

RESOLUTION 88-15
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE ACQUISITION BY EMINENT DOMAIN
PROCEEDINGS OF CERTAIN LAND FOR DRAINAGE

WHEREAS, the City of Fort Collins intends to acquire a permanent easement and a temporary construction easement through certain property hereinafter described for storm drainage purposes, to the extent that said easements have not been previously dedicated to the public use; and

WHEREAS, the City has previously attempted to negotiate the acquisition of said easements from the owner thereof, which negotiations have been unsuccessful; and

WHEREAS, the acquisition of the same is desirable and necessary for public use and said acquisition may, by law, be accomplished through proceedings in eminent domain.

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

Section 1. The City hereby finds and determines that it is necessary that the City of Fort Collins acquire the following described easements in order to utilize the same for public storm drainage purposes and to construct and install such additional storm drainage facilities as may be necessary in the public interest:

DRAINAGE EASEMENT: A 30 foot wide drainage easement in the Park South P.U.D., in the NE 1/4 of Section 35, T7N, R69W of the 6th P.M., City of Fort Collins, County of Larimer, State of Colorado; with the basis of bearings being the West line, said NE 1/4 of Section 35 as S00°05'53"E and all bearings relative thereto; said easement being more particularly described as follows:

Commencing at the N 1/4 corner of said Section 35; thence along the West line of said NE 1/4, S00°05'53"E, 1631.65 feet to an existing No. 4 rebar on the Northerly boundary line of the South Glen P.U.D. 1st Filing, said point being the Point of Beginning; thence along the Northerly boundary line of said South Glen P.U.D. 1st Filing as monumented, N72°11'00"E, 262.30 feet; thence continuing along said Northerly boundary line as monumented, S90°00'00"E, 474.00 feet; thence continuing along said Northerly boundary line as monumented, S61°32'35"E, 178 feet, more or less to the Westerly rights-of-way for Manhattan Avenue; thence along the Westerly rights-of-way for said Manhattan Avenue on a curve to the left having a central angle of 3°26'37", a radius of 758.13 feet, a chord bearing N26°44'07"E for an arc length of 45.57 feet; thence N66°37'35"W, 176.04 feet; thence N90°00'00"W, 486.19 feet; thence S72°11'00"W, 257.40 feet to the West line of said NE 1/4 Section 35; thence along said West line NE 1/4 of Section 35, S00°05'53"E, 31.50 feet, more or less, to the Point

of Beginning.

Said parcel containing 0.6598 acres (28,742 sq. ft.), more or less.

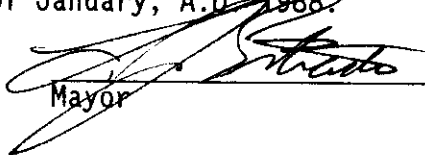
CONSTRUCTION EASEMENT: A 75 foot construction easement in the Park South P.U.D., in the NE 1/4 of Section 35, T7N, R69W of the 6th P.M., City of Fort Collins, County of Larimer, State of Colorado; with the basis of bearings being the West line, said NE 1/4 of Section 35 as S00°05'53"E and all bearings relative thereto; said easement being more particularly described as follows:

Commencing at the N 1/4 corner of said Section 35; thence along the West line of said NE 1/4, S00°05'53"E, 1600.15 feet to the point of beginning; thence parallel with the Northerly boundary line of the South Glen P.U.D., 1st Filing as monumented, N72°11'00"E, 257.40 feet; thence continuing parallel with said Northerly boundary, S90°00'00"E, 486.19 feet; thence S66°37'35"E, 176.04 feet, more or less, to the Westerly rights-of-way for Manhattan Avenue; thence along the Westerly line for said Manhattan Avenue on a curve to the left having a central angle of 5°46'03", a radius of 758.13 feet, a chord bearing N22°07'46"E for an arc length of 76.31 feet; thence N66°37'35"W, 186.98 feet; thence N90°00'00"W, 516.67 feet; thence S72°11'00"W, 245.17 feet to the West line of said NE 1/4; thence along said West line, NE 1/4, S00°05'53"E, 78.74 feet, more or less to the Point of Beginning.

Said parcel containing 1.615 acres (70,350 sq. ft.), more or less.

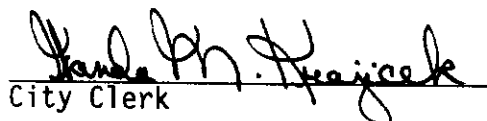
Section 2. The City Council hereby authorizes the City Attorney and other proper officials of the City to acquire the same for the City by eminent domain proceedings.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins held this 19th day of January, A.D. 1988.



Mayor

ATTEST:



City Clerk