

ORDINANCE NO. 040, 2018
OF THE COUNCIL OF THE CITY OF FORT COLLINS
DECLARING CERTAIN CITY-OWNED PROPERTY AT
ARAPAHO BEND NATURAL AREA AS ROAD RIGHT-OF-WAY

WHEREAS, the City owns a parcel of property located at the northwest and northeast corners of the intersection of Harmony Road and Strauss Cabin Road known as Arapaho Bend Natural Area (the "Property"); and

WHEREAS, the City's Engineering Department is working on a project to signalize the intersection and make other improvements to accommodate additional vehicular and pedestrian traffic anticipated at the intersection due to new development (the "Project"); and

WHEREAS, to accommodate the Project, Engineering is seeking to convert approximately .105 acres of the Property to road right-of-way; and

WHEREAS, the portions of the Property to be designated as right-of-way are more specifically described on Exhibits "A-1" and "A-2", attached hereto and incorporated herein by this reference; and

WHEREAS, to establish a public record that this portion of the Property is intended for use by the City as right-of-way for a public roadway 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, staff recommends that the City Council declare such property to be right-of-way; and

WHEREAS, converting property owned by the City in fee simple to right-of-way constitutes a conveyance of an interest in such property, as doing so creates certain public rights in the property that would not otherwise exist on City-owned property; and

WHEREAS, because the Property was purchased with dedicated Natural Areas tax proceeds, the Engineering Department will pay the Natural Areas Department \$1,558 for the value of the portion of the Property being converted to right-of-way, and compensation for staff time spent on the Project; and

WHEREAS, the Project will also benefit Natural Areas by installing a pedestrian crossing to connect residents living south of Harmony Road to the Property and signage to help direct pedestrian and vehicular traffic to the Property, undergrounding power lines that are currently overhead, and upgrading existing street lamps to a more ecological design; and

WHEREAS, at its regular meeting on February 14, 2018, the Land Conservation and Stewardship Board voted to recommend that the City Council approve the dedication of road right-of-way for the Project; and

WHEREAS, Section 23-111(a) of the City Code authorizes the City Council 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 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 declares that the real property described on Exhibits "A-1" and "A-2" shall constitute right-of-way for City streets 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 interests 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 6th day of March, A.D. 2018, and to be presented for final passage on the 20th day of March, A.D. 2018.


Mayor

ATTEST:


City Clerk



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


Mayor Bob Tem

ATTEST:

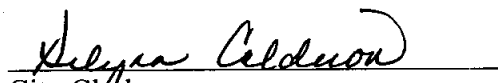

City Clerk



EXHIBIT A-1

PARCEL DESCRIPTION

A parcel of land, being part of that parcel described in that Warranty Deed (WD) recorded January 23, 1995 as Reception No. 19950004228 of the Records of the Larimer County Clerk and Recorder, located in the Southeast Quarter (SE1/4) of Section Thirty-three (33), Township Seven North (T.7N.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), City of Fort Collins, County of Larimer, State of Colorado and being more particularly described as follows:

COMMENCING at the Southeast corner of said Section 33 and assuming the East line of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of said Section 33 as bearing North 00°07'49" East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 1323.51 feet and with all other bearings contained herein relative thereto;

THENCE North 00°07'49" East along said East line a distance of 150.00 feet;

THENCE North 88°16'11" West a distance of 30.01 feet to the Southeast corner of said WD and the **POINT OF BEGINNING**;

THENCE North 88°16'11" West along the South line of said WD and along the North Right of Way line of Harmony Road a distance of 43.11 feet;

THENCE North 24°50'49" East a distance of 103.06 feet to the East line of said WD and to the West Right of Way line of Strauss Cabin Road;

THENCE South 00°07'49" West along said East line a distance of 94.82 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 2,043 Square Feet or 0.047 Acres, more or less (±).

SURVEYOR'S STATEMENT

I, Steven Parks, a Colorado Licensed Professional Land Surveyor do hereby state that this Parcel Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.

PRELIMINARY

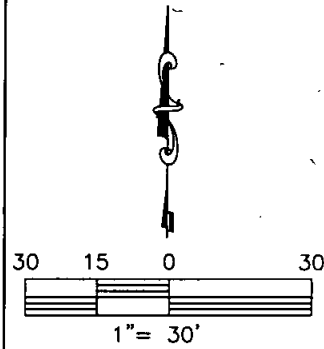
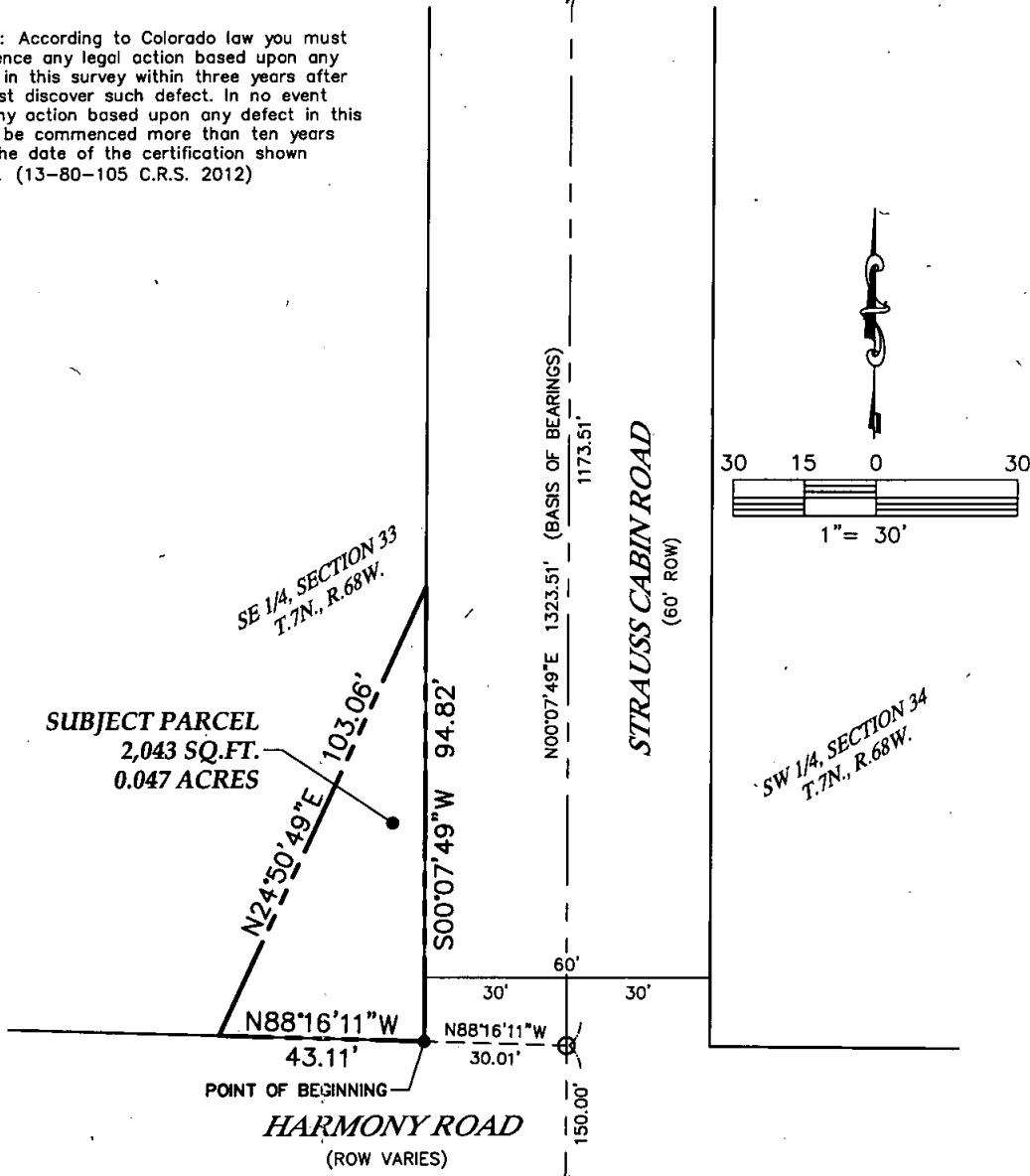
Steven Parks - on behalf of King Surveyors
Colorado Licensed Professional
Land Surveyor #38348

KING SURVEYORS
650 East Garden Drive
Windsor, Colorado 80550
(970) 686-5011

NOTE: This exhibit drawing is not intended to be a monumented land survey. It's sole purpose is as a graphic representation to aid in the visualization of the written property description which it accompanies. The written property description supersedes the exhibit drawing.

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon. (13-80-105 C.R.S. 2012)

SOUTH SIXTEENTH CORNER
SECTION 33 & 34, T.7N., R.68W.
FOUND #6 REBAR WITH
2 1/2" ALUMINUM CAP, LS 24307, 2015
IN MONUMENT BOX



SUBJECT PARCEL
2,043 SQ.FT.
0.047 ACRES

SE 1/4, SECTION 33
T.7N., R.68W.

SW 1/4, SECTION 34
T.7N., R.68W.



PRELIMINARY

Steven Parks - On Behalf Of King Surveyors
Colorado Licensed Professional
Land Surveyor #38348



KING SURVEYORS
650 E. Garden Drive | Windsor, Colorado 80550
phone: (970) 686-5011 | fax: (970) 686-5821
email: contact@KingSurveyors.com

PROJECT NO: 20170728
DATE: 1/26/2018
CLIENT: INTERWEST
DWG: 20170728ROW-SE
DRAWN: LEC **CHECKED:** SIP

EXHIBIT A-2

PARCEL DESCRIPTION

A parcel of land, being part of that parcel as described in that Quit Claim Deed (QCD) recorded August 25, 2009 as Reception No. 20090059093 of the Records of the Larimer County Clerk and Recorder, located in the Southwest Quarter (SW1/4) of Section Thirty-four (34), Township Seven North (T.7N.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), City of Fort Collins, County of Larimer, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 34 and assuming the West line of the Southwest Quarter of the Southwest Quarter (SW1/4SW1/4) of said Section 34 as bearing North 00°07'49" East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 1323.51 feet and with all other bearings contained herein relative thereto;

THENCE North 00°07'49" East along said West line a distance of 150.01 feet;

THENCE South 89°32'39" East a distance of 30.00 feet to the Southwest corner of said QCD and to the **POINT OF BEGINNING**;

THENCE North 00°07'49" East along the West line of said QCD and along the East Right of Way line of Strauss Cabin Road a distance of 204.36 feet;

THENCE South 04°59'56" East a distance of 128.22 feet;

THENCE South 10°19'41" East a distance of 43.18 feet;

THENCE South 27°53'33" East a distance of 27.60 feet;

THENCE South 89°32'39" East a distance of 20.71 feet;

THENCE South 00°27'21" West a distance of 10.00 feet to the South line of said QCD;

THENCE North 89°32'39" West along said South line and along the North Right of Way line of Harmony Road a distance of 52.93 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 2,540 Square Feet or 0.058 Acres, more or less (±).

SURVEYOR'S STATEMENT

I, Steven Parks, a Colorado Licensed Professional Land Surveyor do hereby state that this Parcel Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.

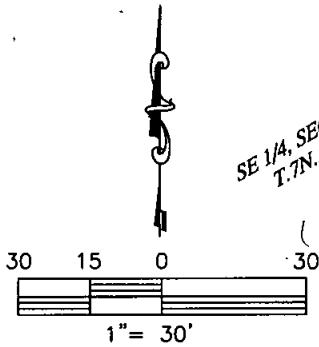
Steven Parks - on behalf of King Surveyors
Colorado Licensed Professional
Land Surveyor #38348

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LINE TABLE		
LINE	BEARING	LENGTH
L1	S10°19'41"E	43.18'
L2	S27°53'33"E	27.60'
L3	S89°32'39"E	20.71'
L4	S00°27'21"W	10.00'
L5	N89°32'39"W	52.92'



SE 1/4, SECTION 33
T.7N., R.68W.

STRAUSS CABIN ROAD
(60' ROW)

N00°07'49"E 1323.51' (BASIS OF BEARINGS)
1173.50'

SOUTH SIXTEENTH CORNER
SECTION 33 & 34, T.7N., R.68W.
FOUND #6 REBAR WITH
2 1/2" ALUMINUM CAP, LS 24307, 2015
IN MONUMENT BOX

SW 1/4, SECTION 34
T.7N., R.68W.

SUBJECT PARCEL
2,540 SQ.FT.
0.058 ACRES

30.0' 60.0' 30.0'

S89°32'39"E

150.01'

POINT OF BEGINNING

HARMONY ROAD
(ROW VARIES)

SOUTHWEST CORNER
SECTION 34, T.7N., R.68W.
FOUND #6 REBAR WITH
3 1/2" ALUMINUM CAP, LS 25384, 1996
IN MONUMENT BOX
POINT OF COMMENCEMENT



PRELIMINARY

Steven Parks - On Behalf Of King Surveyors
Colorado Licensed Professional
Land Surveyor #38348



KING SURVEYORS

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email: contact@KingSurveyors.com

PROJECT NO: 20170728
DATE: 1/23/2018
CLIENT: INTERWEST
DWG: 20170728ROW-SW
DRAWN: LEC CHECKED: SIP