

RESOLUTION 2019-043
OF THE CITY COUNCIL OF THE CITY OF FORT COLLINS
APPROVING THE EXCLUSION OF PROPERTY FROM
RUDOLPH FARMS METROPOLITAN DISTRICT NOS. 1-6

WHEREAS, Title 32 of the Colorado Revised Statutes (“C.R.S.”) authorizes the formation of various kinds of governmental entities to finance and operate public services and infrastructure, including metropolitan districts; and

WHEREAS, on March 6, 2018, the City Council adopted Resolution 2018-028 Approving the Consolidated Service Plan for the Rudolph Farms Metropolitan District Nos. 1-6 (the “Service Plan”); and

WHEREAS, the Service Plan includes legal descriptions of the boundaries of each of the Rudolph Farms Metropolitan District Nos. 1-6 (the “Districts”), as more particularly set forth in Exhibits A-2, A-3, A-4, A-5, A-6 and A-7 of the Service Plan (the “Districts’ Boundaries”); and

WHEREAS, the Service Plan includes maps of the Districts’ Boundaries, as more particularly set forth in Exhibits B-2 and B-3 of the Service Plan; and

WHEREAS, the Districts’ Boundaries currently consist of 37.26 acres of land; and

WHEREAS, the Colorado Department of Transportation (“CDOT”) is currently seeking to acquire property within and surrounding the Districts’ Boundaries to be used as public right-of-way (the “CDOT Property”); and

WHEREAS, a .29-acre portion of the CDOT Property currently overlaps with a portion of the Districts’ Boundaries, as more particularly described in Exhibit A attached hereto and incorporated herein by this reference (the “Overlapping Property”); and

WHEREAS, the fee owners of one hundred percent of the Overlapping Property desire to exclude the Overlapping Property from the Districts’ Boundaries; and

WHEREAS, the Boards of Directors of the Districts (the “Boards”) desire to avoid any overlap between the CDOT Property and the Districts’ Boundaries; and

WHEREAS, the Boards therefore wish to begin the exclusion process in the Special District Act found in Part 5 of Article 1 in Title 32 of the Colorado Revised Statutes (the “Exclusion Statutes”) to exclude the Overlapping Property from the Districts’ Boundaries; and

WHEREAS, Section V.A.4. of the Service Plan provides that before the Districts can proceed to exclude the Overlapping Property from the Districts’ Boundaries under the Exclusion Statutes, the City Council must approve such exclusion by resolution, which approval is not considered under the Service Plan as a material modification; and

WHEREAS, the City Council finds that the exclusion of the .29-acre Overlapping Property from the Districts’ Boundaries’ 37.26 acres of land on the basis that it will be acquired and used

by CDOT as a public right-of-way is not a material modification of the Service Plan and is beneficial to the public's health, safety and welfare; and

WHEREAS, the City Council therefore wishes to approve the exclusion of the Overlapping Property from the Districts' Boundaries.

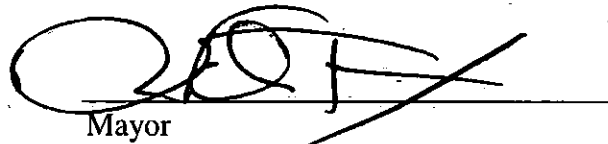
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT COLLINS, COLORADO, as follows:

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 approves, in accordance with Section V.A.4. of the Service Plan, the exclusion of the Overlapping Property from the Districts' Boundaries.

Section 3. That the City Council's approval in this Resolution of the exclusion of the Overlapping Property from the Districts' Boundaries is being granted based on the representations of the Districts' representatives that such exclusion will hereafter be conducted and finalized in accordance with all applicable requirements of the Exclusion Statutes.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 16th day of April, A.D. 2019.


Mayor

ATTEST:


City Clerk



**EXCLUSION DESCRIPTION:**

A tract of land located in the Southwest Quarter of Section 15, Township 7 North, Range 68 West of the Sixth Principal Meridian, City of Fort Collins, County of Larimer, State of Colorado, being more particularly described as follows:

Considering the North line of the Southwest Quarter of said Section 15 as bearing South 89° 38' 43" East, and with all bearing contained herein relative thereto:

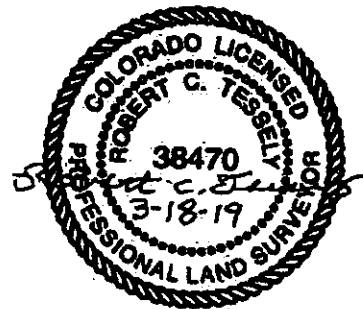
Commencing at the West Quarter Corner of said Section 15; thence along the North line of the Southwest Quarter, South 89° 38' 43" East, 75.00 feet to the **POINT OF BEGINNING**; thence, South 89° 38' 43" East, 60.01 feet; thence, South 00° 11' 56" West, 208.71 feet; thence North 89° 38' 43" West, 60.58 feet; thence, North 00° 21' 17" East, 208.71 feet to the **POINT OF BEGINNING**.

The above described tract of land contains 12,584 square feet or 0.29 acres, more or less, and is subject to all easements and rights-of-way now on record or existing.

March 18, 2019

LMS

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EXHIBIT

A TRACT OF LAND LOCATED IN THE SOUTHWEST $\frac{1}{4}$ OF SECTION 15,
TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6th P.M.,
CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO

POINT OF COMMENCEMENT
WEST $\frac{1}{4}$ CORNER
SECTION 15-T7N-R68W

S89°38'43"E
75.00'

POINT OF BEGINNING

BASIS OF BEARINGS
NORTH LINE OF THE
SOUTHWEST QUARTER
SECTION 15-T7N-R68W

S89°38'43"E 2643.20'

ASSESSOR PARCEL
#8715300002

EXCLUSION AREA
12,584 sq.ft.
0.29 ac

UTILITY EASEMENT
RECEPTION NO.

RIGHT-OF-WAY
RECEPTION NO.

ASSESSOR PARCEL
#8715000009

INTERSTATE 25

LINE TABLE		
LINE	LENGTH	BEARING
L1	60.01'	S89° 38' 43"E
L2	208.71'	S00° 11' 56"W
L3	60.58'	N89° 38' 43"W
L4	208.71'	N00° 21' 17"E



300 0 300 Feet
(IN U.S. SURVEY FEET)
1 inch = 300 ft.

NOTE: THIS EXHIBIT IS NOT INTENDED TO BE A MONUMENTED LAND SURVEY. ITS SOLE PURPOSE IS AS A GRAPHIC REPRESENTATION TO AID IN THE VISUALIZATION OF THE WRITTEN PROPERTY DESCRIPTION WHICH IT ACCOMPANIES. THE WRITTEN PROPERTY DESCRIPTION SUPERCEDES THE EXHIBIT DRAWING.

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