

ORDINANCE NO. 031, 2018
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF A PORTION OF CITY-OWNED PROPERTY
AT PINERIDGE NATURAL AREA TO MICHAEL AND MARY PAT MCCURDIE

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

WHEREAS, Michael and Mary Pat McCurdie own a parcel of land in the Quail Ridge subdivision adjacent to 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 2013 Natural Areas rangers discovered several significant encroachments onto the City Property by residents in the Quail Ridge subdivision including the McCurdies; and

WHEREAS, City staff met 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, the McCurdies elected not to pursue a purchase of the area they were encroaching on because their encroachment was easy to remove, and Natural Areas staff advised them that staff could not support a sale when the encroachment was easy to remove; and

WHEREAS, on March 3, 2015, the City Council adopted Ordinance Nos. 022, 023, 024, 025, 026 and 027, 2015, authorizing the conveyance of portions of the City Property to several of the McCurdies' neighbors to resolve encroachment issues; and

WHEREAS, because of these conveyances, the east property line of the parcel to the north of the McCurdie's property now extends approximately fifteen feet further out into the City property than the McCurdie's east property line; and

WHEREAS, in July 2017 the McCurdies submitted a petition to the City asking to acquire 606 square feet of the City Property in order to even out the east boundary line of their property relative to the boundary line of their neighbors; and

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

WHEREAS, if the conveyance is approved, the McCurdies would be required to pay the City \$1,500 to cover administrative costs associated with processing the transaction, \$1,000 of

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which they have already paid, pay their surveyor to complete and record a survey, and pay the City \$606 for the value of the land conveyed; and

WHEREAS, the Land Conservation and Stewardship Board voted at its regular meeting on January 10, 2018, to recommend that the City Council not sell the Boundary Parcel, and

WHEREAS, the value to the City of the transaction would be receiving reimbursement for the property conveyed, which could be spent on other Natural Areas projects, plus compensation for the City's administrative costs, with minimal impact to the City Property; 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 Boundary Parcel to the McCurdies 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 Boundary 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 Boundary 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 6th day of February, A.D. 2018, and to be presented for final passage on the 20th day of February, A.D. 2018.

Mayor

ATTEST:

City Clerk

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Passed and adopted on final reading on the 20th day of February, A.D. 2018.

Mayor

ATTEST:

City Clerk

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