

RESOLUTION 2018-060
OF THE COUNCIL OF THE CITY OF FORT COLLINS
RESCINDING RESOLUTION 2018-041 AND FINDING SUBSTANTIAL
COMPLIANCE AND INITIATING ANNEXATION PROCEEDINGS
FOR THE EAST GATEWAY ANNEXATION

WHEREAS, on May 1, 2018, Council adopted Resolution 2018-041 to initiate annexation proceedings for the East Gateway Annexation; and

WHEREAS, as part of Resolution 2018-041 a hearing date for the proposed annexation was scheduled for June 5, 2018; and

WHEREAS, to satisfy notice requirements regarding the proposed annexation to certain entities that were inadvertently not given, it is necessary to re-initiate the proposed annexation and reschedule the June 5, 2018 hearing date; and

WHEREAS, a written petition, together with four (4) prints of an annexation map, has been filed with the City Clerk requesting the annexation of certain property to be known as the East Gateway Annexation, as more particularly described below; and

WHEREAS, the City Council hereby initiates annexation proceedings for the East Gateway Annexation in accordance with the Municipal Annexation Act, Section 31-12-101, et seq., Colorado Revised Statutes.

NOW, THEREFORE, BE IT RESOLVED 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 rescinds Resolution 2018-041 and vacates the June 5, 2018, hearing date.

Section 3. That the City Council hereby accepts the annexation petition for the East Gateway Annexation, more particularly described as situate in the County of Larimer, State of Colorado, to wit:

A TRACT OF LAND LOCATED IN THE WEST HALF OF SECTION 10, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE SIXTH P.M.; COUNTY OF LARIMER, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 10, AND CONSIDERING THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 10 TO BEAR S89°23'02"E, SAID LINE BEING MONUMENTED ON ITS WEST END BY A 3" BRASS CAP STAMPED LS 23503, AND ON ITS EAST END BY A 2-1/2" ALUMINUM CAP STAMPED LS 31169, BASED UPON GPS OBSERVATIONS AND THE CITY OF FORT COLLINS COORDINATE SYSTEM, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 10, S89°23'02"E, A DISTANCE OF 1,427.40 FEET;
THENCE N00°36'58"E, A DISTANCE OF 30.90 FEET;
THENCE N69°23'46"W, A DISTANCE OF 89.48 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 14 (EAST MULBERRY STREET);

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, N69°23'46"W, A DISTANCE OF 211.18 FEET TO THE MOST WESTERLY CORNER OF THAT TRACT OF LAND CONVEYED TO THE COLORADO DEPARTMENT OF TRANSPORTATION BY WARRANTY DEED RECORDED JUNE 11, 2009 AT RECEPTION NO. 20090038617;

THENCE ALONG THE NORTHERLY BOUNDARY OF SAID TRACT, S89°47'51"E, A DISTANCE OF 193.56 FEET TO A POINT ON THE WESTERLY BOUNDARY OF THAT TRACT OF LAND DESCRIBED IN THE WARRANTY DEED RECORDED APRIL 12, 2002 AT RECEPTION NO. 2002051529;

THENCE ALONG SAID WESTERLY BOUNDARY, N00°37'38"E, A DISTANCE OF 2,453.85 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THE BNSF RAILWAY;

THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE, N89°02'25"W, A DISTANCE OF 470.00 FEET;

THENCE N83°54'03"W, A DISTANCE OF 558.15 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID BNSF RAILWAY;

THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE S89°02'25"E, A DISTANCE OF 1,044.00 FEET;

THENCE ALONG THE NORTHERLY EXTENSION OF THE TOP BACK OF AN EXISTING CURB, ALONG SAID TOP BACK OF CURB, AND ALONG THE SOUTHERLY EXTENSION OF SAID TOP BACK OF CURB, THE FOLLOWING FIVE (5) COURSES:

1. S00°12'51"W, A DISTANCE OF 920.13 FEET;
2. 34.24 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 250.00 FEET, A CENTRAL ANGLE OF 07°50'52", AND A CHORD WHICH BEARS S04°08'17"W, A DISTANCE OF 34.22 FEET;
3. S08°03'43"W, A DISTANCE OF 96.07 FEET;
4. 31.86 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 250.00 FEET, A CENTRAL ANGLE OF 07°18'07", AND A CHORD WHICH BEARS S04°24'40"W, A DISTANCE OF 31.84 FEET;
5. S00°45'36"W, A DISTANCE OF 1,496.03 FEET TO THE POINT OF BEGINNING;

CONTAINING 76,962 SQUARE FEET (1.767 ACRES), MORE OR LESS.

Section 4. That the City Council hereby finds and determines that the annexation petition for the East Gateway Annexation is in substantial compliance with the Municipal Annexation Act in that the annexation petition contains the following:

- (1) An allegation that it is desirable and necessary that such area be annexed to the municipality;
- (2) An allegation that the requirements of Colorado Revised Statutes sections 31-12-104 and 31-12-105 exist or have been met;
- (3) An allegation that the signers of the petition comprise more than fifty percent of the landowners in the area and own more than fifty percent of the area proposed to be annexed, excluding public streets and alleys and any land owned by the annexing municipality;
- (4) The signatures of such landowners;

- (5) A request that the annexing municipality approve the annexation of the area proposed to be annexed;
- (6) The mailing address of each such signer;
- (7) The legal description of the land owned by such signer;
- (8) The date of signing of each signature; and
- (9) The affidavit of the circulator of such petition that each signature therein is the signature of the person whose name it purports to be.

Section 5. That the City Council hereby finds and determines that the annexation map, four copies total, accompanying the annexation petition for the East Gateway Annexation is in substantial compliance with the Municipal Annexation Act in that the map contains the following:

- (1) A written legal description of the boundaries of the area proposed to be annexed;
- (2) A map showing the boundary of the area proposed to be annexed;
- (3) Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks; and
- (4) Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the annexing municipality and the contiguous boundary of any other municipality abutting the area proposed to be annexed.


Section 6. That the Notice attached hereto as Exhibit "A" is hereby adopted as a part of this Resolution. Said Notice establishes the date, time and place when a public hearing will be held regarding the passage of annexation and zoning ordinances pertaining to the above described property. The City Clerk is directed to publish a copy of this Resolution and said Notice as provided in the Municipal Annexation Act and to give all notices are required by the Act.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 5th day of June, A.D. 2018.



Mayor Pro Tem

ATTEST:



City Clerk



NOTICE

TO ALL PERSONS INTERESTED:

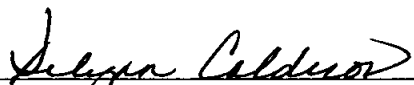
PLEASE TAKE NOTICE that the City Council of the City of Fort Collins has adopted Resolution 2018-060 initiating annexation proceedings for the East Gateway Annexation, consisting of approximately 1.77 acres and generally located northeast of the I-25 and East Mulberry Street interchange, said Annexation being more particularly described in Resolution 2018-060.

That, on July 17, 2018, at the hour of 6:00 p.m., or as soon thereafter as the matter may come on for hearing in the Council Chambers in the City Hall, 300 LaPorte Avenue, Fort Collins, Colorado, the Fort Collins City Council will hold a public hearing upon the annexation petition and zoning request for the purpose of finding and determining whether the property proposed to be annexed meets the applicable requirements of Colorado law and is considered eligible for annexation and for the purpose of determining the appropriate zoning for the property included in the Annexation. At such hearing, any persons may appear and present such evidence as they may desire.

The Petitioner has requested that the Property included in the Annexation be placed in the General Commercial ("G-C") Zone District, the Industrial ("I") Zone District and the Low Density Mixed-Use Neighborhood ("L-M-N") Zone District.

The City of Fort Collins will make reasonable accommodations for access to City services, programs and activities and will make special communication arrangements for persons with disabilities. Please call 221-6515 (V/TDD: Dial 711 for Relay Colorado) for assistance.

Dated this 5th day of June, A.D. 2018.



City Clerk