

ORDINANCE NO. 112, 2018
OF THE COUNCIL OF THE CITY OF FORT COLLINS
DECLARING CERTAIN CITY-OWNED PROPERTY ON NORTH
COLLEGE AVENUE AS ROAD RIGHT-OF-WAY FOR SUNIGA ROAD

WHEREAS, the City owns a parcel of property located at 1000 North College Avenue in Fort Collins as more particularly described on Exhibit "A", attached hereto and incorporated herein by reference (the "Property"); and

WHEREAS, the City purchased the Property in 2007 in connection with improvements to North College Avenue; and

WHEREAS, the City's Engineering Department intends to construct a new arterial roadway (Suniga Road) across the Property between College Avenue and Blondel Street (the "Project"); and

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

WHEREAS, to establish a public record that 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 the 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, 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 Exhibit "A" 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.

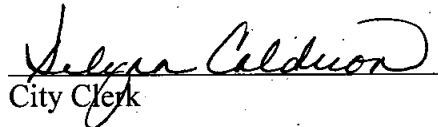
Section 3. That the City Clerk shall cause this Ordinance to be recorded in the real property records of the Larimer County Clerk and Recorder's office once the Ordinance becomes effective in accordance with Article II Section 7 of the City Charter.

Introduced, considered favorably on first reading, and ordered published this 21st day of August, A.D. 2018, and to be presented for final passage on the 4th day of September, A.D. 2018.



Mayor


ATTEST:



City Clerk

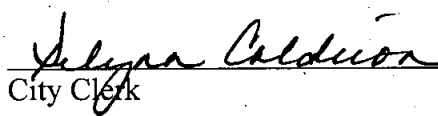


Passed and adopted on final reading on the 4th day of September, A.D. 2018.



Mayor

ATTEST:



City Clerk



EXHIBIT A

LEGAL DESCRIPTION:

A parcel of land situate in the Southwest quarter of Section 1, Township 7 North, Range 69 West, of the 6th P.M., City of Fort Collins, County of Larimer, State of Colorado, described in that certain Warranty Deed, dated August 3, 1995, recorded in the records of the Clerk and Recorder of Larimer County, Colorado, at Reception No. 95046927, and being more particularly described as follows:

Considering the West line of said Southwest quarter, as monumented by 3 ¼" diameter brass cap at the Southwest corner and 3" diameter aluminum cap at the West quarter corner, as bearing North 0°38'34" East and with all bearings contained herein relative thereto:

Commencing at the Southwest corner of said Section 1; thence along said West line of the Southwest quarter, North 00°38'34" East 1343.00 feet; thence South 89°21'26" East 40.00 feet to the East right-of-way of College Avenue, said point also being the TRUE POINT OF BEGINNING of this description; thence along said East right-of-way, North 00°38'34" East 44.00 feet; thence South 89°21'26" East 150.00 feet; thence South 00°38'34" West 44.00 feet to a point on the boundary of that certain parcel of land as described in Reception #86038788, records of said County; thence along said boundary, North 89°21'26" West 150.00 feet to the true point of beginning. The above described parcel contains 0.15 acres or 6,599 square feet, more or less, and is subject to all rights-of-way, easements, and restrictions now in use or on record.