

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

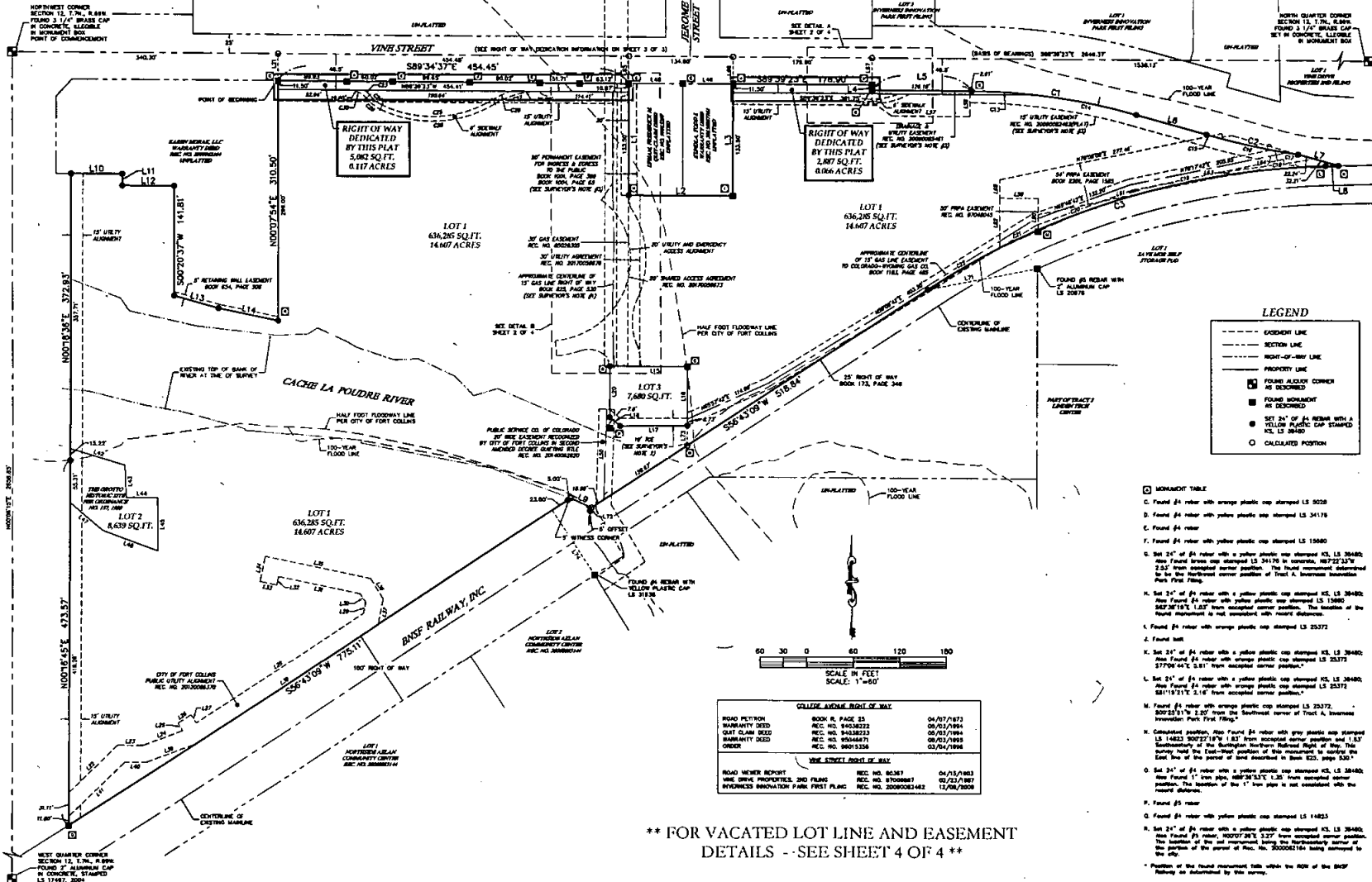
ATTEST:


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



LEGEND

- GROUND LINE
- - - SECTION LINE
- - - RIGHT-OF-WAY LINE
- - - PROPERTY LINE
- FOUND MONUMENT CORNER AS DESCRIBED
- FOUND MONUMENT AS DESCRIBED
- SET 24" OF #4 REBAR WITH A 2.52" FROM SURFACE TO TOP OF CONCRETE CAP STAMPEL NO. LS 20480
- CALCULATED POSITION

- MONUMENT TABLE**
- A. Found #4 rebar with orange plastic cap stamped LS 2023
 - B. Found #4 rebar with yellow plastic cap stamped LS 24178
 - C. Found #4 rebar
 - D. Found #4 rebar with yellow plastic cap stamped LS 15860
 - E. Set 24" of #4 rebar with a yellow plastic cap stamped KS, LS 20480. Also found brass cap stamped LS 24178 in concrete, 187-22-31" 2.52" from surface to top of concrete. The found monument is to be the true and correct corner position of Tract A, Inverness Innovation Park First Filing.
 - F. Set 24" of #4 rebar with a yellow plastic cap stamped KS, LS 20480. Also found #4 rebar with orange plastic cap stamped LS 25372 581-19-11" 2.16" from accepted corner position.
 - G. Found #4 rebar with orange plastic cap stamped LS 25372.
 - H. Found #4 rebar with orange plastic cap stamped LS 25372. Also found #4 rebar with yellow plastic cap stamped LS 25372 300-25-17" 2.52" from the southeast corner of Tract A, Inverness Innovation Park First Filing.
 - I. Calculated position. Also found #4 rebar with grey plastic cap stamped LS 14823 300-27-17" 1.87" from accepted corner position and 1.67" from the center of the BNSF Railway Right-of-Way. The found monument is to be the true and correct corner position of the parcel of land described in Book 22, page 320.
 - J. Set 24" of #4 rebar with a yellow plastic cap stamped KS, LS 20480. Also found #4 rebar with orange plastic cap stamped LS 25372 581-19-11" 2.16" from accepted corner position. The location of the 1" iron pipe is to be coincident with the found #4 rebar.
 - K. Found #4 rebar with yellow plastic cap stamped LS 14823
 - L. Set 24" of #4 rebar with a yellow plastic cap stamped KS, LS 20480. Also found #4 rebar, 1007-28-1-327" from accepted corner position. The found monument is to be the true and correct corner position of the parcel of land described in Book 22, page 320.

COLLEGE AVENUE RIGHT OF WAY

ROAD PETITION	BOOK R, PAGE 25	04/07/1973
WARRANTY DEED	REC. NO. 84038222	09/03/1984
QUIT CLAIM DEED	REC. NO. 84438213	09/03/1984
WARRANTY DEED	REC. NO. 95044871	09/03/1988
WARRANTY DEED	REC. NO. 98012304	03/04/1998

THE STREET RIGHT OF WAY

ROAD MEASUREMENT	REC. NO. 80367	04/13/1983
WIDE DRIVE PROPERTIES, 2ND FILING	REC. NO. 8708887	02/23/1987
INVERNESS INNOVATION PARK FIRST FILING	REC. NO. 2000061482	12/06/2000

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

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

PRELIMINARY
 James L. Edwards - Sr. Surveyor
 Colorado Licensed Professional
 Land Surveyor #2482

DATE:	12/15/1917
FILE NAME:	2015684C-SUB
SCALE:	1"=80'
DRAWN BY:	CEK
CHECKED BY:	FILE

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



DATE:	12/15/1917
FILE NAME:	2015684C-SUB
SCALE:	1"=80'
DRAWN BY:	CEK
CHECKED BY:	FILE

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

PROJECT # 2015684-C

3

SHEET 3 OF 4