

CITY OF FORT COLLINS

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M RODENBERGER RECORDER, LARIMER COUNTY CO STATE DOC FEE - \$.00

ORDINANCE NO. 84, 1994
OF THE COUNCIL OF THE CITY OF FORT COLLINS
VACATING A PORTION OF STREET RIGHT-OF-WAY
FOR HILBURN DRIVE AND RETAINING PORTIONS OF THE
SAME FOR PEDESTRIAN AND BICYCLE ACCESS EASEMENT,
DRAINAGE AND UTILITY EASEMENT PURPOSES

WHEREAS, the Planning and Zoning Board and the Council of the City of Fort Collins have given final approval to the Arapahoe Farm Townhomes P.U.D.; and

WHEREAS, approval of said P.U.D. requires the removal of a portion of Hilburn Drive and vacation of the right-of-way for that portion of said public street more particularly described below; and

WHEREAS, it is no longer necessary or desirable to retain said right-of-way for public street purposes, so long as a portion of said right-of-way be retained for pedestrian and bicycle access and drainage and utility easement purposes; and

WHEREAS, pertinent City agencies and private utility companies have been contacted and report no objection to the proposed vacation upon the condition that a portion of said right-of-way be retained for pedestrian and bicycle access and utility and drainage easement purposes; and

WHEREAS, the Developer of the Arapahoe Farm Townhomes P.U.D. and the affected property owners adjacent to the portion of Hilburn Drive proposed for vacation have mutually agreed what is necessary to restore the area of street removal including grading, landscaping, installation of fencing, sidewalk construction and other related improvements; and

WHEREAS, the vacation authorized by this Ordinance shall be effective upon certification by the Director of Engineering that restoration has been completed or financial arrangements have been made to so complete the work.

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

Section 1. That the portion of street right-of-way for Hilburn Drive, more particularly described as follows to wit:

A tract of land located in the Southeast Quarter of Section 34, Township 7 North, Range 69 West of the 6th Principal Meridian, City of Fort Collins, Larimer County, Colorado, being more particularly described as follows:

Considering the West line of the Southeast Quarter of said Section 34 as bearing North 00°01'05" West and with all bearings contained herein relative thereto:

Commencing at the Southwest corner of said Southeast Quarter; thence along said West line, North 00°01'05" West, 451.03 feet to the POINT OF BEGINNING; thence continuing along said West line North 00°01'05" West, 54.00 feet to the North line of Hilburn Drive; thence along said North

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line, North 89°58'55" East, 45.25 feet to a point on a curve concave to the South having a central angle of 05°30'50", a radius of 502.00 feet and the chord of which bears South 87°15'40" East, 48.29 feet; thence along said North line and the arc of said curve 48.31 feet to a point on a curve concave to the Northwest having a central angle of 78°38'25", a radius of 15.00 feet and the chord of which bears North 56°10'33" East, 19.01 feet; thence along the arc of said curve 20.59 feet; thence, South 16°51'20" West, 10.21 feet; thence, South 10°00'30" West, 68.12 feet to a non-tangent curve concave to the Southwest having a central angle of 94°59'19", a radius of 11.00 feet and the chord of which bears North 37°29'09" West, 16.22 feet; thence along the arc of said curve 18.24 feet to the South line of Hilburn Drive, said point being on a curve concave to the South having a central angle of 05°02'16", a radius of 448.00 feet and the chord of which bears North 87°29'57" West, 39.38 feet; thence along said South line and the arc of said curve 39.39 feet; thence continuing along said South line, South 89°58'55" West, 45.25 feet to the Point of Beginning, containing 5,535 square feet more or less,

be, and the same shall be, vacated, abated, and abolished, subject to the following reservations of easements and the condition subsequent contained in Section 2 below:

1) An easement for pedestrian and bicycle access purposes and for drainage purposes described as follows, to wit:

An easement located in the Southeast Quarter of Section 34, Township 7 North, Range 69 West of the 6th Principal Meridian, City of Fort Collins, Larimer County, Colorado, being more particularly described as follows:

Considering the West line of the Southeast Quarter of said Section 34 as bearing North 00°01'05" West and with all bearings contained herein relative thereto:

Commencing at the Southwest corner of said Southeast Quarter; thence along said West line, North 00°01'05" West, 473.03 feet to the POINT OF BEGINNING; thence continuing along said West line North 00°01'05" West, 10.00 feet; thence, North 89°58'55" East, 45.25 feet to a point on a curve concave to the South having a central angle of 06°48'06", a radius of 480.00 feet and the chord of which bears South 86°37'02" East, 56.95 feet; thence along the arc of said curve 56.98 feet; thence, South 10°00'30" West, 10.02 feet to a non-tangent curve concave to the South having a central angle of 06°43'59", a radius of 470.00 feet and the chord of which bears North 86°39'06" West, 55.20 feet; thence along the arc of said curve 55.23 feet; thence, South 89°58'55" West, 45.25 feet to the Point of Beginning, containing approximately 1014 square feet.

2) An easement for utility purposes described as follows, to wit:

An easement located in the Southeast Quarter of Section 34, Township 7 North, Range 69 West of the 6th Principal Meridian, City of Fort Collins, Larimer County, Colorado, being more particularly described as follows:

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Considering the West line of the Southeast Quarter of said Section 34 as bearing North 00°01'05" West and with all bearings contained herein relative thereto:

Commencing at the Southwest corner of said Southeast Quarter; thence along said West line, North 00°01'05" West, 451.03 feet to the POINT OF BEGINNING of said easement; thence continuing along said West line, North 00°01'05" West, 54.00 feet to the North line of the vacated Hilburn Drive; thence along said North line, North 89°58'55" East, 6.00 feet; thence, South 00°01'05" East, 54.00 feet to the South line of the vacated Hilburn Drive; thence along said South line, South 89°58'55" West, 6.00 feet to the Point of Beginning, containing 324 square feet.

3) An easement for utility purposes described as follows, to wit;

An easement located in the Southeast Quarter of Section 34, Township 7 North, Range 69 West of the 6th Principal Meridian, City of Fort Collins, Larimer County, Colorado, being more particularly described as follows:

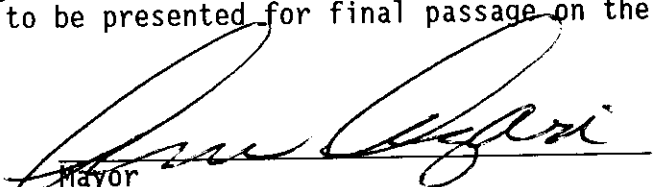
Considering the West line of the Southeast Quarter of said Section 34 as bearing North 00°01'05" West and with all bearings contained herein relative thereto:

Commencing at the Southwest corner of said Southeast Quarter; thence along said West line, North 00°01'05" West, 451.03 feet to the South line of the vacated Hilburn Drive; thence along said South line, North 89°58'55" East, 45.25 feet to a curve concave to the South having a central angle of 05°02'16", a radius of 448.00 feet and the chord of which bears South 87°29'57" West 39.38 feet; thence along said South line and the arc of said curve 39.39 feet to a curve concave to the Southwest having a central angle of 20°48'55", a radius of 11.00 feet and the chord of which bears South 74°34'22" East, 3.97 feet; thence along said South line and the arc of said curve 4.00 feet to the POINT OF BEGINNING of said easement; thence, North 10°00'30" East, 55.58 feet to a point on a curve concave to the Northwest having a central angle of 60°55'16", a radius of 15.00 feet and the chord of which bears North 47°18'58" East, 15.21 feet; thence along the arc of said curve 15.95 feet; thence, South 16°51'20" West, 10.21 feet; thence, South 10°00'30" West, 68.12 feet to a curve concave to the Southwest having a central angle of 74°10'24", a radius of 11.00 feet and the chord of which bears North 27°04'42" West, 13.27 feet; thence along the arc of said curve 14.24 feet to the Point of Beginning, containing 493 square feet.

Section 2. That the vacation authorized by this ordinance shall become effective upon either a) the completion of the removal of the street improvements within the right-of-way and the restoration of said area, including grading, landscaping, installation of fencing, sidewalk construction and other related improvements as agreed upon between the developer of Arapahoe Farms Townhomes P.U.D. and the adjacent lot owners on August 11, 1994 (as reflected in the minutes of said meeting on file with the city), or b) receipt by the city of a sum of money sufficient to, in the judgement of the Director of Engineering, complete said work; and upon the written certification by the Director of Engineering that said work has been completed or said payment has been made.

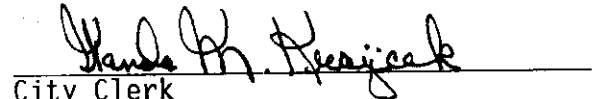
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Introduced, considered favorably on First Reading and ordered published this 17th day of May, A.D. 1994, and to be presented for final passage on the 18th day of October, A.D. 1994.



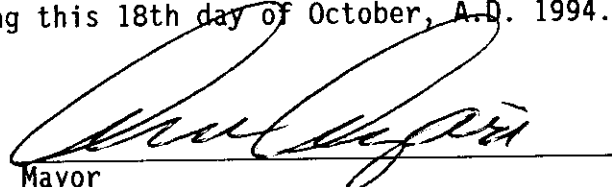
Mayor

ATTEST:



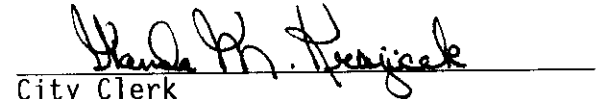
City Clerk

Passed and adopted on final reading this 18th day of October, A.D. 1994.



Mayor

ATTEST:



City Clerk