

ORDINANCE NO. 176, 2017
OF THE COUNCIL OF THE CITY OF FORT COLLINS
DECLARING CERTAIN CITY-OWNED PROPERTY CONSISTING OF A PORTION OF
TRACT A, PROSPECT INDUSTRIAL PARK, CURRENTLY OWNED BY THE CITY OF
FORT COLLINS FOR THE BENEFIT OF THE WASTEWATER UTILITY ENTERPRISE AS
ROAD RIGHT-OF-WAY FOR THE PROPOSED SHARP POINT DRIVE EXTENSION

WHEREAS, the City, for the benefit of the Wastewater Utility Enterprise, owns a certain property known as Tract A Prospect Industrial Park, a 1.9-acre parcel which was originally platted as a Public Access and Loading Easement in the 1970s; and

WHEREAS, a connection between Sharp Point/Midpoint and Nancy Gray has been on the City's Master Street Plan since 1998 and recent multi-use development in the area has made the connection a high priority for the City; and

WHEREAS, City staff is requesting that the City Council declare approximately 1.4 acres of Tract A as a right-of-way to facilitate the construction of Sharp Point Drive, and the remainder of Tract A will remain owned by the City for the benefit of the Wastewater Utility Enterprise; and

WHEREAS, Article XII, Section 6 of the City Charter requires that all revenues of the City's utilities be expended only for utility purposes determined by the Council to be beneficial to the ratepayers; and

WHEREAS, in exchange for converting 1.4 acres of Tract A to a General Fund purpose, the City's Engineering Department will work with Utilities staff to determine an appropriate location for a curb cut and drive approach to serve the parcel for potential future development and credit the Wastewater Utility Enterprise the value of repay and right-of-way dedication requirements upon development of the property for approximately \$100,000 in 2017 dollars; and

WHEREAS, converting a piece of 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 of the City Code provides that the City Council is authorized 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 and, for property that is part of the City's water or utility systems, the City Council must also find that the disposition of the property will not materially impair the viability of the system as a whole, and will be for the benefit of the citizens of the City; and

WHEREAS, the City Council determines that converting 1.4 acres of Tract A to right-of-way to facilitate the construction of Sharp Point Drive is in the best interest of the City and will benefit the citizens of the City because construction of the road is a high priority to address traffic needs in the surrounding area; and

WHEREAS, the City Council determines that converting 1.4 acres of Tract A to right-of-

way will not impair the viability of the wastewater system as a whole, and is beneficial to the ratepayers of Wastewater Utility Enterprise because the Enterprise will be credited the value of repay and right-of-way dedication requirements.

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 the real property described as Exhibit "A" shall constitute right-of-way for Sharp Point Drive and related improvements, including without limitation public utilities, pedestrian, transit and bicycle access and improvements, landscaping, and other such 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 19th day of December, A.D. 2017, and to be presented for final passage on the 2nd day of January, A.D. 2018.


Mayor

ATTEST:

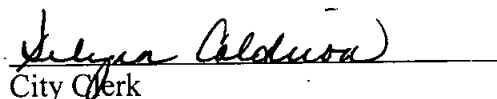

City Clerk



Passed and adopted on final reading on the 2nd day of January, A.D. 2018.


Mayor

ATTEST:


City Clerk



**DESCRIPTION OF PROPERTY OWNED BY THE CITY OF FORT COLLINS
TO BE CONVERTED TO RIGHT OF WAY**

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE SIXTH P.M.; BEING A PORTION OF TRACT A, PROSPECT INDUSTRIAL PARK SUBDIVISION; CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT-OF-WAY LINE OF NANCY GRAY AVENUE AND THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE GREAT WESTERN RAILROAD AS SHOWN ON THE PLAT OF BUCKING HORSE FILING FOUR, SAID POINT BEING MONUMENTED BY A NO. 4 REBAR WITH BLUE PLASTIC CAP STAMPED LS 37963, AND CONSIDERING THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE GREAT WESTERN RAILROAD TO BEAR $N49^{\circ}20'39''W$, WITH THE NORTHWESTERLY END OF SAID LINE BEING MONUMENTED BY A NO. 4 REBAR WITH BLUE PLASTIC CAP STAMPED LS 37963 (BEING A POINT ON LINE 2001.66 FEET DISTANT FROM THE POINT OF COMMENCEMENT, AS SHOWN ON THE PLAT OF BUCKING HORSE FILING ONE), BASED UPON GPS OBSERVATIONS AND THE CITY OF FORT COLLINS COORDINATE SYSTEM, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE $N31^{\circ}52'03''E$, A DISTANCE OF 101.19 FEET TO THE POINT OF INTERSECTION OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF THE GREAT WESTERN RAILROAD AND THE SOUTHEASTERLY BOUNDARY OF THE MIDPOINT SELF STORAGE SUBDIVISION, SAID POINT BEING THE **POINT OF BEGINNING**;

THENCE ALONG SAID SOUTHEASTERLY BOUNDARY AND ITS NORTHEASTERLY PROLONGATION, $N32^{\circ}54'37''E$, A DISTANCE OF 744.65 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF MIDPOINT DRIVE AS SHOWN ON THE PLAT OF PROSPECT INDUSTRIAL PARK;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, $S73^{\circ}48'24''E$, A DISTANCE OF 82.35 FEET TO THE NORTHEAST CORNER OF TRACT A OF SAID PROSPECT INDUSTRIAL PARK SUBDIVISION;

THENCE ALONG THE SOUTHEASTERLY BOUNDARY OF SAID TRACT A AND ITS SOUTHWESTERLY PROLONGATION, $S32^{\circ}49'44''W$, A DISTANCE OF 779.22 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF THE GREAT WESTERN RAILROAD;

THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, $N49^{\circ}20'39''W$, A DISTANCE OF 80.71 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 60,520 SQUARE FEET (1.389 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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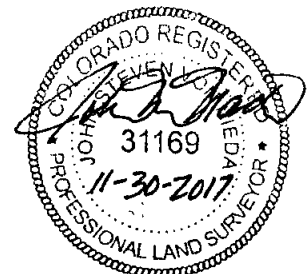
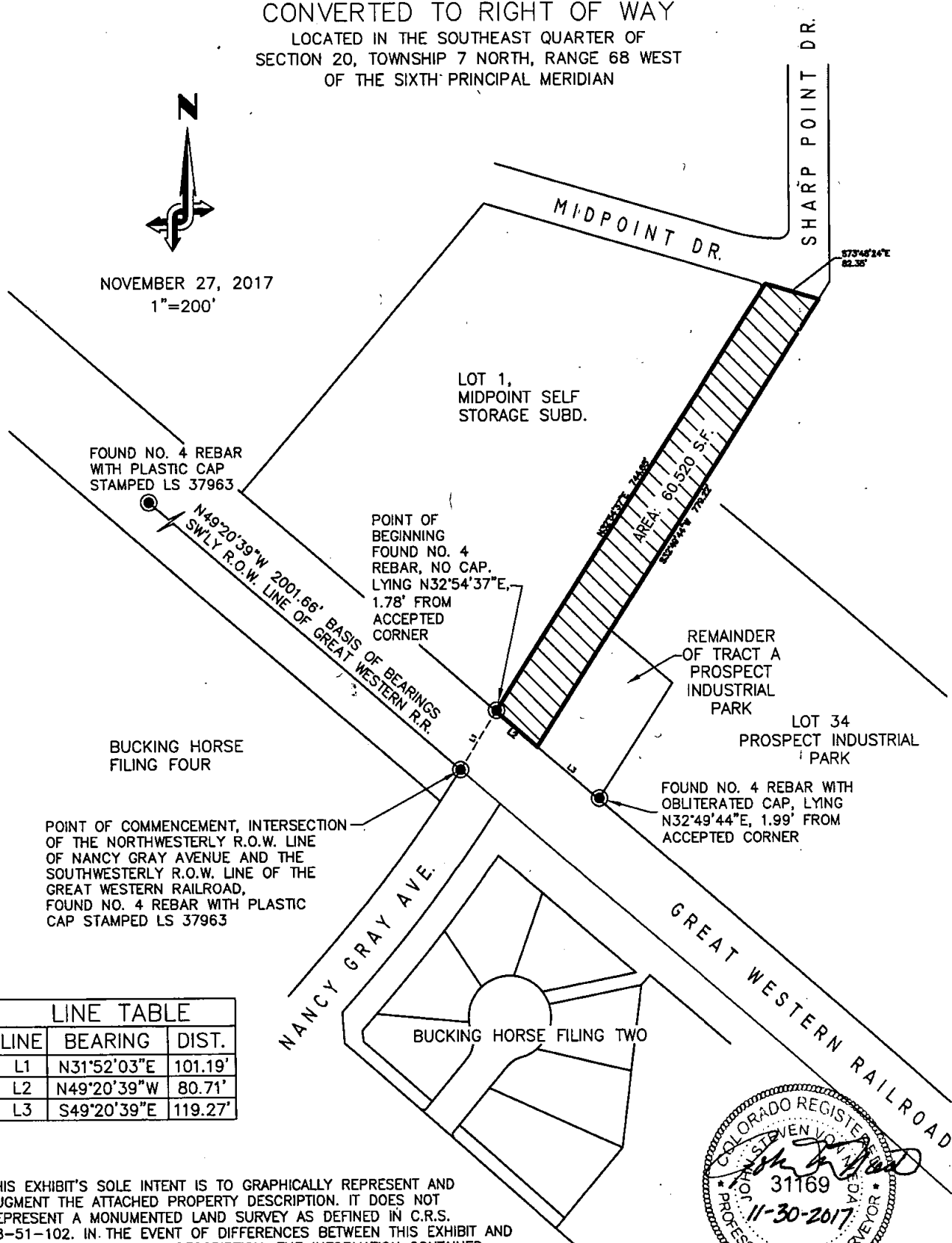


EXHIBIT OF
 PROPERTY OWNED BY THE CITY OF FORT COLLINS TO BE
 CONVERTED TO RIGHT OF WAY
 LOCATED IN THE SOUTHEAST QUARTER OF
 SECTION 20, TOWNSHIP 7 NORTH, RANGE 68 WEST
 OF THE SIXTH PRINCIPAL MERIDIAN



NOVEMBER 27, 2017
 1"=200'



POINT OF COMMENCEMENT, INTERSECTION
 OF THE NORTHWESTERLY R.O.W. LINE
 OF NANCY GRAY AVENUE AND THE
 SOUTHWESTERLY R.O.W. LINE OF THE
 GREAT WESTERN RAILROAD,
 FOUND NO. 4 REBAR WITH PLASTIC
 CAP STAMPED LS 37963

FOUND NO. 4 REBAR
 WITH PLASTIC CAP
 STAMPED LS 37963

POINT OF
 BEGINNING
 FOUND NO. 4
 REBAR, NO CAP.
 LYING N32°54'37"E,
 1.78' FROM
 ACCEPTED
 CORNER

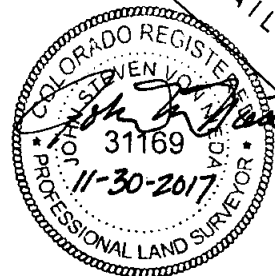
REMAINDER
 OF TRACT A
 PROSPECT
 INDUSTRIAL
 PARK

LOT 34
 PROSPECT INDUSTRIAL
 PARK

FOUND NO. 4 REBAR WITH
 OBLITERATED CAP, LYING
 N32°49'44"E, 1.99' FROM
 ACCEPTED CORNER

LINE TABLE		
LINE	BEARING	DIST.
L1	N31°52'03"E	101.19'
L2	N49°20'39"W	80.71'
L3	S49°20'39"E	119.27'

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 DIFFERENCES BETWEEN THIS EXHIBIT AND
 THE ATTACHED PROPERTY DESCRIPTION, THE INFORMATION CONTAINED
 WITHIN THE ATTACHED PROPERTY DESCRIPTION TAKES PRIORITY.



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