

ORDINANCE NO. 131, 2016
OF THE COUNCIL OF THE CITY OF FORT COLLINS
DECLARING CERTAIN CITY-OWNED PROPERTY AS
ROAD RIGHT-OF-WAY FOR TIMBERLINE ROAD

WHEREAS, the City owns certain parcels of property located at the southwest corner of Timberline Road and Prospect Road identified by the Larimer County Assessor as parcel numbers 87191-00-928, 87191-00-918, 87191-00-917, (the "City Property"); and

WHEREAS, on January 7, 2014 the City Council adopted on second reading Ordinance No. 181, 2013, declaring a portion of the City Property as road right-of-way; and

WHEREAS, as part of the process of constructing the ultimate road improvements for the Timberline Road and Prospect Road intersection as contemplated by the Building on Basics ballot language, the City needs to use an additional portion of the City Property for the new road improvements; and

WHEREAS, in order to establish a public record that a portion of the City Property, described as Tract B, Community Recycle Center Subdivision, is intended for use by the City as right-of-way and related improvements, including without limitation public utilities, pedestrian, transit and bicycle access and improvements, landscaping, and such other related purposes as may now or in the future be determined appropriate, staff recommends that the City Council declare such property to be right-of-way; and

WHEREAS, converting property owned by the City in fee simple to right-of-way constitutes a conveyance of an interest in the property, as doing so creates certain public rights in the property that would not otherwise exist on City-owned property; and

WHEREAS, Section 23-111(a) of the City Code authorizes the City Council to sell, convey or otherwise dispose of any interests in real property owned by the City, provided the City Council first finds by ordinance, that such sale or other disposition is in the best interest of the City.

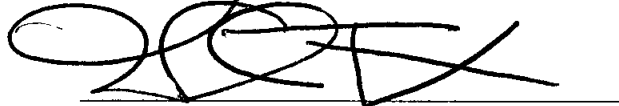
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby declares that Tract B, Community Recycle Center Subdivision shall constitute right-of-way for Timberline Road and related improvements, including without limitation public utilities, pedestrian, transit and bicycle access and improvements, landscaping, and such other related purposes as may now or in the future be determined appropriate, and hereby finds that such declaration is in the best interest of the City.

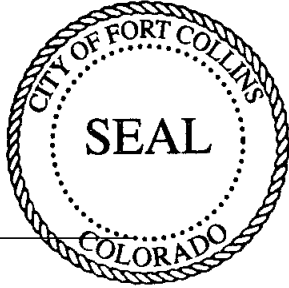
Section 3. That the City Clerk shall cause this Ordinance to be recorded in the real property records of the Larimer County Clerk and Recorder's office once the Ordinance becomes effective in accordance with Article II Section 7 of the City Charter.

Introduced, considered favorably on first reading, and ordered published this 15th day of November, A.D. 2016, and to be presented for final passage on the 6th day of December, A.D. 2016.



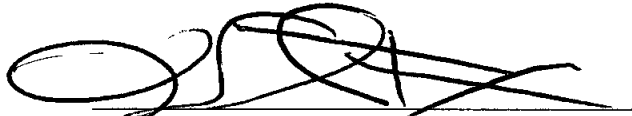
Mayor

ATTEST:



Rita R. Kroll
Chief Deputy City Clerk

Passed and adopted on final reading on the 6th day of December, A.D. 2016.



Mayor

ATTEST:



W Winkelmann
City Clerk