

ORDINANCE NO. 036, 2018
OF THE COUNCIL OF THE CITY OF FORT COLLINS
DECLARING CERTAIN CITY-OWNED PROPERTY
ON EAST VINE DRIVE AS ROAD RIGHT-OF-WAY

WHEREAS, the City owns certain parcels of property located on East Vine Drive north of the Poudre River, presently known as 101, 103, 105, 203, 205 and 213 East Vine Drive (the "City Property"); and

WHEREAS, the City is also in the process of acquiring a parcel of land east of 213 East Vine Drive currently owned by Inverness Innovation Park Association (the "Inverness Parcel"); and

WHEREAS, as part of the City's planned development of a whitewater park on the Poudre River (the "Project"), the City is replatting the City Property, the Inverness Parcel, a parcel of land owned by Xcel Energy, and the City-owned Power Plant property south of the Poudre River currently leased to CSURF; and

WHEREAS, the plat includes a dedication of two portions of the City Property totaling approximately .183 acres as additional road right-of-way for East Vine Drive in the areas indicated on Exhibit "A", attached and incorporated herein by reference; and

WHEREAS, the additional right-of-way would be used to make improvements to East Vine Drive as part of the Project; and

WHEREAS, approximately 2500 square feet (.06 acres) of the proposed right-of-way is on property owned by the City's Stormwater Utility; 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, the Stormwater Utility is partnering with the Parks Department and Natural Areas Department on the Project because construction of the Project improvements on Parks and Natural Areas properties, in conjunction with future, upstream improvements, will enhance flood protection along the Poudre River, and this benefit to the Stormwater Utility is of equivalent or greater value to the Utility than its investment in the Project, including the conversion of .06 acres of utility property to a General Fund purpose; and

WHEREAS, converting a piece of property owned by the City in fee simple to right-of-way is tantamount to 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 .183 acres of the City Property to right-of-way to facilitate the Project is in the best interest of the City and will benefit the City's identified Natural Areas purposes as well as citizens of the City generally, because the Project will provide a recreational area adjacent to Old Town, return part of the Poudre River to a more natural state, and provide safe access to the water; and

WHEREAS, the City Council determines that converting .06 acres of stormwater property to right-of-way will not impair the viability of the stormwater system as a whole and is beneficial to the ratepayers of the Stormwater Utility because of the flood protection benefits provided by the Project.

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 on Exhibit "A" shall constitute right-of-way for East Vine Drive and related improvements, including without limitation public utilities, pedestrian, transit and bicycle access and improvements, landscaping, and such other 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 following acquisition of the Inverness Parcel the City Manager is hereby authorized to execute the final plat for the Poudre River Whitewater Park, including dedication of the right-of-way as shown on Exhibit "A", in substantially the form attached as Exhibit "A" along with such modifications as the City Manager, in consultation with the City Attorney, determines to be necessary or appropriate to protect the interests of the City, so long as such modifications do not substantially increase the portion of the City's property being dedicated as right-of-way.

Introduced, considered favorably on first reading, and ordered published this 20th day of February, A.D. 2018, and to be presented for final passage on the 6th day of March, A.D. 2018.



Mayor

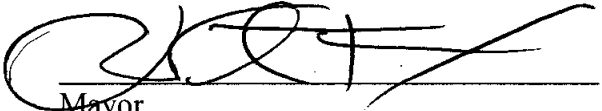
ATTEST:




City Clerk



Passed and adopted on final reading on the 6th day of March, A.D. 2018.


Mayor

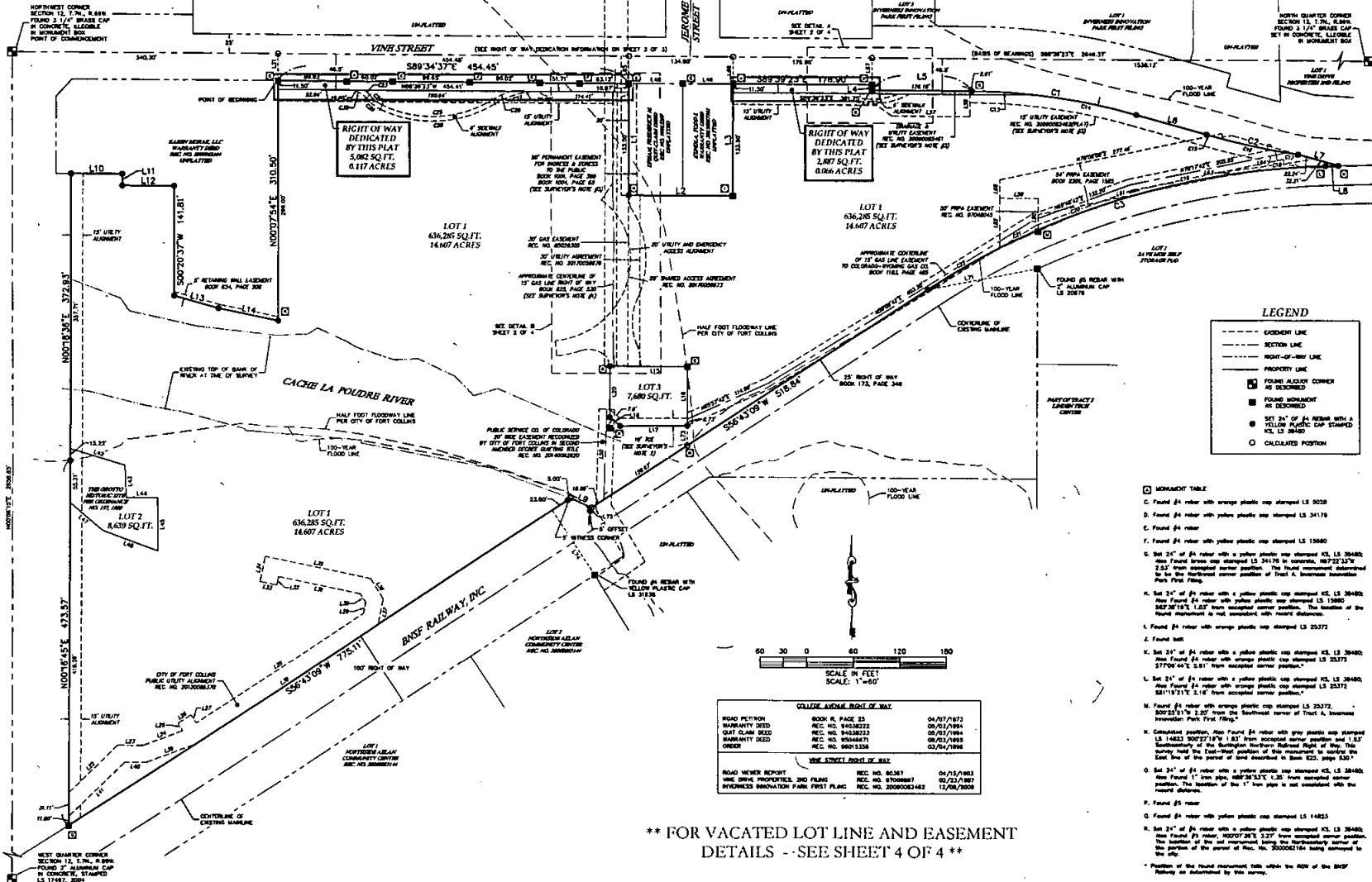
ATTEST:


City Clerk



POUDRE RIVER WHITEWATER PARK

Multiple Parcels of Land, A Portion Thereof Being a Replat of Tract A, Inverness Innovation Park First Filing,
 Situate in the Northwest Quarter of Section 12, Township 7 North, Range 69 West of the 6th P.M.,
 City of Fort Collins, County of Larimer, State of Colorado



DATE: 12/15/17
 FILE NAME: 2015684C-SUB
 SCALE: 1"=80'
 DRAWN BY: CEM
 CHECKED BY: FLE

KING SURVEYORS
 650 E. Garden Drive | Windsor, Colorado 80550
 phone: (970) 686-5011 | email: contact@kingsurveyors.com



DATE	BY	REVISION
12/15/17	CEM	INITIAL DESIGN
12/15/17	CEM	REVISION FOR COMMENTS
12/15/17	CEM	REVISION FOR COMMENTS

POUDRE RIVER WHITEWATER PARK
 FOR THE CITY OF FORT COLLINS
ANDERSON CONSULTING ENGINEERS
 375 E. HORSFORTH ROAD, BUILDING 5
 FORT COLLINS, CO 80525

PROJECT # 2015684-C

3

SHEET 3 OF 4

PRELIMINARY
 James L. Edwards - Sr. Surveyor
 Colorado Licensed Professional
 Land Surveyor #2426

** FOR VACATED LOT LINE AND EASEMENT
 DETAILS -- SEE SHEET 4 OF 4 **

** FOR LINE AND CURVE TABLE
 SEE SHEET 2 OF 4 **