

ORDINANCE NO. 064, 2018
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF VARIOUS PROPERTY
INTERESTS ON CITY-OWNED PROPERTY AT PELICAN
MARSH NATURAL AREA TO PEDCOR INVESTMENTS LLC

WHEREAS, the City is the owner of property located southeast of the intersection of South College Avenue and Trilby Road known as Pelican Marsh Natural Area (the "City Property"); and

WHEREAS, Pedcor Investments LLC ("Pedcor") has proposed a new development on land northwest of the City Property that would consist of 180 affordable housing units (the "Development"); and

WHEREAS, in order to receive the necessary development approvals for the Development, Pedcor is asking the City to convey to it a permanent drainage easement and permanent slope easement ("Easements") and two temporary construction easements ("TCEs") on the City Property to properly manage stormwater flows from the Development site; and

WHEREAS, the two Easements are described on Exhibits "A" and "B" and the TCEs are described on Exhibits "C" and "D", all attached and incorporated herein by this reference; and

WHEREAS, Pedcor would pay the City a total of \$3,848 for the Easements and TCEs, as well as \$1,500 to cover the costs of processing the easement request, and a \$2,500 restoration fee to cover the costs of maintaining areas restored after construction of the drainage improvements and initial restoration of the easement areas; and

WHEREAS, City staff believes that the impact to the City Property from the proposed improvements will be minimal, as they would be at the edge of the City Property, and City staff will work with Pedcor to ensure restoration work is done in accordance with the Natural Areas Resource Protection Standards; and

WHEREAS, at its regular meeting on April 11, 2018, the Land Conservation and Stewardship Board voted to recommend conveying the Easements and TCEs to Pedcor; and

WHEREAS, Pedcor's proposed affordable housing units will substantially help further the City's goal in the current Affordable Housing Strategic Plan to provide 188 units of affordable housing per year; and

WHEREAS, Section 23-111(a) of the City Code authorizes the City Council to sell, convey or otherwise dispose of any interest in real property owned by 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.

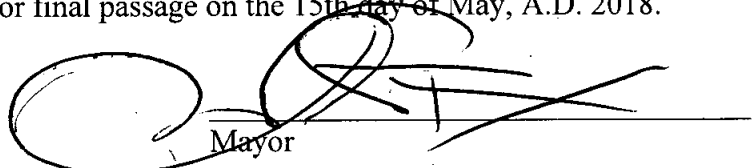
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

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 Easements and TCEs to Pedcor as provided herein is in the best interests of the City.

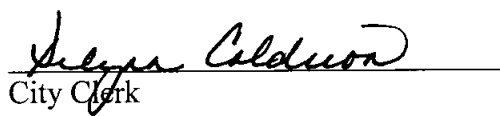
Section 3. That the Mayor is hereby authorized to execute the deeds necessary to convey the property interests to Pedcor, and the City Manager is authorized to execute such other documents related to the property conveyances as may be necessary, all on terms and conditions consistent with this Ordinance, 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 such property interests, as long as such changes do not materially increase the size or change the character of the interests to be conveyed.

Introduced, considered favorably on first reading, and ordered published this 1st day of May, A.D. 2018, and to be presented for final passage on the 15th day of May, A.D. 2018.

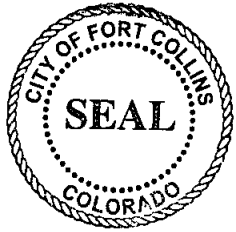


Mayor

ATTEST:



City Clerk

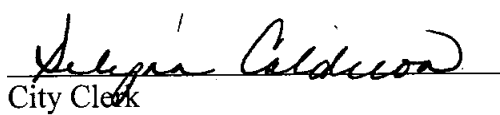


Passed and adopted on final reading on the 15th day of May, A.D. 2018.



Mayor Pro Tem

ATTEST:



City Clerk



EXHIBIT A - DRAINAGE EASEMENT

PARCEL DESCRIPTION

A parcel of land located in the Southwest Quarter (SW1/4) of Section Thirteen (13), Township Six North (T. 6N.), Range Sixty-Nine West (R.69W.) 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 West Quarter corner of said Section 13 and assuming the West line of said Northwest Quarter as bearing North 00°14'53" East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2661.30 feet and with all other bearings contained herein relative thereto;

THENCE North 89°58'19" East along said North line of the South Half of said Section 13 a distance of 168.85 feet to the **POINT OF BEGINNING**;

THENCE North 89°58'19" East continuing along said North line a distance of 157.50 feet;

THENCE South 00°08'02" East a distance of 20.00 feet;

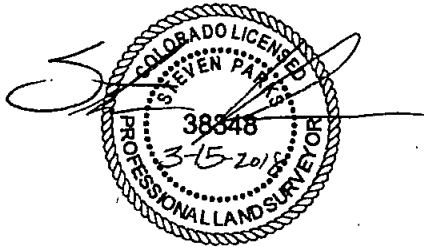
THENCE South 89°58'19" West a distance of 157.50 feet;

THENCE North 00°08'02" West a distance of 20.00 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 3,150 Square Feet or 0.072 Acres, more or less (±).

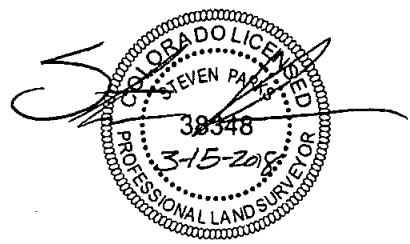
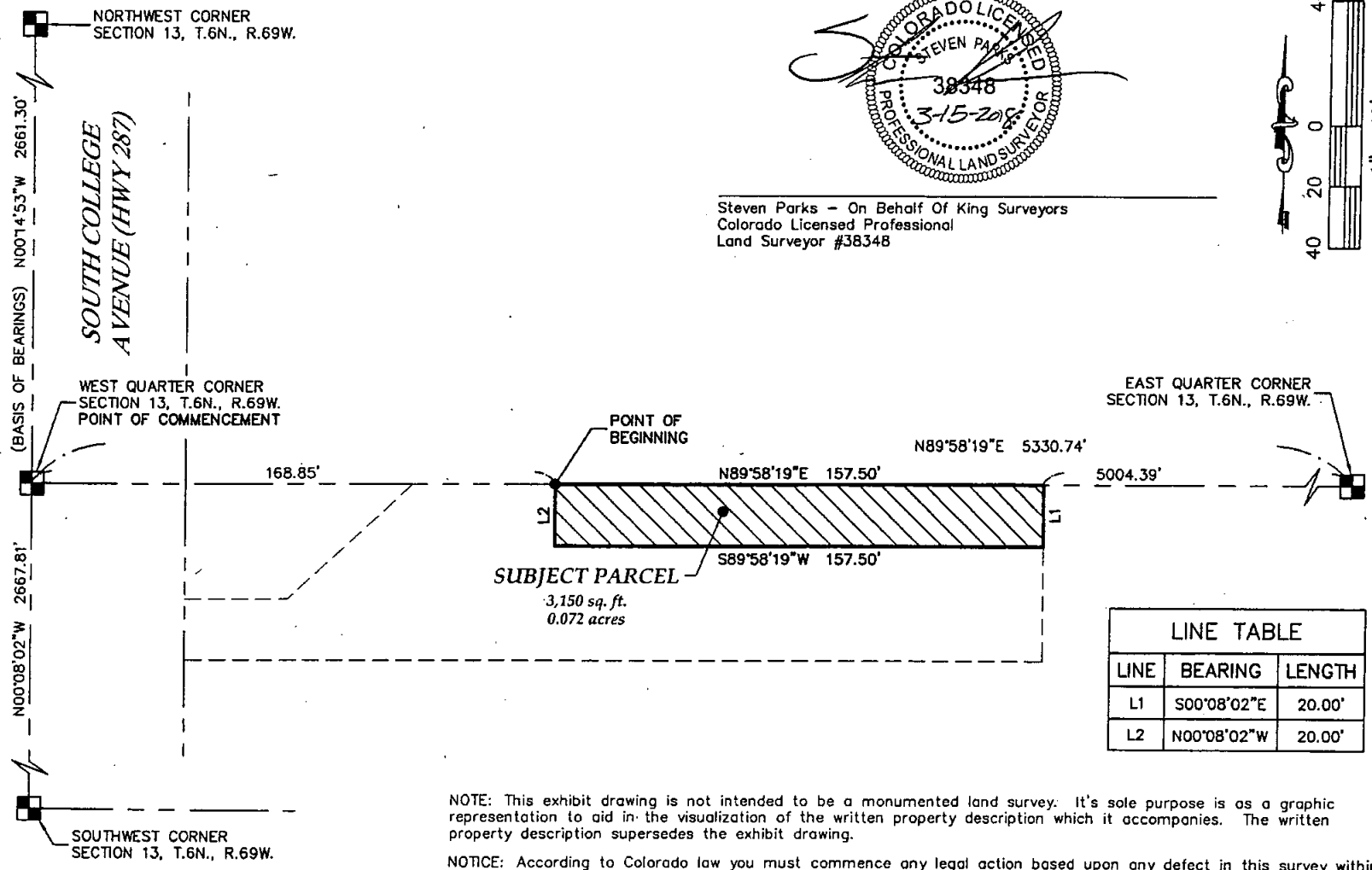
SURVEYOR'S STATEMENT

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.

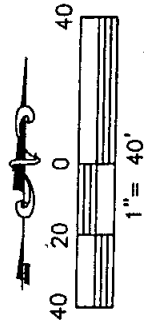


Steven Parks - on behalf of King Surveyors
Colorado Licensed Professional
Land Surveyor #38348

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



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



LINE TABLE		
LINE	BEARING	LENGTH
L1	S00°08'02"E	20.00'
L2	N00°08'02"W	20.00'

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)

PROJECT NO: 20151099
DATE: 3/15/2018
CLIENT: ASPEN ENGINEERING
DWG: 20151099-EXH-PERM EASE 2
DRAWN: CSK CHECKED: SIP

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



EXHIBIT B - SLOPE EASEMENT

PARCEL DESCRIPTION

A parcel of land located in the Southwest Quarter (SW1/4) of Section Thirteen (13), Township Six North (T. 6N.), Range Sixty-Nine West (R.69W.) 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 West Quarter corner of said Section 13 and assuming the West line of said Northwest Quarter as bearing North 00°14'53" East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2661.30 feet and with all other bearings contained herein relative thereto;

THENCE North 89°58'19" East along said North line of the South Half of said Section 13 a distance of 50.00 feet to the Easterly Right-of-Way (ROW) of State Highway 287 a.k.a. South College Avenue to the **POINT OF BEGINNING**;

THENCE continuing along said North line of the Southwest Quarter North 89°58'19" East a distance of 73.22 feet;

THENCE South 47°03'02" West a distance of 54.99 feet;

THENCE South 89°51'58" West to the East Right-of-Way line of State Highway 287 a distance of 32.88 feet;

THENCE North 00°08'02" West along said East Right-of-Way line a distance of 37.51 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 1,988 Square Feet or 0.046 Acres, more or less (±).

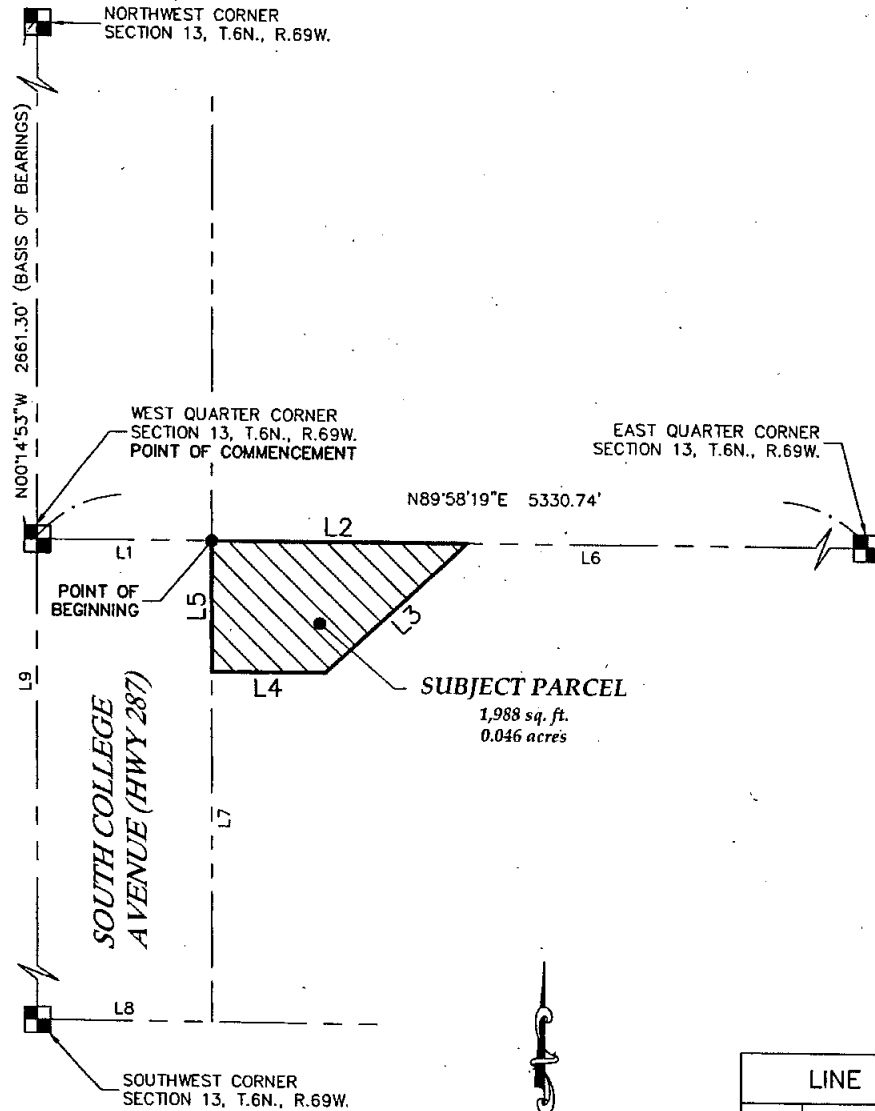
SURVEYOR'S STATEMENT

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



SUBJECT PARCEL
1,988 sq. ft.
0.046 acres

LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°58'19"E	50.00'
L2	N89°58'19"E	73.22'
L3	S47°03'02"W	54.99'
L4	S89°51'58"W	32.88'
L5	N00°08'02"W	37.51'
L6	N89°58'19"E	5207.52'
L7	S00°08'02"E	2630.59'
L8	N89°41'24"W	50.00'
L9	N00°08'02"W	2667.81'

PRELIMINARY

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

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email: contact@KingSurveyors.com

PROJECT NO: 20151099
DATE: 10/17/2017
CLIENT: ASPEN ENGINEERING
DWG: 20151099-EXH-PERM EASE 1
DRAWN: MM **CHECKED:** SP

EXHIBIT C - DRAINAGE EASEMENT TCE

PARCEL DESCRIPTION

A parcel of land located in the Southwest Quarter (SW1/4) of Section Thirteen (13), Township Six North (T. 6N.), Range Sixty-Nine West (R.69W.) 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 West Quarter corner of said Section 13 and assuming the West line of said Northwest Quarter as bearing North 00°14'53" East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2661.30 feet and with all other bearings contained herein relative thereto;

THENCE North 89°58'19" East along said North line of the South Half of said Section 13 a distance of 123.22 feet to the **POINT OF BEGINNING**;

THENCE North 89°58'19" East continuing along said North line a distance of 45.63 feet;

THENCE South 00°08'02" East a distance of 20.00 feet;

THENCE North 89°58'19" East a distance of 157.50 feet;

THENCE South 00°08'02" East a distance of 37.20 feet;

THENCE South 89°58'19" West a distance of 276.35 feet to the East Right-of-Way line of State Highway 287;

THENCE North 00°08'02" West along said East Right-of-Way line a distance of 19.69 feet;

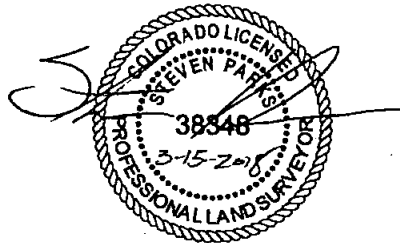
THENCE North 89°51'58" East a distance of 32.88 feet;

THENCE North 47°03'02" East a distance of 54.99 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 10,669 Square Feet or 0.245 Acres, more or less (±).

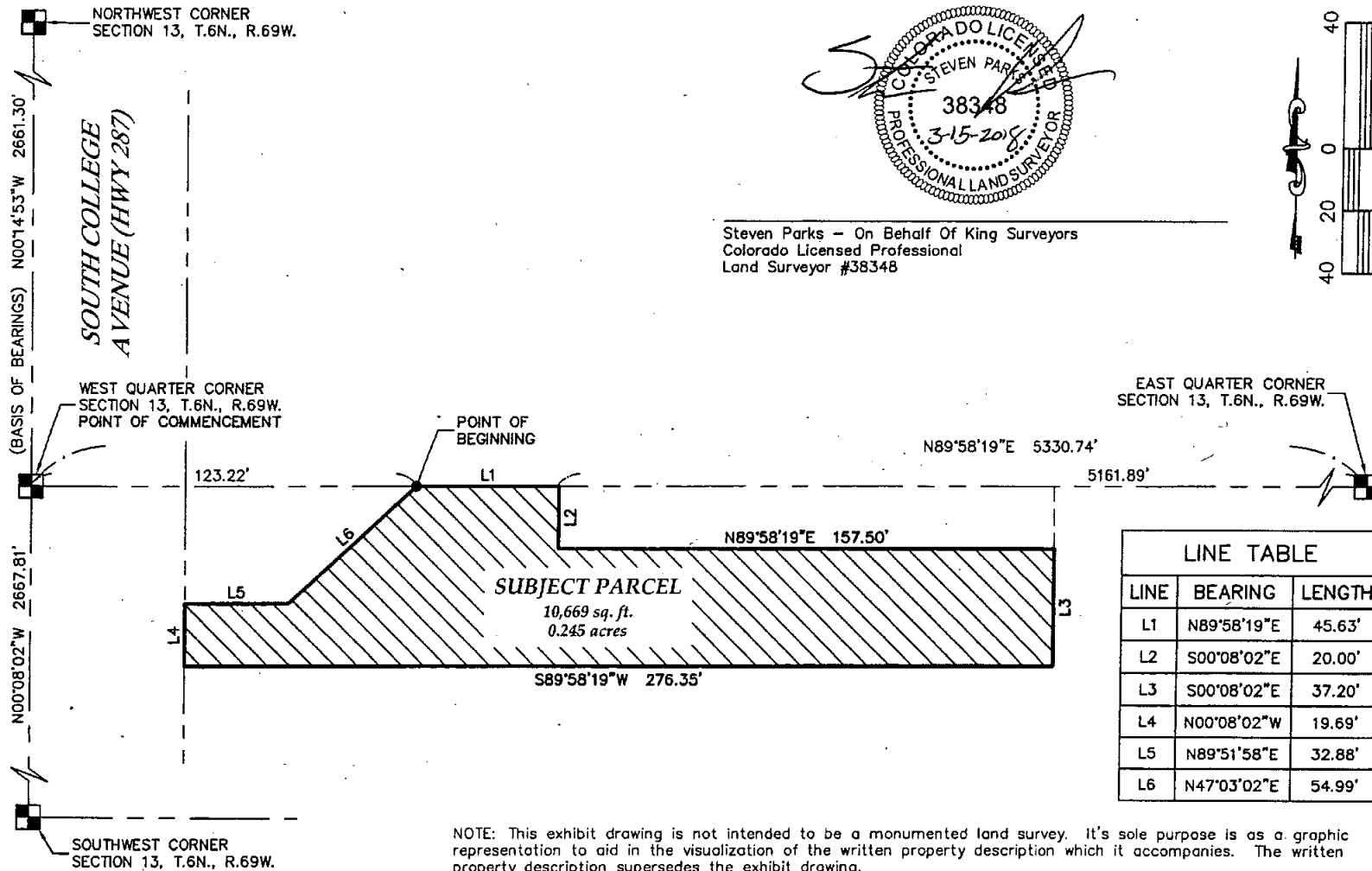
SURVEYOR'S STATEMENT

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Steven Parks - on behalf of King Surveyors
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LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°58'19"E	45.63'
L2	S00°08'02"E	20.00'
L3	S00°08'02"E	37.20'
L4	N00°08'02"W	19.69'
L5	N89°51'58"E	32.88'
L6	N47°03'02"E	54.99'

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DATE: 3/15/2018
CLIENT: ASPEN ENGINEERING
DWG: 20151099-EXH-TEMP EASE 1
DRAWN: CSK CHECKED: SIP

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EXHIBIT D - SLOPE EASEMENT TCE

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THENCE North 89°58'19" East along said North line of the South Half of said Section 13 a distance of 50.00 feet to the Easterly Right-of-Way (ROW) of State Highway 287 a.k.a. South College Avenue;

THENCE continuing along said North line North 89°58'19" East a distance of 73.22 feet to the **POINT OF BEGINNING**;

THENCE continuing along said North line North 89°58'19" East a distance of 29.37 feet;

THENCE South 47°03'02" West a distance of 84.34 feet;

THENCE South 89°51'58" West to the East Right-of-Way of said State Highway 287 a distance of 40.72 feet;

THENCE North 00°08'02" West along said East Right-of-Way a distance of 20.00 feet;

THENCE North 89°51'58" East a distance of 32.88 feet;

THENCE North 47°03'02" East a distance of 54.99 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 2,129 Square Feet or 0.049 Acres, more or less (±).

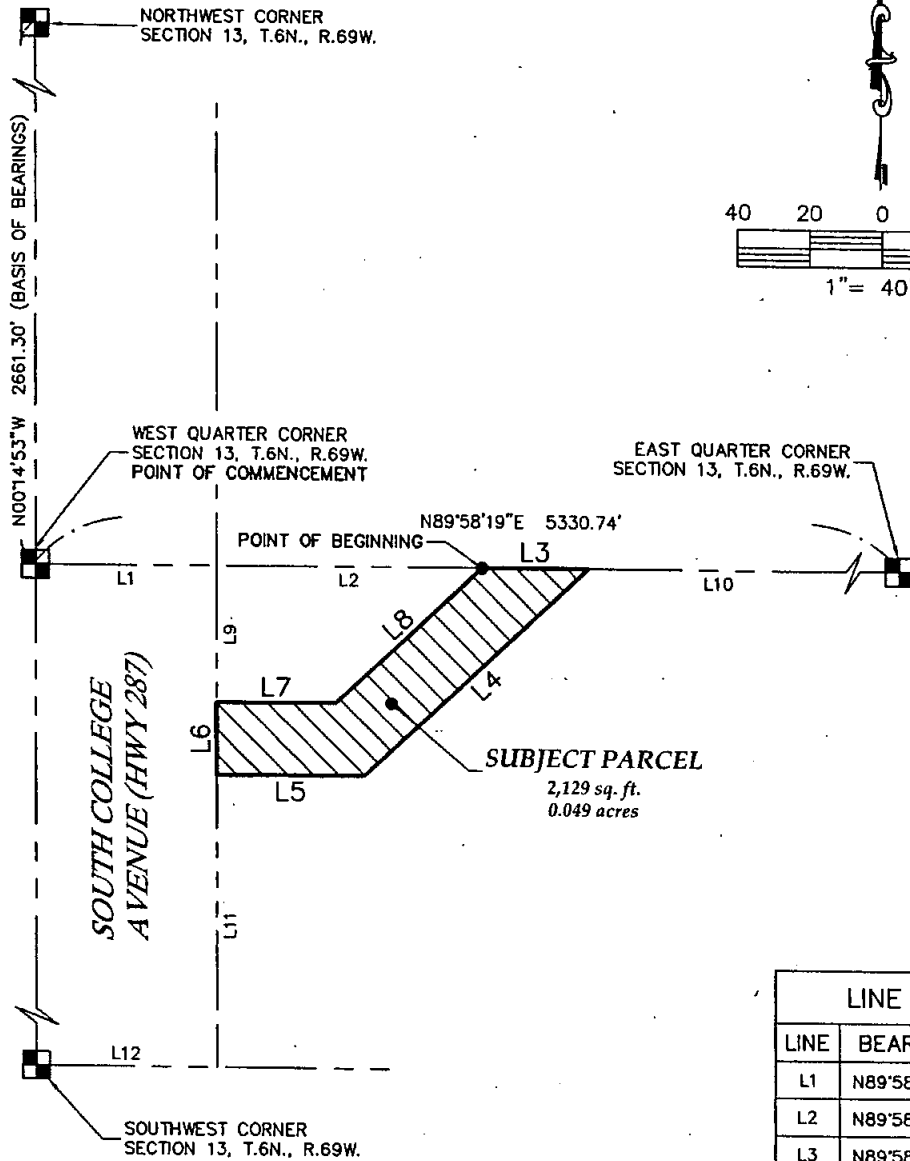
SURVEYOR'S STATEMENT

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PRELIMINARY

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

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SUBJECT PARCEL
2,129 sq. ft.
0.049 acres

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L2	N89°58'19"E	73.22'
L3	N89°58'19"E	29.37'
L4	S47°03'02"W	84.34'
L5	S89°51'58"W	40.72'
L6	N00°08'02"W	20.00'
L7	N89°51'58"E	32.88'
L8	N47°03'02"E	54.99'
L9	S00°08'02"E	37.51' "
L10	N89°58'19"E	5178.15'
L11	S00°08'02"E	2610.59'
L12	N89°41'24"W	50.00'

PRELIMINARY

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DRAWN: MM **CHECKED:** SP