

ORDINANCE NO. 013, 2017
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF A PORTION OF CITY-OWNED PROPERTY
AT CATHY FROMME PRAIRIE NATURAL AREA TO FRANK AND LORENDA VOLKER

WHEREAS, the City is the owner of a parcel of land located in southwest Fort Collins known as Cathy Fromme Prairie Natural Area (the "City Property"); and

WHEREAS, in 2011 the Natural Areas Department developed the Natural Areas Encroachment Policy, which defines what constitutes an encroachment on a natural area and how violations will be monitored and enforced; and

WHEREAS, in 2016 Natural Areas rangers discovered eleven significant encroachments onto the City Property by residents in the Fox Hills Subdivision including Frank and Lorenda Volker (the "Volkers"); and

WHEREAS, City staff discussed the situation with the encroaching property owners and gave them the option of removing the encroachments or purchasing the portion of the City Property affected by the encroachments; and

WHEREAS, City staff does not always consider or recommend conveying away Natural Areas property to resolve encroachments, but in this case the encroachments are long standing and of significant value, and were created in part due to a misunderstanding about ownership of the City Property; and

WHEREAS, all but seven of the substantial encroachments have been resolved, and the remaining property owners, including the Volkers, have asked that the City sell them the small parcels of land where they are encroaching; and

WHEREAS, the portion of the City Property that would be conveyed to the Volkers is shown and described on Exhibit "A", attached hereto and incorporated herein by reference (the "Encroachment Parcel"); and

WHEREAS, the City would reserve from the conveyance of the Encroachment Parcel any utility, drainage, or other easements needed to accommodate existing City facilities; and

WHEREAS, the Volkers have agreed to pay a total of \$4,708 for the Encroachment Parcel, consisting of \$2,208 for the value of the property as determined by Real Estate Services, a \$1,000 administrative fee for processing the transaction, and a \$1,500 survey fee; and

WHEREAS, the Land Conservation and Stewardship Board voted to recommend that the City Council sell the Encroachment Parcel to resolve the encroachment issue; and

WHEREAS, Section 23-111(a) of the City Code authorizes the City Council to sell, convey, or otherwise dispose of any and all interests in real property owned in the name of the

City, provided that the City Council first finds, by ordinance, that such sale or other disposition is in the best interests 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 finds that the conveyance of the Encroachment Parcel to Frank and Lorenda Volker as provided herein is in the best interests of the City.


Section 3. That the Mayor is hereby authorized to execute such documents as are necessary to convey the Encroachment Parcel on terms and conditions consistent with this Ordinance, together with such additional terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City, including, but not limited to, any necessary changes to the legal description of the Encroachment Parcel, as long as such changes do not materially increase the size or change the character of the property interest to be conveyed.

Introduced, considered favorably on first reading, and ordered published this 17th day of January, A.D. 2017, and to be presented for final passage on the 7th day of February, A.D. 2017.

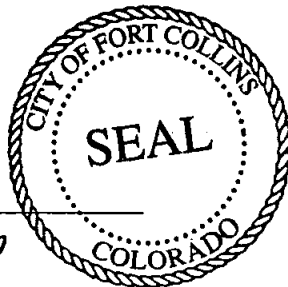


Mayor


ATTEST:



City Clerk / Chief Deputy




Passed and adopted on final reading on the 7th day of February, A.D. 2017.



Mayor

ATTEST:



City Clerk



**DESCRIPTION OF A PORTION OF TRACT H, FOX HILLS SECOND FILING
OWNED BY THE CITY OF FORT COLLINS TO BE CONVEYED TO THE OWNER
OF LOT 24, FOX HILLS SECOND FILING**

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE SIXTH P.M.; CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO; BEING A PORTION OF TRACT H, FOX HILLS SECOND FILING; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF TRACT E, FOX HILLS SECOND FILING AND CONSIDERING THE EAST LINE OF SAID TRACT E TO BEAR N14°00'00"W AS SHOWN ON THE PLAT THEREOF, SAID LINE BEING MONUMENTED ON ITS SOUTH END BY A 1" BRASS TAG STAMPED LS 5028 ON TOP OF AN EXISTING FENCE POST, AND ON ITS NORTH END BY A 1" BRASS TAG STAMPED LS 5028 IN THE CONCRETE SIDEWALK ON THE EXTENSION OF SAID EAST LINE AT A POINT 3.00 FEET DISTANT FROM THE NORTHEAST CORNER OF SAID TRACT E, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE S11°39'42"E, A DISTANCE OF 123.64 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF LUTHER LANE;
THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, 16.18 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 276.00 FEET, A CENTRAL ANGLE OF 03°21'32", AND A CHORD WHICH BEARS S53°35'12"W A DISTANCE OF 16.18 FEET TO THE SOUTHEAST CORNER OF LOT 24, FOX HILLS SECOND FILING;
THENCE N14°00'00"W, A DISTANCE OF 110.37 FEET TO THE NORTHEAST CORNER OF SAID LOT 24;
THENCE ALONG THE EAST LINE OF LOT 21, FOX HILLS SECOND FILING, N14°00'00"W, A DISTANCE OF 19.51 FEET TO THE SOUTHWEST CORNER OF SAID TRACT E;
THENCE N76°30'00"E, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,208 SQUARE FEET (0.051 ACRES), MORE OR LESS, AND BEING SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD OR THAT NOW EXIST ON THE GROUND.

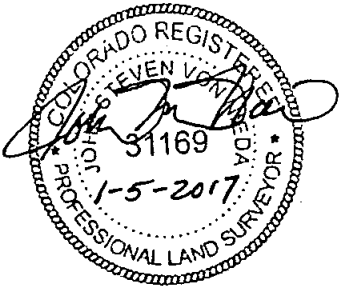
I HEREBY STATE THAT THE ABOVE DESCRIPTION WAS PREPARED BY ME AND IS TRUE AND CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, BELIEF, AND OPINION.

JOHN STEVEN VON NIEDA, COLORADO P.L.S. 31169
FOR AND ON BEHALF OF THE CITY OF FORT COLLINS
P.O. BOX 580, FORT COLLINS, CO 80522

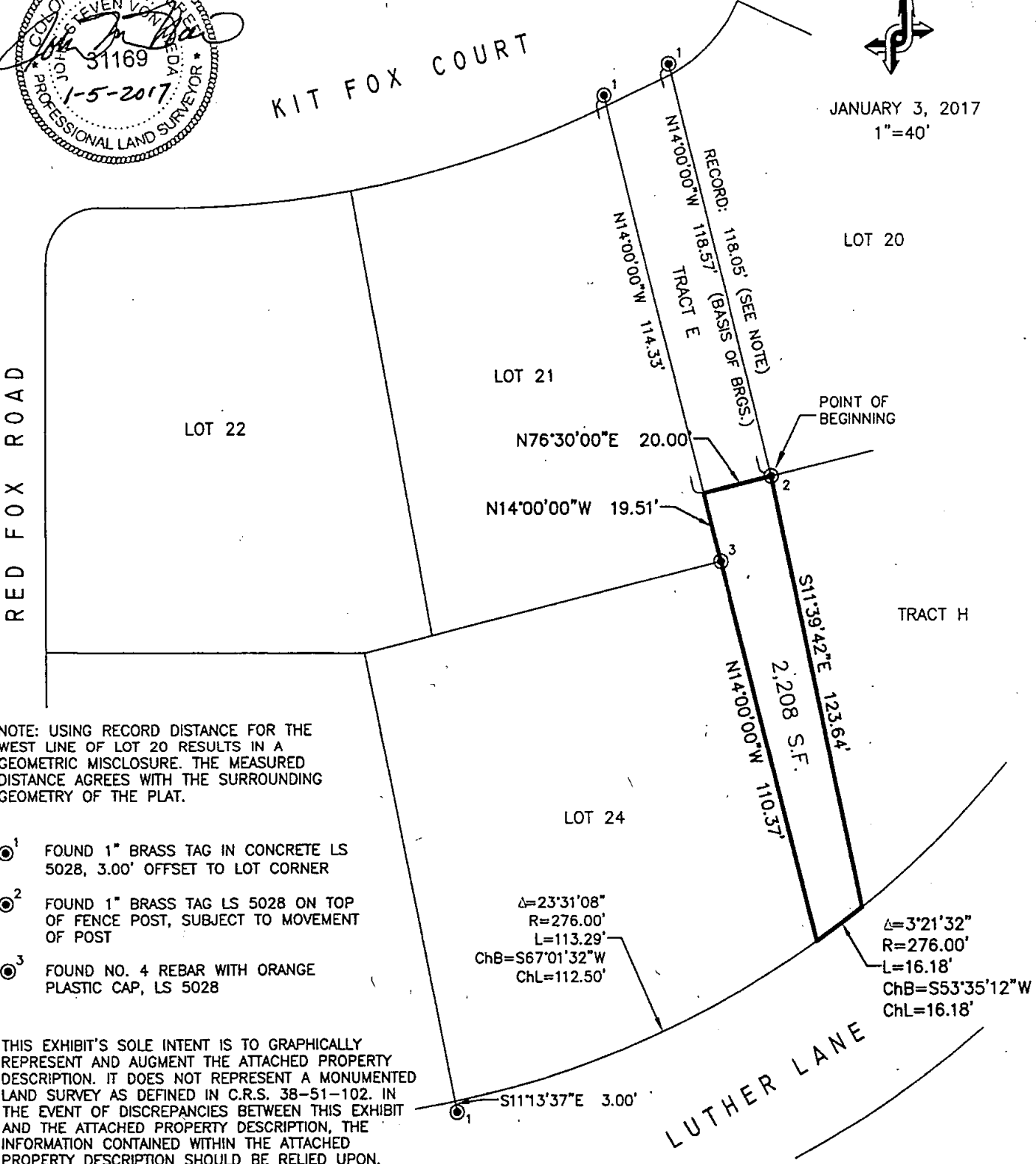


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EXHIBIT OF
 PORTION OF TRACT H, FOX HILLS SECOND FILING
 OWNED BY THE CITY OF FORT COLLINS
 TO BE CONVEYED TO THE OWNER OF
 LOT 24, FOX HILLS SECOND FILING



JANUARY 3, 2017
 1"=40'



NOTE: USING RECORD DISTANCE FOR THE WEST LINE OF LOT 20 RESULTS IN A GEOMETRIC MISCLOSURE. THE MEASURED DISTANCE AGREES WITH THE SURROUNDING GEOMETRY OF THE PLAT.

- ① FOUND 1" BRASS TAG IN CONCRETE LS 5028, 3.00' OFFSET TO LOT CORNER
- ② FOUND 1" BRASS TAG LS 5028 ON TOP OF FENCE POST, SUBJECT TO MOVEMENT OF POST
- ③ FOUND NO. 4 REBAR WITH ORANGE PLASTIC CAP, LS 5028

THIS EXHIBIT'S SOLE INTENT IS TO GRAPHICALLY REPRESENT AND AUGMENT THE ATTACHED PROPERTY DESCRIPTION. IT DOES NOT REPRESENT A MONUMENTED LAND SURVEY AS DEFINED IN C.R.S. 38-51-102. IN THE EVENT OF DISCREPANCIES BETWEEN THIS EXHIBIT AND THE ATTACHED PROPERTY DESCRIPTION, THE INFORMATION CONTAINED WITHIN THE ATTACHED PROPERTY DESCRIPTION SHOULD BE RELIED UPON.

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