

ORDINANCE NO. 089, 2017
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF AN AMENDED ACCESS EASEMENT AND
A UTILITY EASEMENT ON CITY-OWNED PROPERTY AT GUSTAV SWANSON
NATURAL AREA TO PUBLIC SERVICE COMPANY OF COLORADO IN EXCHANGE
FOR THE DEDICATION OF LAND FOR TRAIL PURPOSES

WHEREAS, the City is the owner of property located along East Vine Drive on the north side of the Poudre River known as Gustav Swanson Natural Area (the "City Property"); and

WHEREAS, Public Service Company of Colorado ("PSCo") owns a regulator station on a parcel of land surrounded by the City Property (the "PSCo Property"); and

WHEREAS, former owners of the City Property conveyed the PSCo Property to PSCo in 1946 along with a fifteen-foot access easement across the City Property; and

WHEREAS, PSCo also owns gas and electric lines that cross the City Property to serve the PSCo property, but no easement of record has been located for either utility line; and

WHEREAS, the City is planning to construct a whitewater park on the north bank of the Poudre River, and the plans for the whitewater park call for creating a new twenty-foot access road for both public and emergency access that could also be used as access to the PSCo Property; and

WHEREAS, City staff would also like to have a formal easement with PSCo for its utility lines; and

WHEREAS, PSCo has agreed to amend its existing access easement to be along the new access road, and accept a new 50-foot utility easement for its utility lines; and

WHEREAS, the proposed realigned access easement is more particularly described on Exhibit "A", attached and incorporated herein by reference (the "Access Easement"); and

WHEREAS, the location and width of the proposed utility easement is shown on Exhibit "B", attached and incorporated herein by reference (the "Utility Easement"), and a legal description will be prepared prior to conveyance of the Utility Easement; and

WHEREAS, City staff has recommended that the City not charge PSCo for either of the Easements because PSCo has agreed to dedicate to the City almost 2,000 square feet of the PSCo Property to be used for trail purposes as part of the whitewater park project; and

WHEREAS, at its regular meeting on June 14, 2017, the Land Conservation and Stewardship Board voted to recommend granting the Easements to PSCo; and

WHEREAS, Section 23-111(a) of the City Code authorizes the City Council to sell, convey or otherwise dispose of any interest in real property owned by 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.

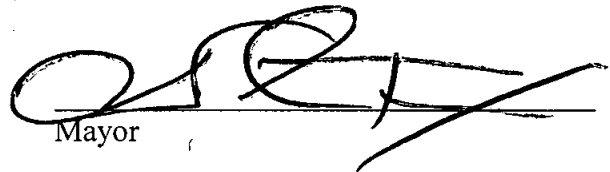
Section 2. That the City Council hereby finds that the City's conveyance of the Access Easement and Utility Easement to PSCo as provided herein is in the best interests of the City.

Section 3. That the Mayor is hereby authorized to execute such documents as are necessary to convey the Easements to PSCo 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 Easements, as long as such changes do not materially increase the size or change the character of the interest to be conveyed.

Introduced, considered favorably on first reading, and ordered published this 5th day of July, A.D. 2017, and to be presented for final passage on the 18th day of July, A.D. 2017.

ATTEST:





Mayor


City Clerk


Passed and adopted on final reading on the 18th day of July, A.D. 2017.

ATTEST:





Mayor Pro Tem



City Clerk

EXHIBIT A

PROPERTY DESCRIPTION

A parcel of land for easement purposes, being a portion of that tract of land described in a deed recorded January 23, 2002 as Reception No. 2002007922, and that tract of land described in a deed recorded June 27, 1975 as Book 1651, Page 454, both of the Records of Larimer County, situate in the Northwest Quarter (NW1/4) of Section Twelve (12), Township 7 North (T.7N.), Range Sixty-nine West (R.69W.) of the Sixth Principal Meridian (6th P.M.), City of Fort Collins, County of Larimer, State of Colorado and being more particularly described as follows:

COMMENCING at the Northwest corner of said Section 12 and assuming the North line of said NW1/4 as bearing South 89°39'23" East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2646.37 feet with all other bearings contained herein relative thereto;

THENCE South 89°39'23" East along said North line a distance of 794.75 feet;

THENCE South 00°20'37" West a distance of 35.63 feet to the Northwest corner of that parcel of land described in a deed recorded March 2, 1998 as Reception Number 98015207 (Rec. No. 98015207) of the Records of Larimer County and to the **POINT OF BEGINNING**;

THENCE South 00°20'37" West along the West line of said parcel described at Rec. No. 98015207 a distance of 132.87 feet to the Southwest corner of said parcel at Rec. No. 98015207; THENCE South 08°02'56" East a distance of 15.27 feet to the beginning point of a curve, non-tangent to the aforesaid line;

THENCE along the arc of a curve concave to the Southwest a distance of 31.23 feet, said curve has a Radius of 101.58 feet, a Delta of 17°36'54" and is subtended by a Chord that bears South 26°36'13" East a distance of 31.11 feet to a Point of Compound Curvature (PCC);

THENCE along the arc of a curve concave to the Northwest a distance of 99.88 feet, said curve has a Radius of 127.00 feet, a Delta of 45°03'36" and is subtended by a Chord that bears South 04°41'50" West a distance of 97.32 feet to a Point of Reverse Curvature (PRC);

THENCE along the arc of a curve concave to the Southeast a distance of 58.85 feet, said curve has a Radius of 78.00 feet, a Delta of 43°13'38" and is subtended by a Chord that bears South 05°36'49" West a distance of 57.46 feet to a PRC;

THENCE along the arc of a curve concave to the Southwest a distance of 24.99 feet, said curve has a Radius of 80.00 feet, a Delta of 17°53'46" and is subtended by a Chord that bears South 07°03'07" East a distance of 24.89 feet to the end point of said curve and to the North line of that Parcel of land described in deed recorded November 25, 1946 as Book 825, Page 530 of the Records of Larimer County;

THENCE North 89°37'51" West along said Northerly line and along a line non-tangent to the aforesaid curve a distance of 31.97 feet;

THENCE North 00°20'37" East a distance of 4.37 feet to a Point of Curvature (PC);

THENCE along the arc of a curve concave to the Southwest a distance of 11.53 feet, said curve has a Radius of 12.23 feet, a Delta of 54°00'44" and is subtended by a Chord that bears North 25°39'53" West a distance of 11.10 feet to a PCC;

THENCE along the arc of a curve concave to the Southwest a distance of 33.60 feet, said curve has a Radius of 33.00 feet, a Delta of 58°19'47" and is subtended by a Chord that bears North 80°06'38" West a distance of 32.16 feet to a PRC;

THENCE along the arc of a curve concave to the Northwest a distance of 31.19 feet, said curve has a Radius of 127.03 feet, a Delta of 14°04'00" and is subtended by a Chord that bears South 77°45'42" West a distance of 31.11 feet to the end point of said curve;

THENCE North 05°12'21" West along a line non-tangent to the aforesaid curve a distance of 20.00 feet to the beginning point of a curve, non-tangent to the aforesaid line;

PRELIMINARY

THENCE along the arc of a curve concave to the Northwest a distance of 191.66 feet, said curve has a Radius of 107.00 feet, a Delta of $102^{\circ}37'36''$ and is subtended by a Chord that bears North $33^{\circ}28'50''$ East a distance of 167.04 feet to a PCC;

THENCE along the arc of a curve concave to the Southwest a distance of 54.53 feet, said curve has a Radius of 82.00 feet, a Delta of $38^{\circ}06'18''$ and is subtended by a Chord that bears North $36^{\circ}53'07''$ West a distance of 53.54 feet to the end point of said curve;

THENCE North $34^{\circ}03'43''$ East along a line non-tangent to the aforesaid curve a distance of 27.14 feet;

THENCE North $00^{\circ}20'37''$ East a distance of 128.27 feet to the North line of that parcel of land described in a deed recorded January 23, 2002 as Reception Number 2002007922 of the Records of Larimer County;

THENCE South $89^{\circ}34'37''$ East along said North line a distance of 20.00 feet to the POINT OF BEGINNING.

Said described parcel of land contains 10,025 Square Feet or 0.230 Acres, more or less (\pm), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

SURVEYORS STATEMENT

I, Ronnie L. Edwards, a Colorado Licensed Professional Land Surveyor do hereby state that this Parcel Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.

PRELIMINARY

Ronnie L. Edwards - on behalf of King Surveyors
Colorado Licensed Professional
Land Surveyor #38480

KING SURVEYORS
650 East Garden Drive
Windsor, Colorado 80550
(970) 686-5011

NORTHWEST CORNER
SECTION 12, T.7N., R.69W.
POINT OF COMMENCEMENT

NORTH QUARTER CORNER
SECTION 12, T.7N., R.69W.

794.75' (BASIS OF BEARINGS)
S89°39'23"E 2646.29'
1851.54'

S00°20'37"W
35.63'

VINE STREET

POINT OF BEGINNING

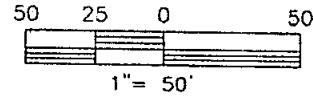
RECEPTION NO.
2002007922

QUIT-CLAIM DEED
RECEPTION NO. 98015207

BOOK 1651
PAGE 454

PARCEL
10,025 SQ.FT.
0.230 ACRES

BOOK 825
PAGE 530



NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon. (13-80-105 C.R.S. 2012)

NOTE: This exhibit drawing is not intended to be a monumented land survey. It's sole purpose is as a graphic representation to aid in the visualization of the written property description which it accompanies. The written property description supersedes the exhibit drawing.

PRELIMINARY

Ronnie L. Edwards - On Behalf Of King Surveyors
Colorado Licensed Professional
Land Surveyor #38480



KING SURVEYORS

650 E. Garden Drive | Windsor, Colorado 80550
phone: (970) 686-5011 | fax: (970) 686-5821
email: contact@KingSurveyors.com

PROJECT NO: 2015694-C
DATE: 6-26-2017
CLIENT: A.C.E.
DWG: 2015694C-DXH-UTL-EMER-ACCESS-ESMT
DRAWN: MM CHECKED: RLE

| LINE TABLE | | |
|------------|-------------|---------|
| LINE | BEARING | LENGTH |
| L1 | S00°20'37"W | 144.37' |
| L2 | S08°02'56"E | 15.27' |
| L3 | N89°37'51"W | 31.97' |
| L4 | N00°20'37"E | 4.37' |
| L5 | N05°12'21"W | 20.00' |
| L6 | N34°03'43"E | 27.14' |
| L7 | N00°20'37"E | 128.27' |
| L8 | S89°34'37"E | 20.00' |

| CURVE TABLE | | | | | |
|-------------|---------|---------|------------|---------|-------------|
| CURVE | LENGTH | RADIUS | DELTA | CHORD | CH BEARING |
| C1 | 31.23' | 101.58' | 17°36'54" | 31.11' | S26°36'13"E |
| C2 | 99.88' | 127.00' | 45°03'36" | 97.32' | S04°41'50"W |
| C3 | 58.85' | 78.00' | 43°13'38" | 57.46' | S05°36'49"W |
| C4 | 24.99' | 80.00' | 17°53'46" | 24.89' | S07°03'07"E |
| C5 | 11.53' | 12.23' | 54°00'44" | 11.10' | N25°39'53"W |
| C6 | 33.60' | 33.00' | 58°19'47" | 32.16' | N80°06'38"W |
| C7 | 31.19' | 127.03' | 14°04'00" | 31.11' | N77°45'42"E |
| C8 | 191.66' | 107.00' | 102°37'36" | 167.04' | N33°28'50"E |
| C9 | 54.53' | 82.00' | 38°06'18" | 53.54' | N36°53'07"W |

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PRELIMINARY

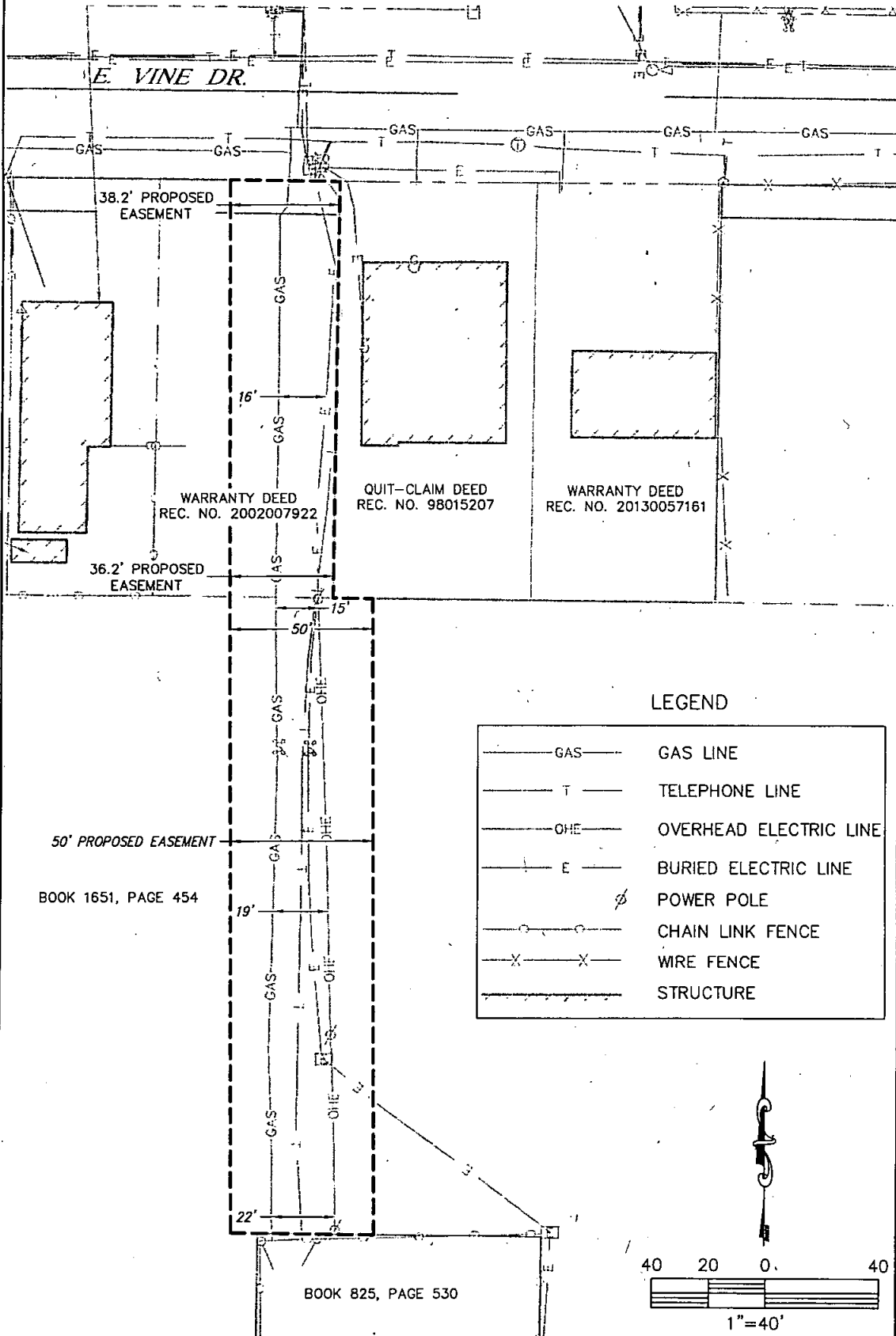
Ronnie L. Edwards - On Behalf Of King Surveyors
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PROJECT NO: 2015694-C
DATE: 6-5-2017
CLIENT: A.C.E.
DWG: 2015694C-CDH-UTIL-EMER-ACCESS-ESMT
DRAWN: MM CHECKED: RLE



LEGEND

| | |
|--|------------------------|
| | GAS LINE |
| | TELEPHONE LINE |
| | OVERHEAD ELECTRIC LINE |
| | BURIED ELECTRIC LINE |
| | POWER POLE |
| | CHAIN LINK FENCE |
| | WIRE FENCE |
| | STRUCTURE |



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PROJECT NO: 2015694-C
DATE: 6-26-2017
CLIENT: A.C.E.
DWG: 2015694C-EXH-EXIST-UTIL_GNDMASTER
DRAWN: MM CHECKED: RLE