

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 19

DATE: January 16, 2007

**STAFF: Lindsay Kuntz
Mark Sears**

SUBJECT

First Reading of Ordinance No. 011, 2007, Authorizing the Conveyance of Certain Small Tracts of Land in the Pineridge Natural Area Located Within the Burns Ranch at Quail Ridge Subdivision from the City of Fort Collins to Burns Ranch Open Space Non-Profit Corporation.

RECOMMENDATION

The Land Conservation and Stewardship Board and staff recommend adoption of the Ordinance on First Reading.

FINANCIAL IMPACT

Conveyance of these small tracts will save maintenance costs now spent on the mowing, trash removal, and weed control in these areas. Because of these anticipated savings, staff is recommending that no compensation for the conveyance be charged.

EXECUTIVE SUMMARY

Natural Resources staff is requesting authorization to convey certain small tracts of land in the Pineridge Natural Area located within the Burns Ranch at Quail Ridge Subdivision to Burns Ranch Open Space Non-Profit Corporation, formed for the purpose of owning and maintaining the property to be conveyed in order to save the City costs associated with the maintenance of these areas.

BACKGROUND

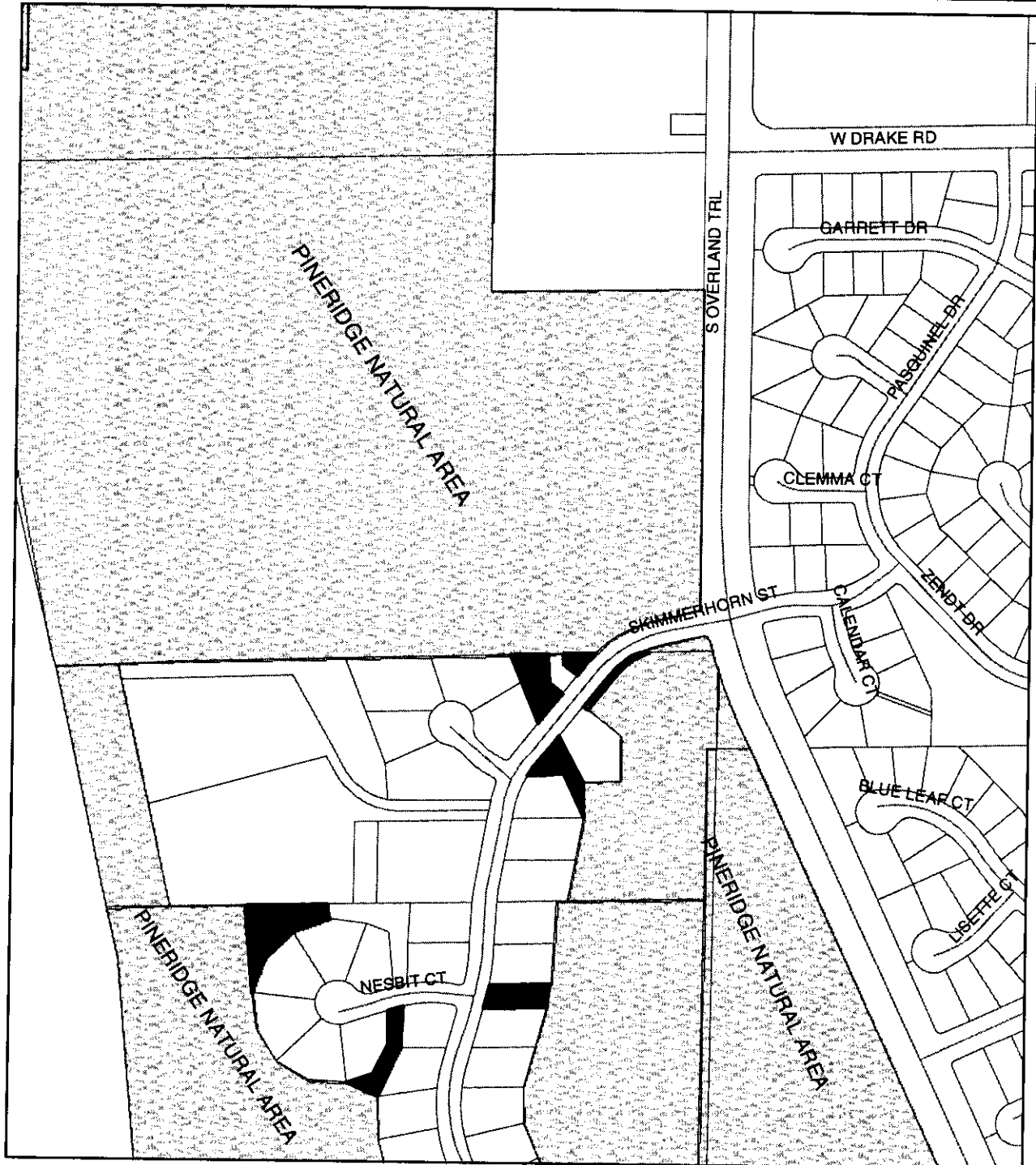
Burns Ranch at Quail Ridge Subdivision, consisting of two filings recorded in 1992 and 1993, is located on the west side of South Overland Trail, south of Drake Road. The two filings of the subdivision contain 38 residential lots and nine tracts. Seven of the platted tracts are designated as open space to be owned and maintained by the City of Fort Collins. Some of these tracts are located in small pockets between residential lots which were created by the design of the subdivision. The annual maintenance of these tracts includes periodic mowing, trash removal, and weed control. The Natural Areas Department has determined that if it were to convey certain areas of the tracts that are interior to the subdivision, along with small tracts of land lying along the entrance road to the subdivision, it would save maintenance costs, with no impacts to Pineridge Natural Area. It would

benefit the City, as well as the residents of the subdivision, to convey these small tracts of land by fee simple conveyance to Burns Ranch Open Space Non-Profit Corporation, which will maintain these new tract areas. The deed will contain a restriction which prevents the building of occupied structures on the seven tracts to be conveyed. The residents of the subdivision will contribute to the Non-Profit for the costs of the maintenance.

ATTACHMENTS

1. Location Map.
2. Minutes from the Land Conservation and Stewardship Board Meeting - December 13, 2006.

Tracts To Be Conveyed to Burns Ranch Open Space Non-Profit Corp. Location Map



 Locations of Tracts To Be Deeded



Excerpt from Land Conservation and Stewardship Board
December 13, 2006 - Meeting Minutes

- Sears: Lindsey Kuntz and Patrick Rowe are here from Operations Services / Real Estate Services, because we have 3 real estate items that we need to address. I will highlight the particulars of these 3 items.

1. Pineridge / Quail Ridge Land Transfer

Natural Areas staff is recommending the conveyance of certain small tracts of land in the Pineridge Natural Area, located adjacent to the Burns Ranch at Quail Ridge Subdivision, to Burns Ranch Open Space Non-Profit Corporation to save maintenance costs spent on the mowing, trash removal, and weed control in these areas.

2. Eagle View Natural Area Flood Inundation Easement Request

This property is along I-25 south of Fort Collins, and south of Ketcher Road. The owners of Island Lake Marine are requesting this easement in order to fill their 9 acre reservoir to capacity, which will result in the flood inundation of 7,000 square feet of City property within the easement area. Due to the small size of the water inundation the Army Corps of Engineers will not require any permitting. The reservoir they are creating will have great benefits to wildlife and to visitors alike.

- Brown: Is there any chance that they will turn this into lakefront property?
- Sears: There is a certain possibility, and we would like to get a conservation easement on that portion of their property. We had a discussion with them regarding this and they seem open to that. At some point we will explore this further with them, but I don't think that the force behind this is to create lakefront property.

3. Arapaho Bend and Ditch Easement

Flatiron Companies own the property on the northeast corner of I-25 and Harmony. Historically the land was farmed and irrigated via the Box Elder Ditch lateral, which runs across Arapaho Bend Natural Area. There is a water storage reservoir on the property, which the Flatiron Companies is in the process of selling to the New Cache Irrigation Company out of Pierce. In order of the New Cache Irrigation Company to get water into the reservoir they plan to use the Box Elder Ditch lateral that used to serve that farm. We feel that they have a prescriptive right, as well as they feel they have a prescriptive right. What defines a prescriptive easement is, how wide is the easement, and what can they really do or not do within that easement. So to benefit us and themselves they want to establish a permanent easement that clearly defines what they can and can not do.

- Stanley: What does prescriptive right mean?

- Sears: At an irrigation ditch or lateral, in some cases, there isn't a formal easement, but the easement has been there for a long enough period of time to establish a prescriptive easement.
- McLane: Where does the easement come in?
- Sears: It comes off the Box Elder Ditch, underneath one of our trails, and then over to I-25 just south of the river. Then it goes under I-25, in a culvert, and flows into the property. They will need to re-grade that ditch, so we would like to have them shape it to look as natural as possible, and it will also have more water flow than it had in the past. I did ask that they pay us a restoration fee on the property they will be disturbing.
- Stanley: Will the increased water flow be a safety issues?
- Sears: It won't be near as big a ditch as the Box Elder Ditch that is there now. Irrigation ditches can be a safety issue, but I think the depth of this, as far as water flowing, will only be a couple of feet deep, and not a high level velocity that would swept someone away.
- Bertschy: You are looking for a recommendation from the Board?
- Sears: We need a recommendation to go to Council on all three items for their next meeting.
- Groom: On the Pine Ridge Conveyance what kind of legal language do you use?
- Kuntz: What we'll do it as a quick claim or general deed with restriction for no livable structure, and that it should be used as intended.
- Bertschy: Will it be used as access to open space in some way, and would we maintain the area?
- Sears: They shouldn't be used as public access.
- Kuntz: There is a road that extends at the South end of subdivision that also leads to the Natural Area. The access road is the main way to get in.
- Bertschy: I think back to all the controversy we had over the trail at Fossil Creek Trail.
- Sears: All the trails according to the Management Plan are all ready established and the connection from the neighborhood to Pineridge is all ready established.

Vicky McLane made a motion.

Motion to send a positive recommendation to Council regarding the conveyance of certain small tracts of land in the Pineridge Natural Area. The motion was second by Michelle Grooms. It was unanimously approved by all.

Vicky McLane made a motion.

Motion to send a positive recommendation to Council regarding Eagle View Natural Area flood inundation easement request. The motion was second by Greg Eckert. It was approved by all.

Vicky McLane made a motion.

Motion to send a positive recommendation to Council regarding Flatiron Companies' request for a ditch easement across Arapaho Bend Natural Area. The motion was second by Karyl Ting. It was approved by all.

ORDINANCE NO. 011, 2007
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF CERTAIN
TRACTS OF LAND IN THE PINERIDGE NATURAL AREA
LOCATED WITHIN THE BURNS RANCH AT
QUAIL RIDGE SUBDIVISION FROM THE CITY OF FORT COLLINS
TO BURNS RANCH OPEN SPACE NON-PROFIT CORPORATION

WHEREAS, as part of the Burns Ranch at Quail Ridge Subdivision development, there are seven tracts reserved as open space that are owned and maintained by the City of Fort Collins (the "Property") which amount to 1.12 acres; and

WHEREAS, the design of Burns Ranch at Quail Ridge Subdivision (the "Subdivision") created small pockets of open space between some of the residential lots; and

WHEREAS, users of the Pine Ridge Natural Area have not historically used the Property because such Property is surrounded by privately owned land in the Burns Ranch Quail Ridge Subdivision Development; and

WHEREAS, the City wishes to convey the Property described on Exhibit "A", attached hereto, to a non-profit corporation to be formed for the purpose of ownership and maintenance of the Property for the benefit of the Subdivision; and

WHEREAS, the City will convey the Property subject to a deed restriction which prevents the building of any occupied structures on the Property; and

WHEREAS, based on its review of this conveyance, the Land Conservation and Stewardship Board has recommended that the Council authorize the conveyance of the Property subject to the terms described herein; and

WHEREAS, a non-profit corporation as described above will assume all responsibility for maintenance and upkeep of the Property for the benefit of the Subdivision once it obtains title to the Property, so that the City will be relieved of the cost of maintaining the Property; and

WHEREAS, Section 23-111 of the City Code provides that the City Council is authorized to sell, convey or otherwise dispose of real property owned by the City, provided the Council first finds by ordinance that any sale or other disposition of real property owned by the City will be for the benefit of the citizens of the City and is in the best interest of the City of Fort Collins.

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

Section 1. That the conveyance of the Property, consistent with the terms of this Ordinance, will be for the benefit of the City's citizens and is in the best interests of the City of Fort Collins.

Section 2. That the Mayor is hereby authorized to execute such documents of conveyance as are necessary to convey fee simple title of the Property to Burns Ranch Open Space Non-Profit Corporation upon the terms and conditions described above, and subject to such other terms and conditions as the City Manager, in consultation with the City Attorney, determines to be necessary and in the best interests of the City, including any necessary corrections to the legal descriptions thereof that do not result in a material increase or change in character of the intended conveyance.

Introduced, considered favorably on first reading, and ordered published this 16th day of January, A.D. 2007, and to be presented for final passage on the 6th day of February, A.D. 2007.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 6th day of February, A.D. 2007.

Mayor

ATTEST:

City Clerk

Exhibit A

DESCRIPTION OF A SEVEN TRACTS OF LAND LOCATED ON THE PINERIDGE NATURAL AREA PROPERTY TO BE DEEDED TO BURNS RANCH OPEN SPACE NON-PROFIT CORPORATION

Seven tracts of land located in the northeast quarter of Section 29, Township 7 North, Range 69 West of the Sixth Principal Meridian, City of Fort Collins, Larimer County, Colorado, the said tracts are also located in either the Plat of Burns Ranch at Quail Ridge Subdivision, First Filing, or in the Plat of Burns Ranch at Quail Ridge Subdivision, Second Filing, both Plats are of record with the Clerk and Recorder of Larimer County, the tracts are more particularly described as follows;

Considering the east line of the northeast quarter of the said Section 29 as bearing South 00 degrees 44 minutes 17 seconds West between a 3" Aluminum Cap Monument PLS 20123 at the northeast corner of Section 29 and a 3.5" Brass Cap BLM Monument at the east quarter corner of Section 29, based upon GPS observation and the City of Fort Collins coordinate base, and with all bearings contained herein relative thereto;

Tract B of the said Plat of Burns Ranch at Quail Ridge Subdivision, First Filing. Containing 8703 square feet more or less.

TOGETHER WITH:

Tract G of the said Plat of Burns Ranch at Quail Ridge Subdivision, First Filing. Containing 2084 square feet more or less.

FURTHER TOGETHER WITH:

A portion of Tract A of the Plat of Burns Ranch at Quail Ridge Subdivision, First Filing, described as commencing at the southeast corner of Lot 2 of the said Plat of Burns Ranch at Quail Ridge Subdivision, First Filing, the said southeast corner is also the TRUE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE along the easterly line of the said Lot 2, North 24 degrees 34 minutes 25 seconds West for a distance of 103.79 feet to the north line of the said Lot 2;

THENCE along the said north line, South 88 degrees 12 minutes 32 seconds West for a distance of 79.27 feet to the easterly right of way of Skimmerhorn Street;

THENCE along the said easterly right of way, along a non-tangent curve to the right having a radius of 213.00 feet a central angle of 05 degrees 53 minutes 38 seconds and an arc length of 21.91 feet, being subtended by a chord of North 35 degrees 42 minutes 18 seconds East for a distance of 21.90 feet;

THENCE continuing along the said easterly right of way, North 38 degrees 39 minutes 08 seconds East for a distance of 89.07 feet to the westerly line of Lot 1 of the said Plat of Burns Ranch at Quail Ridge

Exhibit A

Subdivision, First Filing;

THENCE along the said westerly line of Lot 1, South 27 degrees 47 minutes 52 seconds East for a distance of 114.82 feet;

THENCE leaving the said westerly line, South 00 degrees 19 minutes 19 seconds East for a distance of 77.69 feet to the point of beginning. Containing 6808 square feet more or less.

FURTHER TOGETHER WITH:

A portion of Tract A of the Plat of Burns Ranch at Quail Ridge Subdivision, First Filing, described as commencing at the northern most corner of Lot 1 of the said Plat of Burns Ranch at Quail Ridge Subdivision, First Filing, the said northern most corner is also the TRUE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE along the easterly Right of Way of Skimmerhorn Street, North 38 degrees 39 minutes 08 seconds East for a distance of 78.17 feet;

THENCE continuing along the said easterly Right of Way, along a curve to the right having a radius of 213.00 feet a central angle of 24 degrees 59 minutes 48 seconds and an arc length of 92.93 feet, being subtended by a chord of North 51 degrees 09 minutes 02 seconds East for a distance of 92.19 feet to the north line of the said Tract A;

THENCE along the said north line, non-tangent from the previous curve, North 88 degrees 32 minutes 20 seconds East for a distance of 21.14 feet;

THENCE leaving the said north line, along a non-tangent curve to the left having a radius of 205.00 feet a central angle of 30 degrees 21 minutes 53 seconds and an arc length of 108.64 feet, being subtended by a chord of South 53 degrees 50 minutes 04 seconds West for a distance of 107.38 feet;

THENCE South 38 degrees 39 minutes 08 seconds West for a distance of 78.17 feet to the northerly line of the said Lot 1;

THENCE along the said northerly line of Lot 1, North 51 degrees 20 minutes 52 seconds West for a distance of 8.00 feet to the point of beginning. Containing 1429 square feet more or less.

FURTHER TOGETHER WITH:

A portion of Tract A of the Plat of Burns Ranch at Quail Ridge Subdivision, Second Filing, described as commencing at the northeast corner of the said Tract A of Burns Ranch at Quail Ridge Subdivision, Second Filing, the said northeast corner is also the TRUE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE along the east line of the said Tract A, South 06 degrees 38 minutes 59 seconds East for a distance of 33.83 feet to the northerly line of Lot 23 of the said Plat of Burns Ranch at Quail Ridge Subdivision, Second Filing;

THENCE along the said northerly line, South 69 degrees 51 minutes

Exhibit A

01 seconds West for a distance of 84.00 feet to the westerly line of Lot 22 of the said Plat of Burns Ranch at Quail Ridge Subdivision, Second Filing;

THENCE along the said westerly line of Lot 22, South 43 degrees 51 minutes 01 seconds West for a distance of 82.00 feet;

THENCE continuing along the said westerly line of Lot 22, South 20 degrees 51 minutes 01 seconds West for a distance of 82.00 feet;

THENCE leaving the said westerly line, North 07 degrees 08 minutes 59 seconds West for a distance of 196.34 feet to the north line of the said Tract A;

THENCE along the said north line, North 88 degrees 55 minutes 38 seconds East for a distance of 185.41 feet to the point of beginning. Containing 15768 square feet more or less.

FURTHER TOGETHER WITH:

A portion of Tract A of the Plat of Burns Ranch at Quail Ridge Subdivision, Second Filing, described as commencing at the southwest corner of Lot 19 of the said Plat of Burns Ranch at Quail Ridge Subdivision, Second Filing, the said southwest corner is also the TRUE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE along the southerly line of the said Lot 19, North 72 degrees 14 minutes 02 seconds East for a distance of 60.29 feet to the easterly line of the said Lot 19;

THENCE along the said easterly line, North 24 degrees 22 minutes 32 seconds East for a distance of 72.45 feet;

THENCE continuing along the said easterly line of Lot 19, North 02 degrees 55 minutes 08 seconds East for a distance of 77.69 feet to the southerly Right of Way of Nesbit Court;

THENCE along the said southerly Right of Way, North 72 degrees 14 minutes 02 seconds East for a distance of 16.03 feet;

THENCE continuing along the said southerly Right of Way, along a curve to the right having a radius of 252.00 feet a central angle of 03 degrees 36 minutes 18 seconds and an arc length of 15.85 feet, being subtended by a chord of North 74 degrees 02 minutes 11 seconds East for a distance of 15.85 feet to the westerly line of Lot 18 of the said Plat of Burns Ranch at Quail Ridge Subdivision, Second Filing;

THENCE along the said westerly line of Lot 18, non-tangent from the previous curve, South 02 degrees 55 minutes 08 seconds West for a distance of 94.17 feet to the westerly line of Lot 17 of the Plat of Burns Ranch at Quail Ridge Subdivision, Second Filing;

THENCE along the said westerly line of Lot 17, South 24 degrees 22 minutes 32 seconds West for a distance of 119.89 feet;

THENCE leaving the said westerly line, North 64 degrees 37 minutes 12 seconds West for a distance of 74.71 feet to the point of beginning. Containing 7008 square feet more or less.

Exhibit A

FURTHER TOGETHER WITH:

A portion of Tract C of the Plat of Burns Ranch at Quail Ridge Subdivision, Second Filing, described as commencing at the southwest corner of Lot 2 of the said Plat of Burns Ranch at Quail Ridge Subdivision, Second Filing, the said southwest corner is also the TRUE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE along the south line of the said Lot 2 Burns Ranch at Quail Ridge Subdivision, Second Filing, North 88 degrees 55 minutes 38 seconds East for a distance of 135.41 feet;

THENCE leaving the said south line, South 10 degrees 16 minutes 55 seconds West for a distance of 51.00 feet to the northeast corner of Lot 3 Burns Ranch at Quail Ridge Subdivision, Second Filing;

THENCE along the north line of the said Lot 3, South 88 degrees 55 minutes 38 seconds West for a distance of 138.85 feet to the easterly Right of Way of Skimmerhorn Street;

THENCE along the said easterly Right of Way, North 15 degrees 08 minutes 19 seconds East for a distance of 22.36 feet;

THENCE continuing along the said easterly Right of Way, along a curve to the left having a radius of 427.00 feet a central angle of 03 degrees 57 minutes 01 seconds and an arc length of 29.44 feet, being subtended by a chord of North 13 degrees 09 minutes 48 seconds East for a distance of 29.43 feet to the point of beginning. Containing 6840 square feet more or less.

The above described tracts contain a total of 48640 square feet more or less and are subject to all easements and rights of ways now existing or of record.

I hereby state that the above description was prepared by me and is true and correct to the best of my professional knowledge, belief and opinion. The description is based upon previously recorded plats and deeds and not upon a actual field survey.

WALLACE C. MUSCOTT COLORADO P.L.S. 17497
P.O. BOX 580 FORT COLLINS, CO 80522

