AT PAGE 753 AT SAID CLERK AND RECORDER'S OFFICE; THENCE ALONG SAID EAST LINE S26°52'08"E, 501.89 FEET; THENCE DEPARTING SAID EAST LINE S69°57'11"E, 190.49 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD, BEING 50.00 FEET FROM THE CENTER OF THE EXISTING TRACKS; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY THE FOLLOWING TWO (2) COURSES:

1) S63°04'44"W, 2197.11 FEET;

2) ALONG A CURVE TO THE LEFT HAVING A LENGTH OF 806.00 FEET, A RADIUS OF 11988.63 FEET A TANGENT OF 403.15 FEET, A DELTA OF 3°51'07" AND A CHORD OF 805.85 FEET THAT BEARS S61°09'11"W;

THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY N24°14'54"E, 1628.00 FEET TO THE POINT OF BEGINNING, COUNTY OF EAGLE, STATE OF COLORADO.

THE FOREGOING PARCEL 2 INCLUDES LOTS 1 AND 2, RED MOUNTAIN RANCH EXEMPTION, ACCORDING TO THE PLAT RECORDED NOVEMBER 14, 1983 IN BOOK 372 AT PAGE 753, COUNTY OF EAGLE, STATE OF COLORADO AND THE FOREGOING CONVEYANCE INCLUDES LOTS 1 AND 2, RED MOUNTAIN RANCH EXEMPTION, ACCORDING TO THE PLAT RECORDED NOVEMBER 14, 1983 IN BOOK 372 AT PAGE 753, COUNTY OF EAGLE, STATE OF COLORADO.

PARCEL 1 AND PARCEL 2 ABOVE ARE ALSO COLLECTIVELY DESCRIBED AS FOLLOWS, WITH THE UNDERSTANDING THAT IT IS NOT THE INTENT OF GRANTOR TO CREATE A LEGAL PARCEL OF REAL ESTATE BY VIRTUE OF INCLUDING SUCH DESCRIPTION, AND NO SUCH PARCEL IS HEREBY CREATED:

A PARCEL OF LAND WITHIN TRACTS 58, 59, 60, 61 AND 62, SECTIONS 27, 28, 33 AND 34, TOWNSHIP 4 SOUTH, RANGE 84 WEST OF THE SIXTH PRINCIPAL MERIDIAN, ACCORDING TO THE SUPPLEMENTAL PLAT OF THE INDEPENDENT RESURVEY THEREOF ACCEPTED IN THE U.S. SURVEYOR GENERAL'S OFFICE, JUNE 20, 1922, EAGLE COUNTY, COLORADO, WITH THE BEARINGS DESCRIBED HEREON BASED ON A BEARING OF N00°37'32"W FOR THE WEST LINE OF SAID TRACT 59 BETWEEN CORNER NO. 4 BEING A 2 1/2" ALUMINUM CAP ON 2 1/4" ALUMINUM PIPE, PE/PLS NO. 23089, FOUND IN PLACE AND CORNER NO. 5 BEING A 2 1/2" GLO BRASS CAP ON 1" IRON PIPE, FOUND IN PLACE, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT SAID CORNER NO. 4 OF TRACT 59 ALSO BEING CORNER NO. 3 OF SAID TRACT 60, CORNER NO. 4 OF SAID TRACT 61 AND THE NORTHEAST CORNER OF EAGLE VALLEY COMMERCIAL PARK, FILING NO. 2, ACCORDING TO THE FINAL PLAT THEREOF RECORDED IN BOOK 702 AT PAGE 365 AT THE EAGLE COUNTY CLERK AND RECORDER'S OFFICE, EAGLE, COLORADO; THENCE ALONG THE SOUTH LINE OF SAID TRACT 61 ALSO BEING THE NORTHEASTERLY LINE OF SAID EAGLE VALLEY COMMERCIAL PARK, FILING NO. 2, S89°05'16"W, 390.68 FEET TO POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 70; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING SIX (6) COURSES:

1) N60°24'00"E, 2611.72 FEET;

2) N69°50'12"E, 286.80 FEET;

3) ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A LENGTH OF 1013.48 FEET, A RADIUS OF 5579.60 FEET, A TANGENT OF 508.14 FEET, A DELTA OF 10°24'26" AND A CHORD OF 1012.09 FEET THAT BEARS N68°28'52"E;

4) N75°42'18"E, 333.13 FEET;

5) N69°59'51"E, 319.78 FEET;

6) N76°25'05"E, 926.49 FEET;

THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY S67°31'26"W, 1092.56 FEET TO A POINT ON THE EAST LINE OF LOT 2 OF THE RED MOUNTAIN RANCH EXEMPTION AS DESCRIBED ON THE PLAT THEREOF RECORDED IN BOOK 372 AT PAGE 753 AT SAID CLERK AND RECORDER'S OFFICE; THENCE ALONG SAID EAST LINE S26°52'08"E, 501.89 FEET; THENCE DEPARTING SAID EAST LINE S69°57'11"E, 190.49 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD, BEING 50.00 FEET FROM THE CENTER OF THE EXISTING TRACKS; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING THREE (3) COURSES:

1) S63°04'44"W, 2197.11 FEET;

2) ALONG A CURVE TO THE LEFT HAVING A LENGTH OF 806.00 FEET, A RADIUS OF 11988.63 FEET, A TANGENT OF 403.15 FEET, A DELTA OF 3°51'07" AND A CHORD OF 805.85 FEET THAT BEARS S61°09'11"W;

3) S59°13'37"W, 1554.84 FEET

TO THE SOUTHEASTERLY CORNER OF SAID EAGLE VALLEY COMMERCIAL PARK, FILING NO. 2 ALSO BEING A POINT ON THE 4 - 5 LINE OF SAID TRACT 59; THENCE ALONG SAID 4 - 5 LINE ALSO BEING THE EASTERLY LINE OF SAID EAGLE VALLEY COMMERCIAL PARK, FILING NO. 2 N00°37'32"W, 946.69 FEET TO THE POINT OF BEGINNING, COUNTY OF EAGLE, STATE OF COLORADO.