

ORDINANCE NO. 661-11

AN ORDINANCE AMENDING THE ZONING DESIGNATION OF CERTAIN PROPERTY WITHIN THE TOWN OF FOWLER AND FURTHER MODIFYING THE ZONING MAP FOR THE TOWN OF FOWLER.

WHEREAS, certain property more particularly described below is located within the municipal limits of the Town of Fowler; and

WHEREAS, the above-described property was designated on the Town of Fowler Zoning Map as “D Business and Commercial District”; and

WHEREAS, the Town desires to modify, amend, and change the zoning designation from “D Business and Commercial District” to “M Modular Homes District” zone for the purposes of additional placement of modular homes pursuant to the rules and regulations set forth in the Fowler Municipal Code chapter 17.33; and

WHEREAS, the matter of re-zoning this property and amending the zoning map was considered by the Board of Trustees at a public hearing scheduled for that purpose pursuant to notice; and

WHEREAS, it has been determined by the Board of Trustees of the Town of Fowler that it would be in the best interest of the Town of Fowler to modify, amend and change the zoning designation of this property to a modular homes district and use, and to modify the zoning map to reflect the same.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FOWLER, COLORADO, as follows:

1. That the zoning designation of the property more particularly described as follows:

A tract of land in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ and in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 16, Twp. 22 S., Rg. 59 W. of the 6th P.M. bounded and described as follows, to-wit:

Beginning at the Northeast corner of the transformer station of the Southern Colorado Power company (now known as West Plains energy), 100 feet Southerly from and at right angles to the centerline of the main track of the A.T.& S.F. railway; thence Easterly on a line 100 feet Southerly from and parallel to the said center of said Railroad for a distance of 491 feet, more or less, to a point in the East line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 16; thence South along the East line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the East line of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Sec. 16 a distance of

227.2 feet to a point in the North line of the right of way of the Colorado State Highway No. 50 originally known as the Santa Fe Trail; thence Westerly along said North line of said Highway a distance of 483 feet, more or less, to a point in said Highway North line; thence North 328.5 feet to the point of beginning. Containing three acres and 4,290.2 square feet. **EXCEPT** a parcel of land previously deeded to the Colorado interstate Gas Company, a Delaware corporation, and being recorded on November 25, 1931, in Book 325, Page 273 of the Otero County, Colorado, records, being more particularly described as follows: Commencing at a point 824 feet East of the West line of Sec. 16, Twp. 22 S., Rg. 59 W. of the 6th P.M. and 1,476.3 feet North from the South line of said Sec. 16, which point is the Northeast corner of the transformer station of the Southern Colorado Power Company (now known as West Plains Energy), and which is the true place of beginning; thence due South 27.5 feet; thence due East 32 feet; thence due North 22.5 feet) thence North 81°0' W. on a line 100 feet Southerly from and parallel to the said centerline of the A.T.&S.F. Railway, a distance of 32.3 feet to the place of beginning.

Commonly known as the Fowler R.V. Park, Fowler, CO
81039

shall be designated as a Modular Homes District for zoning purposes within the Town of Fowler, and further subject to all of the provisions and restrictions of the Town of Fowler Zoning Ordinance.

2. That the Town of Fowler Zoning Map shall hereby be amended to reflect this amendment and change of zoning designation, and hereinafter show and designate the above-described property as a Modular Homes zoned district.
3. That the Board of Trustees has determined that an emergency exists in that the owner of the property desires to implement the zoning designation immediately, and that it shall be in full force and effect upon final publication as provided by law.

INTRODUCED, READ IN FULL, PASSED, ADOPTED, APPROVED AND ORDERED PUBLISHED this 11th day of April 2011.

Patrick Christensen, Jr.
Mayor

ATTEST:

Shawn Pagnotta
Town Clerk