

ORDINANCE NO. 065, 2018
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE TO THE COLORADO DEPARTMENT
OF TRANSPORTATION OF VARIOUS PROPERTY INTERESTS ON
CITY-OWNED PROPERTY AT ARAPAHO BEND NATURAL AREA

WHEREAS, the City is the owner of property located north of Harmony Road on both sides of I-25 known as Arapaho Bend Natural Area (the "City Property"); and

WHEREAS, the Colorado Department of Transportation (CDOT) has requested from the City two permanent right-of-way easements ("Easements") and a temporary construction easement ("TCE") on the City Property as part of the planned expansion of I-25 (the "Project"); and

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

WHEREAS, CDOT has agreed to pay the City \$44,613 for the Easements and TCE, as well as \$68,650 to compensate for trees that will be lost and for reseeded; and

WHEREAS, the City has also negotiated to convey to CDOT, by quitclaim deed, a narrow, triangle-shaped strip of the City Property located between I-25 and the Timnath Wal-Mart, as more particularly described on Exhibit "D", attached and incorporated herein by reference (the "Triangle Parcel"); and

WHEREAS, the Triangle Parcel is a portion of a larger parcel acquired by the City as part of the City Property, but due to its location and configuration, it has negative value to the Natural Areas Program as it provides no benefit, but costs money to maintain; and

WHEREAS, having CDOT take over ownership and maintenance of the Triangle Parcel would be a benefit to the City; and

WHEREAS; as part of the Project, CDOT will also construct a trail under the existing bridge to allow the City to make a trail connection from the west side of I-25 to the east side, facilitating future expansion of the City's trail system; and

WHEREAS, City staff has determined that the value to the City of having the trail constructed, and no longer having to maintain the Triangle Parcel, is worth more to the City than the Triangle Parcel; and

WHEREAS, at its regular meeting on April 11, 2018, the Land Conservation and Stewardship Board voted to recommend conveying the Easements, TCE and Triangle Parcel to CDOT; 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.

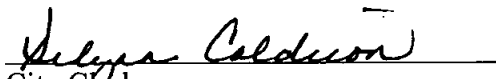
Section 2. That the City Council hereby finds that the conveyance of the Easements, TCE and Triangle Parcel to CDOT as provided herein is in the best interests of the City.

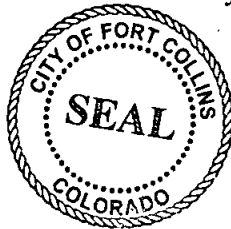
Section 3. That the Mayor is hereby authorized to execute the deeds necessary to convey the property interests to CDOT, and the City Manager is authorized to execute such other documents related to the property conveyances as may be necessary, all on terms and conditions consistent with this Ordinance, 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.

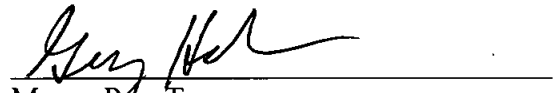

Mayor

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"

PROJECT NUMBER: IM 0253-255

PARCEL NUMBER: RW-256

PROJECT CODE: 21506

DATE: May 15, 2017

DESCRIPTION

A tract or parcel of land No. RW-256 of the Department of Transportation, State of Colorado Project No. IM 0253-255 containing 62,699 sq. ft. (1.439 acres), more or less, in the west half of Section 34, Township 7 North, Range 68 West, of the 6th Principal Meridian, in Larimer County, Colorado, also being a portion of the tract of land described in a deed recorded August 25, 2009, at Rec. No. 20090059093 in the records of the Clerk and Recorder's office, in Larimer County, Colorado, said tract or parcel being more particularly described as follows:

Commencing at a point, whence the South Quarter corner of said Section 34 (being a 3-1/4" aluminum cap, stamped COLO DEPT OF TRANSPORTATION, PLS NO 24307, T7N R68W, S 1/4 34, S3, T6N R68W, POINT NO 306, 2000), bears S. 25°44'44" E., a distance of 846.56 feet, said point being on the west right of way line of Interstate 25 (May 2017), said point also being the TRUE POINT OF BEGINNING;

1. Thence N. 0°50'29" W., a distance of 978.51 feet;
2. Thence N. 8°28'19" W., to the said west right of way line, a distance of 943.36 feet;
3. Thence along said west right of way line, S. 12°45'50" E., a distance of 231.36 feet;
4. Thence continuing along said west right of way line, on the arc of a curve to the right, a radius of 5,565.00 feet, a central angle of 10°35'01", a distance of 1,027.96 feet, (a chord bearing S. 7°28'20" E., a distance of 1,026.50 feet);
5. Thence continuing along said west right of way line, S. 2°10'50" E., a distance of 554.26 feet;
6. Thence continuing along said west right of way line, S. 24°37'32" W., a distance of 125.62 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described parcel contains 62,699 sq. ft. (1.439 acres), more or less.

Basis of Bearings: Bearings used in the calculations of coordinates are based on a grid bearing of N. 0°05'56" W. (a distance of 2,642.71 feet), from the said South Quarter corner of Section 34 to the Center Quarter corner of said Section 34 (being a 3-1/4" aluminum cap, stamped NORTHERN ENGINEERING, T7N R68W, C 1/4 S34, 2012, LS 14823), as obtained from a Global Positioning System (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN).

Prepared by:

Kevin Williams P.L.S 28294

For and on the behalf of AECOM

6200 South Quebec Street

Greenwood Village, Colorado 80111



EXHIBIT "B"

PROJECT NUMBER: IM 0253-255

PARCEL NUMBER: RW-257

PROJECT CODE: 21506

DATE: May 15, 2017

DESCRIPTION

A tract or parcel of land No. RW-257 of the Department of Transportation, State of Colorado Project No. IM 0253-255 containing 63,191 sq. ft. (1.451 acres), more or less, in the Northwest Quarter of Section 34, Township 7 North, Range 68 West, of the 6th Principal Meridian, in Larimer County, Colorado, also being a portion of the tract of land described in a deed recorded June 15, 2000, as Rec. No. 2000040027 in the records of the Clerk and Recorder's office, in Larimer County, Colorado, said tract or parcel being more particularly described as follows

Commencing at a point, whence the Center Quarter corner of said Section 34 (being a 3-1/4" aluminum cap, stamped NORTHERN ENGINEERING, T7N R68W, C 1/4 S34, 2012, LS 14823), bears S. 89°41'36" E., a distance of 120.21 feet, said point being on the south line of said Northwest Quarter, said point also being the TRUE POINT OF BEGINNING;

1. Thence along said south line, N. 89°41'36" W., to the east right of way line of Interstate 25 (May 2017), a distance of 133.14 feet;
2. Thence along said east right of way line, N. 12°45'50" W., a distance of 613.18 feet;
3. Thence continuing along said east right of way line, N. 72°24'00" E., a distance of 77.91 feet;
4. Thence continuing, N. 72°24'00" E., a distance of 50.17 feet;
5. Thence S. 12°56'44" E., a distance of 136.65 feet;
6. Thence S. 77°03'16" W., a distance of 55.36 feet;
7. Thence S. 12°56'44" E., a distance of 330.96 feet;
8. Thence N. 77°03'16" E., a distance of 55.36 feet;
9. Thence S. 12°56'44" E., a distance of 186.47 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described parcel contains 63,191 sq. ft. (1.451 acres), more or less.

Basis of Bearings: Bearings used in the calculations of coordinates are based on a grid bearing of N. 0°06'28" W. (a distance of 2,670.69 feet), from the said Center Quarter corner of said Section 34 to the North Quarter corner of Section 34 (being a 3-1/4" aluminum cap, stamped T7N R68W, 1/4 S27---S34, 1996, LS 25384), as obtained from a Global Positioning System (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN).

Prepared by:
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For and on the behalf of AECOM
6200 South Quebec Street
Greenwood Village, Colorado 80111



EXHIBIT "C"

PROJECT NUMBER: IM 0253-255
TEMPORARY EASEMENT NUMBER: TE-257
PROJECT CODE: 21506
DATE: May 15, 2017
DESCRIPTION

A Temporary Easement No. TE-257 of the Department of Transportation, State of Colorado Project No. IM 0253-255 containing 18,321 sq. ft. (0.421 acres), more or less, in the Northwest Quarter of Section 34, Township 7 North, Range 68 West, of the 6th Principal Meridian, in Larimer County, Colorado, also being a portion of the tract of land described in a deed recorded June 15, 2000, as Rec. No. 2000040027 in the records of the Clerk and Recorder's office, in Larimer County, Colorado, said Temporary Easement being more particularly described as follows:

Commencing at a point, whence the Center Quarter corner of said Section 34 (being a 3-1/4" aluminum cap, stamped NORTHERN ENGINEERING, T7N R68W, C 1/4 S34, 2012, LS 14823), bears S. 41°36'40" E., a distance of 243.92 feet, said point also being the TRUE POINT OF BEGINNING;

1. Thence S. 77°03'16" W., a distance of 55.36 feet;
2. Thence N. 12°56'44" W., a distance of 330.96 feet;
3. Thence N. 77°03'16" E., a distance of 55.36 feet;
4. Thence S. 12°56'44" E., a distance of 330.96 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described Temporary Easement contains 18,321 sq. ft. (0.421 acres), more or less.

The purpose of the above-described Temporary Easement is for the construction of a bridge.

Basis of Bearings: Bearings used in the calculations of coordinates are based on a grid bearing of N. 0°06'28" W. (a distance of 2,670.69 feet), from the said Center Quarter corner of said Section 34 to the North Quarter corner of Section 34 (being a 3-1/4" aluminum cap, stamped T7N R68W, 1/4 S27----S34, 1996, LS 25384), as obtained from a Global Positioning System (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN).

Prepared by:
Kevin Williams P.L.S 28294
For and on the behalf of AECOM
6200 South Quebec Street
Greenwood Village, Colorado 80111



EXHIBIT "D"

PROJECT NUMBER: IM 0253-255

PARCEL NUMBER: RW-256A

PROJECT CODE: 21506

DATE: April 6, 2018

DESCRIPTION

A tract or parcel of land No. RW-256A of the Department of Transportation, State of Colorado Project No. IM 0253-255, in the west half of Section 34, Township 7 North, Range 68 West, of the 6th Principal Meridian, in Larimer County, Colorado, also being a portion of the tract of land described in a deed recorded August 25, 2009, at Rec. No. 20090059093 in the records of the Clerk and Recorder's office, in Larimer County, Colorado, said tract or parcel being more particularly described as follows:

All that part of the southwest quarter of Section 34, Township 7 North, Range 68 West of the Sixth Principal Meridian, County of Larimer, State of Colorado, lying east of the East Right of Way line of Interstate Highway 25 (March 2018).

Basis of Bearings: Bearings used in the calculations of coordinates are based on a grid bearing of N. 0°05'56" W. (a distance of 2,642.71 feet), from the said South Quarter corner of Section 34 to the Center Quarter corner of said Section 34 (being a 3-1/4" aluminum cap, stamped NORTHERN ENGINEERING, T7N R68W, C 1/4 S34, 2012, LS 14823), as obtained from a Global Positioning System (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN).

Prepared by:

Stan Vermilyea P.L.S 25381

For and on the behalf of AECOM

6200 South Quebec Street

Greenwood Village, Colorado 80111