

RESOLUTION 91-151
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE ACQUISITION BY EMINENT DOMAIN PROCEEDINGS
OF CERTAIN LANDS FOR STORM DRAINAGE, BRIDGE AND
TRAIL IMPROVEMENTS

WHEREAS, the City of Fort Collins desires to acquire certain property hereinafter described for the purpose of constructing the Stuart/Stover Channelization project, which involves certain storm drainage, bridge and trail improvements along Spring Creek near Stuart and Stover Streets; and

WHEREAS, the City has previously negotiated in good faith for the acquisition of said properties from the owners thereof, which negotiations have been unsuccessful; and

WHEREAS, the acquisition of each of these properties is desirable and necessary for the project and is in the public interest and enhances the public health, safety and welfare; and

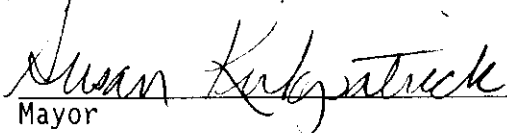
WHEREAS, the acquisition of such property may, by law, be accomplished through proceedings in eminent domain.

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

Section 1. That the City hereby finds and determines that it is necessary in the public interest to acquire the real property described on attached Exhibit "A," which is incorporated herein by this reference, for the purpose of constructing the Stuart/Stover Channelization project, which involves certain storm drainage, bridge and trail improvements.

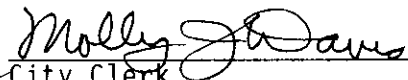
Section 2. That the City Council hereby authorizes the City Attorney and other proper officials of the City to acquire the said real property for the City by eminent domain proceedings.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins held this 19th day of November, A.D. 1991.



Mayor

ATTEST:



Deputy City Clerk

EXHIBIT "A"

1. The Erma H. Bristol Trust and the Morris G. Bristol Trust
Temporary Construction Easement:

BEING (4) FOUR STRIPS OF LAND (5) FIVE FEET WIDE DESCRIBED IN FOUR PARTS HEREIN AND BEING A PART OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 24, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO, AND BEING PART OF LOTS 26, 27, 28 AND 32 AS SHOWN ON A PLAT OF SUBDIVISION ENTITLED 'BRISTOL SUBDIVISION, REPLAT OF LOTS 10 THRU 34' RECORDED IN THE LAND RECORDS OF SAID LARIMER COUNTY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PART ONE

BEING A (5) FIVE FEET STRIP OF LAND RUNNING THROUGH SAID LOT 26, THE SOUTHERLY LINE OF SAID (5) FIVE FEET STRIP OF LAND BEING (20) FEET NORTHERLY OF AND PARALLEL WITH THE SOUTHERLY LINE OF SAID LOT 26, SAID SOUTHERLY LINE OF SAID (5) FIVE FEET STRIP OF LAND ALSO BEING THE NORTHERLY LINE OF AN EXISTING (40) FORTY FEET WIDE DRAINAGE AND UTILITY EASEMENT.

CONTAINING 300 SQUARE FEET OR 0.0069 ACRES OF LAND, MORE OR LESS.

PART TWO

BEING A (5) FIVE FEET STRIP OF LAND RUNNING THROUGH SAID LOT 27, THE SOUTHERLY LINE OF SAID (5) FIVE FEET STRIP OF LAND BEING (20) FEET NORTHERLY OF AND PARALLEL WITH THE SOUTHERLY LINE OF SAID LOT 26, SAID SOUTHERLY LINE OF SAID (5) FIVE FEET STRIP OF LAND ALSO BEING THE NORTHERLY LINE OF AN EXISTING (40) FORTY FEET WIDE DRAINAGE AND UTILITY EASEMENT.

CONTAINING 300 SQUARE FEET OR 0.0069 ACRES OF LAND, MORE OR LESS.

PART THREE

BEING A (5) FIVE FEET STRIP OF LAND RUNNING THROUGH SAID LOT 28, THE SOUTHERLY LINE OF SAID (5) FIVE FEET STRIP OF LAND BEING (20) FEET NORTHERLY OF AND PARALLEL WITH THE SOUTHERLY LINE OF SAID LOT 26, SAID SOUTHERLY LINE OF SAID (5) FIVE FEET STRIP OF LAND ALSO BEING THE NORTHERLY LINE OF AN EXISTING (40) FORTY FEET WIDE DRAINAGE AND UTILITY EASEMENT.

CONTAINING 300 SQUARE FEET OR 0.0069 ACRES OF LAND, MORE OR LESS.

PART FOUR

BEING THE NORTHERLY (5) FIVE FEET OF SAID LOT 32.

CONTAINING 500 SQUARE FEET OR 0.0115 ACRES OF LAND, MORE OR LESS.

TOTAL CONSTRUCTION EASEMENT AREA FOR LOTS 26, 27, 28, AND 32 BEING 1,400 SQUARE FEET OR 0.0321 ACRES OF LAND, MORE OR LESS.

2. The Luis Robinson, Letha I. Robinson and Morris G. Bristol
Utility Easement:

BEING A PART OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 24, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO, AND BEING PART OF LOT 25 AS SHOWN ON A PLAT OF SUBDIVISION ENTITLED 'BRISTOL SUBDIVISION, REPLAT OF LOTS 10 THRU 34' RECORDED IN THE LAND RECORDS OF SAID LARIMER COUNTY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 25 AND BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST ALPERT COURT;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE ALONG THE ARC OF A CURVE TO THE LEFT, THE CENTER OF WHICH BEARS NORTH 29° 29' 24" EAST, HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 30° 46' 15", A DISTANCE OF 26.85 FEET TO THE POINT OF BEGINNING;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 14° 07' 50", A DISTANCE OF 12.33 FEET TO A POINT ON THE WESTERLY LINE OF AN EXISTING TWENTY FEET WIDE EASEMENT FOR SEWER;

THENCE SOUTH 07° 41' 32" WEST RUNNING THROUGH SAID LOT 25 AND ALONG SAID WESTERLY LINE A DISTANCE OF 74.01 TO A POINT ON THE NORTHERLY LINE OF AN EXISTING FORTY FEET WIDE DRAINAGE AND UTILITY EASEMENT;

THENCE NORTH 89° 52' 30" WEST ALONG SAID NORTHERLY LINE A DISTANCE OF 23.00 FEET;

THENCE NORTH 21° 57' 56" EAST, LEAVING SAID NORTHERLY LINE, A DISTANCE OF 34.48 FEET;

THENCE NORTH 11° 13' 04" EAST A DISTANCE OF 40.31 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,128 SQUARE FEET OR 0.0259 ACRES OF LAND, MORE OR LESS.

3. The Erma H. Bristol Trust and Morris G. Bristol Trust Fee Simple:

BEING A PART OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 24, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO, AND BEING LOTS 11, 12, 29, 30, 31 AND 33 AS SHOWN ON A PLAT OF SUBDIVISION ENTITLED 'BRISTOL SUBDIVISION, REPLAT OF LOTS 10 THRU 34' RECORDED IN THE LAND RECORDS OF SAID LARIMER COUNTY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PART ONE

BEING LOT 11 AS SHOWN ON A PLAT OF SUBDIVISION ENTITLED "BRISTOL SUBDIVISION, REPLAT OF LOTS 10 THRU 34".
CONTAINING 12,954 SQUARE FEET OR 0.2974 ACRES OF LAND, MORE OR LESS.

PART TWO

BEING LOT 12 AS SHOWN ON A PLAT OF SUBDIVISION ENTITLED "BRISTOL SUBDIVISION, REPLAT OF LOTS 10 THRU 34".
CONTAINING 9,216 SQUARE FEET OR 0.2116 ACRES OF LAND, MORE OR LESS.

PART THREE

BEING LOT 29 AS SHOWN ON A PLAT OF SUBDIVISION ENTITLED "BRISTOL SUBDIVISION, REPLAT OF LOTS 10 THRU 34".
CONTAINING 10,985 SQUARE FEET OR 0.2522 ACRES OF LAND, MORE OR LESS.

PART FOUR

BEING LOT 30 AS SHOWN ON A PLAT OF SUBDIVISION ENTITLED "BRISTOL SUBDIVISION, REPLAT OF LOTS 10 THRU 34".
CONTAINING 11,315 SQUARE FEET OR 0.2598 ACRES OF LAND, MORE OR LESS.

PART FIVE

BEING LOT 31 AS SHOWN ON A PLAT OF SUBDIVISION ENTITLED "BRISTOL SUBDIVISION, REPLAT OF LOTS 10 THRU 34".
CONTAINING 8,555 SQUARE FEET OR 0.1964 ACRES OF LAND, MORE OR LESS.

PART SIX

BEING LOT 33 AS SHOWN ON A PLAT OF SUBDIVISION ENTITLED "BRISTOL SUBDIVISION, REPLAT OF LOTS 10 THRU 34".

CONTAINING 6,645 SQUARE FEET OR 0.1525 ACRES OF LAND, MORE OR LESS.

TOTAL AREA FOR SAID LOTS 11, 12, 29, 30, 31 AND 33 BEING 59,670 SQUARE FEET OR 1.3699 ACRES OF LAND MORE OR LESS.

4. The John Clark Right-of-way:

BEING A PART OF THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 24, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO, AND BEING PART OF LOT 6 AND THE SOUTHERLY TWENTY (20) FEET OF LOT 7 AS SHOWN ON A PLAT OF SUBDIVISION ENTITLED "THE KESSLER SUBDIVISION" RECORDED IN THE LAND RECORDS OF SAID LARIMER COUNTY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT BEING THE NORTHWEST CORNER OF SAID SOUTHERLY TWENTY (20) FEET OF LOT 7, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF EAST ALPERT COURT;

THENCE NORTH $85^{\circ} 10' 00''$ EAST ALONG THE NORTHERLY LINE OF SAID SOUTHERLY TWENTY (20) FEET OF LOT 7 A DISTANCE OF 32.35 FEET TO A POINT OF NON-TANGENT CURVATURE; THENCE RUNNING THROUGH SAID SOUTHERLY TWENTY (20) FEET OF LOT 7 AND A PART OF SAID LOT 6, ALONG THE ARC OF A CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS SOUTH $74^{\circ} 39' 00''$ WEST, HAVING A RADIUS OF 45.00 FEET AND A CENTRAL ANGLE OF $35^{\circ} 36' 10''$, A DISTANCE OF 27.96 FEET TO A POINT OF NON-TANGENT CURVATURE, SAID POINT BEING ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID EAST ALPERT COURT;

THENCE RUNNING ALONG SAID RIGHT-OF-WAY LINE ALONG THE ARC OF A CURVE TO THE LEFT, THE CENTER OF WHICH BEARS SOUTH $64^{\circ} 43' 42''$ WEST, HAVING A RADIUS OF 45.00 FEET AND A CENTRAL ANGLE OF $50^{\circ} 43' 42''$, A DISTANCE OF 39.84 FEET TO A POINT OF TANGENT;

THENCE NORTH $76^{\circ} 00' 00''$ WEST, ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 1.29 FEET TO THE POINT OF BEGINNING.

CONTAINING 358 SQUARE FEET OR 0.0082 ACRES OF LAND, MORE OR LESS.

5. The E. John Clarke, Lorene K. Clarke and John Clark Permanent Drainage, Utility and Trail Easement:

A PERMANENT DRAINAGE, UTILITY AND TRAIL EASEMENT LOCATED IN THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 24, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO, AND BEING PART OF THAT PARCEL OF LAND DESCRIBED AT BOOK 1913, PAGE 160 OF SAID LARIMER COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF LOT 4, KESSLER SUBDIVISION, AS RECORDED IN SAID LARIMER COUNTY RECORDS, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST ALPERT COURT;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, ALONG THE ARC OF A CURVE TO THE LEFT THE CENTER OF WHICH BEARS NORTH $50^{\circ} 50' 33''$ EAST, HAVING A RADIUS OF 45.00 FEET AND A CENTRAL ANGLE OF $166^{\circ} 06' 51''$, A DISTANCE OF 130.47 TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT, THE CENTER OF WHICH BEARS NORTH $69^{\circ} 44' 50''$ WEST, HAVING A RADIUS OF 45.00 FEET AND A CENTRAL ANGLE OF $35^{\circ} 36' 10''$ A DISTANCE OF 27.62 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 20 FEET OF LOT 7, KESSLER SUBDIVISION.

THENCE NORTH 85° 10' 7" EAST, ALONG SAID NORTH LINE, DISTANCE OF 88.50 FEET TO THE EAST LINE OF SAIL KESSLER SUBDIVISION;
THENCE SOUTH 0° 07' 30" WEST, ALONG SAID EAST LINE, A DISTANCE OF 95.01 FEET TO THE APPROXIMATE CENTERLINE OF SPRING CREEK;
THENCE NORTH 70° 41' 00" EAST, ALONG SAID APPROXIMATE CENTERLINE, A DISTANCE OF 81.00 FEET;
THENCE SOUTH 0° 38' 00" WEST A DISTANCE OF 68.00 FEET;
THENCE SOUTH 58° 37' 49" WEST A DISTANCE OF 126.13 FEET;
THENCE NORTH 89° 52' 30" WEST A DISTANCE OF 133.00 FEET TO THE WEST LINE OF SAID LOT 4;
THENCE NORTH 0° 07' 30" EAST, ALONG SAID WEST LINE, A DISTANCE OF 119.00 FEET TO THE POINT OF BEGINNING;
CONTAINING 31,312 SQUARE FEET OR 0.7188 ACRES, MORE OR LESS.

6. The Viola M. Kincaid, aka V. Kincaid, Fee Simple:

A PARCEL OF LAND LOCATED IN THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 24, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO, AND BEING PART OF THE PROPERTY DESCRIBED IN BOOK 1630, PAGE 242 OF THE RECORDS OF SAID LARIMER COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 24;
THENCE NORTH 89° 56' 00" EAST, ALONG THE SOUTH LINE OF SAID SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 24, A DISTANCE OF 101.98 FEET;
THENCE NORTH 0° 07' 30" EAST A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING ON THE NORTH RIGHT-OF-WAY LINE OF STUART STREET;
THENCE NORTH 0° 07' 30" EAST A DISTANCE OF 105.00 FEET;
THENCE NORTH 89° 56' 00" EAST A DISTANCE OF 113.00 FEET TO THE WEST LINE OF REPLAT OF BRISTOL SUBDIVISION, AS RECORDED IN SAID RECORDS OF LARIMER COUNTY;
THENCE SOUTH 0° 07' 30" WEST, ALONG SAID WEST LINE, A DISTANCE OF 105.00 FEET TO SAID NORTH RIGHT-OF-WAY LINE OF STUART STREET;
THENCE SOUTH 89° 56' 00" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 113.00 FEET TO THE POINT OF BEGINNING;

CONTAINING 11,865 SQUARE FEET OR 0.272 ACRES, MORE OR LESS.

7. The Viola M. Kincaid, aka V. Kincaid, Temporary Construction Easement:

A PARCEL OF LAND LOCATED IN THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 24, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO, AND BEING PART OF THE PROPERTY DESCRIBED IN BOOK 1630, PAGE 242 OF THE RECORDS OF SAID LARIMER COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 24;
THENCE NORTH 0° 07' 08" EAST A DISTANCE OF 195.02 FEET TO THE POINT OF BEGINNING AT THE SOUTHWEST CORNER OF LOT 2, BRISTOL SUBDIVISION, AS RECORDED IN SAID RECORDS OF LARIMER COUNTY;
THENCE NORTH 89° 56' 00" EAST, ALONG THE SOUTH LINE OF SAID BRISTOL SUBDIVISION, A DISTANCE OF 215.00 FEET TO THE NORTHWEST CORNER OF LOT 11, REPLAT OF BRISTOL SUBDIVISION, AS RECORDED IN SAID RECORDS OF LARIMER COUNTY;
THENCE SOUTH 0° 07' 30" WEST, ALONG THE WEST LINE OF SAID REPLAT OF BRISTOL SUBDIVISION, A DISTANCE OF 60.02 FEET;
THENCE SOUTH 89° 56' 00" WEST A DISTANCE OF 165.00 FEET;
THENCE NORTH 0° 07' 08" EAST A DISTANCE OF 20.00 FEET;
THENCE SOUTH 89° 56' 00" WEST A DISTANCE OF 49.99 FEET;
THENCE NORTH 0° 07' 08" EAST A DISTANCE OF 40.02 FEET TO THE POINT OF BEGINNING;

CONTAINING 11,905 SQUARE FEET OR 0.273 ACRES, MORE OR LESS.

8. The Sue F. Gwynn Fee Simple:

Lot 2, The Kessler Subdivision, in the City of Fort Collins, County of Larimer, State of Colorado.

9. The Scott R. Peterson and Elizabeth M. Peterson Fee Simple:

Lot 3, The Kessler Subdivision, according to the Plat filed October 29, 1964, at Reception No. 877397, County of Larimer, State of Colorado.

10. The Campus Gardens, Inc., Fee Simple:

DESCRIPTION OF A TRACT OF LAND LOCATED IN THE PLAT OF PARKSIDE SUBDIVISION

A tract of land located in the northwest one quarter of Section 24 Township 7 North, Range 69 West of the Sixth Principal Meridian, City of Fort Collins, Larimer County, Colorado, also being located in the Plat of Parkside Subdivision, as recorded with the Clerk and Recorder of the said Larimer County, more particularly described as follows;

Considering the north line of the said Plat of Parkside Subdivision as bearing South 89 degrees 56 minutes 00 seconds West, and with all bearings contained herein relative thereto;

Commencing at the northeast corner of the said plat;

THENCE along the said north line, South 89 degrees 56 minutes 00 seconds West for a distance of 119.40 feet to the west line of the said plat;

THENCE along the said west line, South 18 degrees 54 minutes 00 seconds West for a distance of 31.72 feet to the south right of way of Stuart Street as shown on the said plat and to the TRUE POINT OF BEGINNING of his description;

THENCE along the said south right of way, North 89 degrees 56 minutes 00 seconds East for a distance of 24.60 feet;

THENCE continuing along the said south right of way, and along a curve to the right having a radius of 15.00 feet, a central angle of 90 degrees 00 minutes 00 seconds and an arc length of 23.56 feet, being subtended by a chord of South 45 degrees 04 minutes 00 seconds East for a distance of 21.21 feet to the west right of way of Busch Court;

THENCE along the said west right of way, and along a curve to the right having a radius of 50.01 feet, a central angle of 28 degrees 04 minutes 00 seconds and an arc length of 24.50 feet, being subtended by a chord of South 13 degrees 58 minutes 00 seconds West for a distance of 24.25 feet;

THENCE continuing along the said west right of way, South 28 degrees 00 minutes 00 seconds West for a distance of 145.00 feet;

THENCE continuing along the said west right of way, along a curve to the left having a radius of 271.70 feet, a central angle of 12 degrees 39 minutes 47 seconds (previously recorded as 12 degrees 40 minutes 00 seconds) and an arc length of 60.05 feet (previously recorded as 60.07 feet), being subtended by a chord of South 21 degrees 40 minutes 07 seconds West for a distance of 59.93 feet (previously recorded as South 21 degrees 40 minutes 00 seconds West 59.94 feet) to the northeast corner of Lot 25 of the said Plat;

THENCE along the said north line of Lot 25, North 89 degrees 16 minutes 00 seconds West for a distance of 19.56 feet (previously recorded as 19.57 feet) to the said west line of the said Plat;

THENCE along the said west line, North 18 degrees 54 minutes 00 seconds East for a distance of 234.61 feet (previously recorded as 234.62 feet) to the point of beginning.