

ORDINANCE NO. 126, 2017
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF A PERMANENT UTILITY EASEMENT
AND A TEMPORARY CONSTRUCTION EASEMENT ON CITY PROPERTY
LOCATED AT 625 9TH STREET TO PUBLIC SERVICE COMPANY OF COLORADO

WHEREAS, the City of Fort Collins owns property located at 625 9th Street, Fort Collins, Colorado 80524, upon which is located the City's Streets Department (the "Property"); and

WHEREAS, the Property is subject to a Lease Purchase Agreement between the City and U.S. Bank National Association dated October 18, 2012 (the "Bank Agreement"); and

WHEREAS, the City has entered into a Distribution Extension Agreement with Public Service Company of Colorado d/b/a Xcel Energy ("PSCo") for the installation of a high pressure natural gas pipeline to serve a natural gas fueling site on the Property for City vehicles; and

WHEREAS, it is necessary to grant PSCo a permanent utility easement for the gas pipeline and a temporary construction easement to allow PSCo to install the pipeline; and

WHEREAS, the location of the proposed permanent utility easement is more particularly described in Exhibit "A", attached and incorporated herein by reference (the "Permanent Easement"); and

WHEREAS, the location of the proposed temporary construction easement is more particularly described in Exhibit "B", attached and incorporated herein by this reference (the "Temporary Easement"); and

WHEREAS, staff is recommending that the City not charge PSCo for the easements because the easements are for the City's benefit so that it may receive service from PSCo, and the value of the easements is incorporated into the negotiated arrangements for the installation of the gas pipeline in the Distribution Extension Agreement; 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; and

WHEREAS, the Bank Agreement allows the City to grant utility easements on the Property as long as the City Manager certifies that such easement will not materially interfere with or materially impair the Property.

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 Permanent Easement and Temporary Easement to PSCo as provided herein serves a bona fide public purpose, will not materially interfere with or materially impair the Property, and is in the best interests of the City.

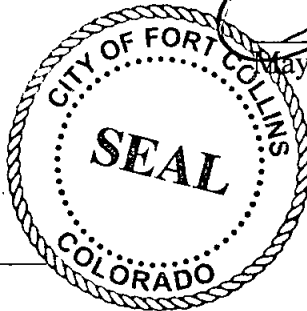
Section 3. That the City Manager is hereby authorized to execute a certification to U.S. Bank National Association as required by the Bank Agreement.

Section 4. That the Mayor is hereby authorized to execute such documents as are necessary to convey the Permanent Easement and Temporary Easement 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 descriptions of the easements, as long as such changes do not materially increase the size or change the character of the interests to be conveyed.

Introduced, considered favorably on first reading, and ordered published this 5th day of September, A.D. 2017, and to be presented for final passage on the 19th day of September, A.D. 2017.

ATTEST:


Chief Deputy City Clerk



Passed and adopted on final reading on the 19th day of September, A.D. 2017.

ATTEST:


Interim City Clerk



PERMANENT EASEMENT

This exhibit does not represent a monumented survey. It is intended only to depict the attached legal description.

EAST VINE DRIVE
(R.O.W. WIDTH VARIES)

BNSF RAILWAY CO.
50' R.O.W.

Basis of Bearings N 88° 18' 14" E

N88°18'14"E
16.25'

P.O.C.

P.O.B.

N88°18'14"E
47.89'

N00°37'24"E
42.37'

S00°37'24"W
42.37'

Permanent Easement Area

S88°18'14"W
47.89'

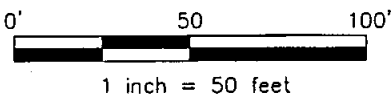
8' Utility & Drainage Easement per Reception Number 0099090900

LOT 4A

LOT 4B OF "A REPLAT OF LOTS 3, 4 AND 5 EAST VINE STREETS FACILITY P.U.D" RECEPTION No. 0099090900 OCTOBER 19, 1999

30' Drainage Easement per Reception Number 0099090900

NE 1/2 SECTION 12, T7N R69W 6TH P.M. LARIMER COUNTY, COLORADO



P.O.C. - Point of Commencement
P.O.B. - Point of Beginning

Easement Area: 2,027 square feet or 0.046 acres, more or less.

N|V|5

EXHIBIT FOR LEGAL DESCRIPTION
City of Ft. Collins East Vine Streets Facility P.U.D.
PERMANENT EASEMENT

PAGE NUMBER

2

OF 2 PAGES

2650 18th STREET, SUITE 202 DENVER, CO 80211
303.220.6400 TEL 303.220.9001 FAX WWW.NV5.COM

Prepared for: Xcel Energy

Date submitted: 08/01/2017

JOB NUMBER
223517-000003.28

PERMANENT EASEMENT

That portion of Lot 4B of the plat titled "A Replat of Lots 3, 4 and 5 East Vine Streets Facility P.U.D.", recorded at Reception Number 0099090900 on October 19, 1999 of the records of the Larimer County Clerk & Recorder's office, State of Colorado situated in the North half of Section 12, Township 7 North, Range 69 West of the Sixth Principal Meridian, City of Fort Collins, Larimer County, State of Colorado, being more particularly described as follows:

BASIS OF BEARINGS: Bearings are based on the North line of Lots 5A, 4A and 4B as depicted on the plat titled "A Replat of Lots 3, 4 and 5 East Vine Streets Facility P.U.D.", recorded at Reception Number 0099090900 on October 19, 1999 of the records of the Larimer County Clerk & Recorder's office, State of Colorado. The Northwest corner of Lot 5A is a found Number 5 rebar (no cap found as indicated on plat). The Northeast corner is a Number 5 rebar and yellow plastic cap stamped "LPI PLS 23521". The Basis of Bearings between said points is North 88° 18' 14" East.

COMMENCING at the Northwest corner of Lot 4B;

THENCE North 88° 18' 14" East a distance of 16.25 feet along the North line of said Lot 4B, also being the South line of the BNSF Railway Co. 50-foot Right-of-Way, to the **POINT OF BEGINNING**.

THENCE continuing along the North line of said Lot 4B North 88° 18' 14" East a distance of 47.89 feet;

THENCE departing the North line of said Lot 4B South 00° 37' 24" West a distance of 42.37 feet;

THENCE South 88° 18' 14" West a distance of 47.89 feet;

THENCE North 00° 37' 24" East a distance of 42.37 feet to the **POINT OF BEGINNING**.

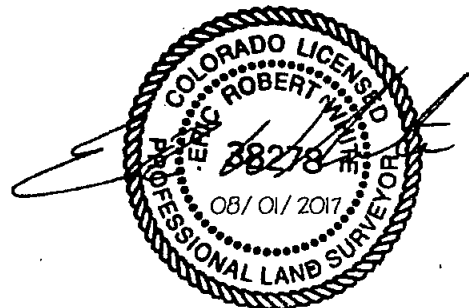
The easement described herein contains 2,027 square feet or 0.046 acres, more or less.

Exhibit attached and by this reference made a part hereof.

I, Eric R. White, a duly registered Land Surveyor under the laws of the State of Colorado, do hereby certify that this legal description was prepared by me or under my direct supervision and that it is correct to the best of my knowledge and belief. It is not to be construed, nor does it represent a monumented land survey.

Eric R. White
Colorado Professional Land Surveyor, License Number 38278
August 1, 2017

NV5, Inc.
2650 18th Street, Suite 202.
Denver, CO 80211
Tel: (303) 220-6400

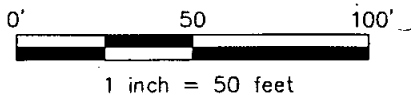
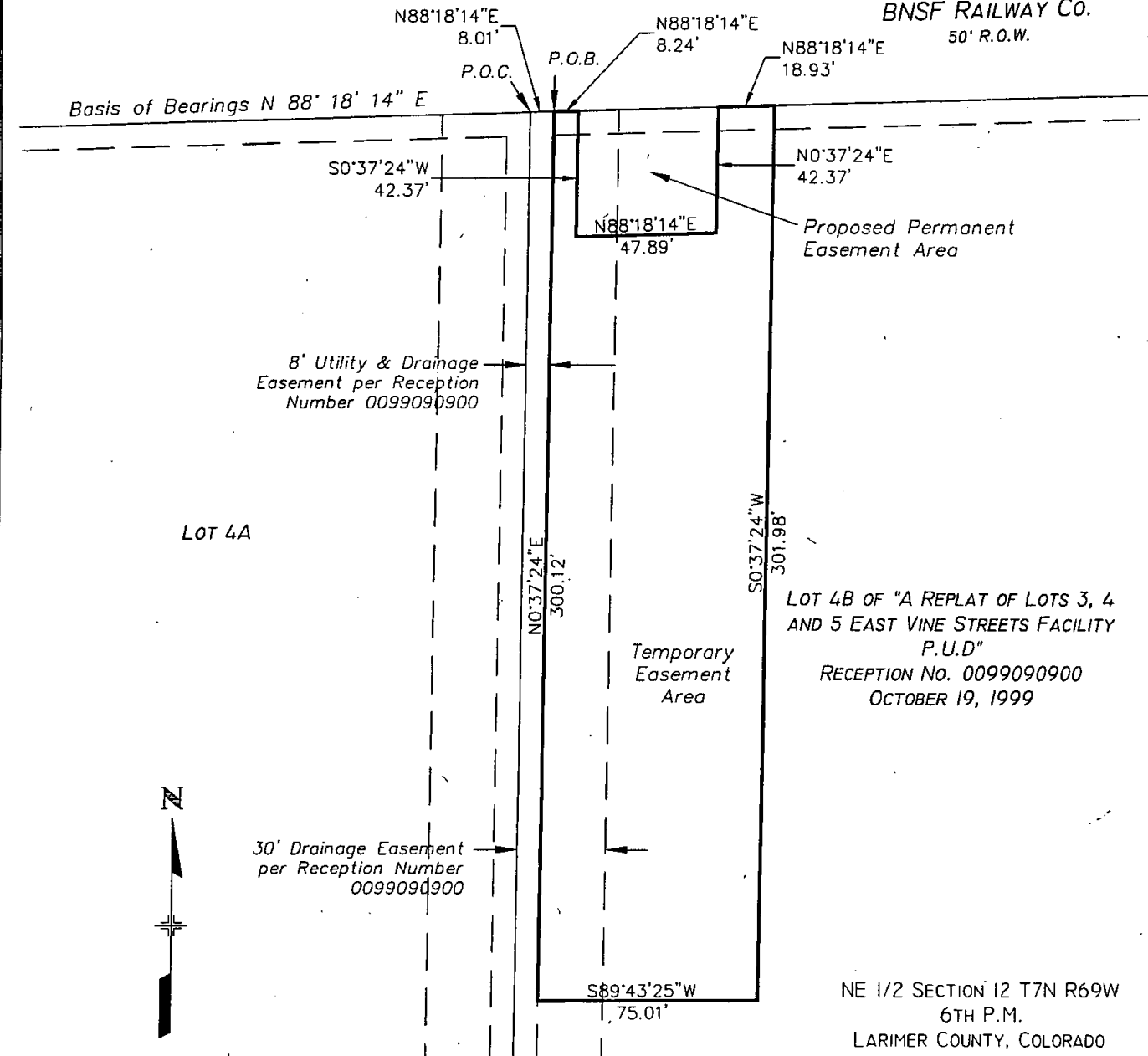


TEMPORARY EASEMENT

This exhibit does not represent a monumented survey. It is intended only to depict the attached legal description.

EAST VINE DRIVE
(R.O.W. WIDTH VARIES)

BNSF RAILWAY CO.
50' R.O.W.



NE 1/2 SECTION 12 T7N R69W
6TH P.M.
LARIMER COUNTY, COLORADO

P.O.C. - Point of Commencement
P.O.B. - Point of Beginning

Easement Area: 20,551 square feet or 0.472 acres, more or less.

N|V|5

2650 18th STREET, SUITE 202 DENVER, CO 80211
303.220.6400 TEL 303.220.9001 FAX WWW.NV5.COM

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COMMENCING at the Northwest corner of Lot 4B;

THENCE North 88° 18' 14" East a distance of 8.01 feet along the North line of said Lot 4B, also being the South line of the BNSF Railway Co. 50-foot Right-of-Way, to the **POINT OF BEGINNING**.

THENCE continuing along the North line of said Lot 4B North 88° 18' 14" East a distance of 8.24 feet;

THENCE departing the North line of said Lot 4B South 00° 37' 24" West a distance of 42.37 feet;

THENCE North 88° 18' 14" East a distance of 47.89 feet;

THENCE North 00° 37' 24" East a distance of 42.37 feet to the North line of said Lot 4B;

THENCE along the North line of said Lot 4B North 88° 18' 14" East a distance of 18.93 feet;

THENCE departing the North line of said Lot 4B South 00° 37' 24" West a distance of 301.98 feet;

THENCE South 89° 43' 25" West a distance of 75.01 feet;

THENCE North 00° 37' 24" East a distance of 300.12 feet to the **POINT OF BEGINNING**.

The easement described herein contains 20,551 square feet or 0.472 acres, more or less. Exhibit attached and by this reference made a part hereof.

I, Eric R. White, a duly registered Land Surveyor under the laws of the State of Colorado, do hereby certify that this legal description was prepared by me or under my direct supervision and that it is correct to the best of my knowledge and belief. It is not to be construed, nor does it represent a monumented land survey.

Eric R. White, Colorado Professional Land Surveyor, License Number 38278
August 1, 2017

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