

# AGENDA ITEM SUMMARY

## FORT COLLINS CITY COUNCIL

**ITEM NUMBER:** 20

**DATE:** April 20, 1999

**STAFF:** Jim O'Neill/Ron Mills  
Ellen Alward

### SUBJECT:

First Reading of Ordinance No. 56, 1999, Authorizing the Mayor to Execute a Deed of Conveyance for the Sale of a 3.726-Acre Parcel Near the Intersection of East Prospect and Timberline Roads.

### RECOMMENDATION:

Staff recommends adoption of the Ordinance on First Reading.

### FINANCIAL IMPACT:

The sale of this parcel will result in revenue of \$173,400 for the Light and Power Fund.

### EXECUTIVE SUMMARY:

In 1970, the Light and Power Utility acquired the land for the Timberline Substation. The Utility now desires to sell a 3.726-acre portion of that site. The parcel is not needed for Utility purposes. However, 2.3 acres of this site is potentially developable. It is located on the south side of East Prospect Road east of Timberline Road between the Union Pacific and Burlington Northern Santa Fe Railroad tracks and bordered on the south by Spring Creek. After offering this property to other City departments and the Housing Authority, Purchasing issued an invitation to bid on the property. Two unacceptable bids were received in July 1998. In March 1999, Purchasing received an acceptable contract from Anchor Development Corporation in the amount of \$173,400. This is the current estimated value of the property, based on comparable land sales in the area, as determined by the City's Right-of-Way Office.

Approval of this Ordinance would authorize the Mayor to execute a deed conveying this property, subject to utility and trail easements, and to execute such other related documents as needed to convey the property to Anchor Development Corporation.

**BACKGROUND:**

The original 37-acre Timberline Substation site was obtained through condemnation in 1970. One of the condemnation rulings required the City to purchase more land than was necessary for the Substation. Since that time, Parks and Recreation purchased a 3-acre portion of the property and some land was sold and traded for intersection improvements and storm drainage needs. A link in the Spring Creek Trail is also constructed on the property.

The parcel that is proposed to be sold (See Attachment A) was offered to other City departments before it was put out to bid to be sold. Parks and Recreation identified the need for additional permanent trail easement and the Utility also reserved a utility easement. The Natural Resources Department and the Natural Resources Board expressed a strong interest in obtaining this property since it is adjacent to Spring Creek Trail and currently contains a prairie dog coterie. However, because of the high per acre cost, Natural Resources was unwilling to purchase the property at its estimated market value.

Purchasing received the first acceptable bid in March after rejecting two earlier unacceptable offers. The proposed purchaser is Anchor Development Corporation and it has offered to purchase the property for \$173,400. This is the current estimated market value of the property as determined by the City's Right-of-Way Office. If the project is approved through the City's planning and development process, Anchor Development intends to construct mini-warehouse storage units on the property.

ORDINANCE NO. 56, 1999  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING THE MAYOR TO EXECUTE A DEED OF CONVEYANCE FOR THE  
SALE OF A 3.726-ACRE PARCEL NEAR THE INTERSECTION OF  
EAST PROSPECT AND TIMBERLINE ROADS

WHEREAS, the City's Electric Utility acquired a 37-acre site near the intersection of East Prospect and Timberline Roads in the City of Fort Collins in 1970 for construction of the Timberline Substation; and

WHEREAS, the site contains a 3.726-acre parcel that is not required for use by the Electric Utility except for the reservation of an utility easement on the Property, which property is legally described on Exhibit "A" attached hereto and incorporated herein by reference (the "Property"); and

WHEREAS, the Property has been offered to other City departments and the Fort Collins Housing Authority, and Parks and Recreation identified the need for a trail easement; and

WHEREAS, the City has offered the Property for sale to the public and has received an offer to purchase the Property, subject to the City's need for utility and trail easements, for the amount of \$173,400, which is the best offer received by the City for the Property; and

WHEREAS, the foregoing offer equals the estimated fair market value of the Property; and

WHEREAS, Section 23-111 of the City Code authorizes the City Council to sell interests in real property owned in the name of the City, provided that the City Council first finds, by ordinance, that such sale or other disposition is in the best interests of the City; and

WHEREAS, Section 23-111 also requires that, with respect to real property which is part of the City's electric utility system, the Council must find that the disposition will not materially impair the viability of the utility system as a whole and that it will be for the benefit of the citizens of the City.

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

Section 1. That the sale of the Property for the sum of One Hundred Seventy-three Thousand Four Hundred Dollars (\$173,400) is in the best interest of the City and represents the estimated fair market value of the Property.

Section 2. That the sale of the Property will not materially impair the viability of the City's electric utility system as a whole and will be for the benefit of the citizens of the City.

Section 3. That the proceeds derived by the City for the sale of the Property shall be allocated to the Light and Power Fund.

Section 4. That the Mayor is authorized to execute such documents of conveyance as are necessary for the City to sell and convey the Property on the terms and conditions described above.

Introduced, considered favorably and ordered published this 20th day of April, A.D. 1999, and to be presented for final passage on the 4th day of May, A.D. 1999.

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Mayor

ATTEST:

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City Clerk

Passed on final reading this 4th day of May, A.D. 1999

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Mayor

ATTEST:

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City Clerk

EXHIBIT A

DESCRIPTION OF A PORTION OF THE CITY OF FORT COLLINS PROPERTY  
LOCATED AT THE INTERSECTION OF PROSPECT ROAD AND TIMBERLINE ROAD TO  
BE SOLD

A tract of land located in the Northeast Quarter of Section 19,  
Township 7 North, Range 68 West of the Sixth Principal Meridian,  
City of Fort Collins, Larimer County, Colorado, the said tract is  
also a portion of that certain tract of land as described in a Rule  
and Order recorded May 3, 1973 in Book 1552 at Page 62 records of  
the Clerk and Recorder of the said Larimer County, more  
particularly described as follows;

Commencing at the northeast corner of the said Section 19;

THENCE along the north line of the said northeast quarter,  
South 89 degrees 18 minutes 14 seconds West for a distance of  
924.83 feet to the east line of the Union Pacific Subdivision No.  
1, a plat of record with the said Clerk and Recorder;

THENCE along the said east line of the Union Pacific  
Subdivision No. 1, South 00 degrees 15 minutes 14 seconds West for  
a distance of 50.01 feet to the south right of way of East Prospect  
Road and to the TRUE POINT OF BEGINNING of this description;

THENCE continuing along the said east line, and its southerly  
prolongation, South 00 degrees 15 minutes 14 seconds West for a  
distance of 458.00 feet to the existing centerline of Spring Creek;

THENCE along the said centerline of Spring Creek, the  
following fifteen (15) courses and distances, (1) North 70 degrees  
01 minutes 20 seconds East for a distance of 95.64 feet;

(2) North 87 degrees 59 minutes 09 seconds East for a distance  
of 24.10 feet;

(3) North 54 degrees 47 minutes 16 seconds East for a distance  
of 21.15 feet;

(4) North 36 degrees 13 minutes 08 seconds East for a distance  
of 19.33 feet;

(5) North 10 degrees 43 minutes 56 seconds East for a distance  
of 11.91 feet;

(6) North 33 degrees 40 minutes 30 seconds East for a distance  
of 18.72 feet;

(7) North 65 degrees 38 minutes 32 seconds East for a distance  
of 61.13 feet;

(8) North 73 degrees 27 minutes 45 seconds East for a distance  
of 47.34 feet;

(9) North 71 degrees 07 minutes 34 seconds East for a distance  
of 23.65 feet;

(10) North 65 degrees 29 minutes 10 seconds East for a  
distance of 125.01 feet;

(11) North 77 degrees 56 minutes 43 seconds East for a  
distance of 53.17 feet;

(12) South 74 degrees 49 minutes 49 seconds East for a  
distance of 40.66 feet;

(13) South 72 degrees 02 minutes 12 seconds East for a  
distance of 18.50 feet;

(14) North 76 degrees 23 minutes 54 seconds East for a

distance of 20.69 feet;

(15) North 63 degrees 31 minutes 20 seconds East for a distance of 6.00 feet to the westerly right of way of the Great Western ( Colorado and Southern) Railroad;

THENCE along the said westerly railroad right of way, along a non-tangent curve to the right having a radius of 2914.94 feet a central angle of 05 degrees 54 minutes 19 seconds and an arc length of 300.44 feet, being subtended by a chord of North 24 degrees 15 minutes 51 seconds West for a distance of 300.30 feet to the said south right of way of East Prospect Road;

THENCE along the said south right of way, South 89 degrees 18 minutes 14 seconds West for a distance of 401.37 feet to the point of beginning. Containing 3.726 Acres more or less.

The above described tract is 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

DESCRIPTION OF A PERMANENT UTILITY EASEMENT TO BE RETAINED BY THE CITY OF FORT COLLINS

A Permanent Utility Easement located in the Northeast Quarter of Section 19, Township 7 North, Range 68 West of the Sixth Principal Meridian, City of Fort Collins, Larimer County, Colorado, the said easement is also a portion of that certain tract of land as described in a Rule and Order recorded May 3, 1973 in Book 1552 at Page 62 records of the Clerk and Recorder of the said Larimer County, more particularly described as follows;

Commencing at the northeast corner of the said Section 19;

THENCE along the north line of the said northeast quarter, South 89 degrees 18 minutes 14 seconds West for a distance of 924.83 feet to the east line of the Union Pacific Subdivision No. 1, a plat of record with the said Clerk and Recorder;

THENCE along the said east line of the Union Pacific Subdivision No. 1, South 00 degrees 15 minutes 14 seconds West for a distance of 50.01 feet to the south right of way of East Prospect Road and to the TRUE POINT OF BEGINNING of this description;

THENCE continuing along the said east line, and its southerly prolongation, South 00 degrees 15 minutes 14 seconds West for a distance of 458.00 feet to the existing centerline of Spring Creek;

THENCE along the said centerline of Spring Creek, North 70 degrees 01 minutes 20 seconds East for a distance of 10.66 feet to a line which is 10.00 feet (measured at right angles) east of and parallel with the said east line of the Union Pacific Subdivision No. 1;

THENCE along the said parallel line, North 00 degrees 15 minutes 14 seconds East for a distance of 345.14 feet;

THENCE South 89 degrees 44 minutes 46 seconds East for a distance of 40.00 feet;

THENCE North 00 degrees 15 minutes 14 seconds East for a distance of 110.00 feet to the said south right of way of East Prospect Road;

THENCE along the said south right of way, South 89 degrees 18 minutes 14 seconds West for a distance of 50.01 feet to the point of beginning. Containing 8949 square feet more or less.

The above described tract is 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

DESCRIPTION OF A PERMANENT BIKE, HIKING, EQUESTRIAN TRAIL EASEMENT  
TO BE RETAINED BY THE CITY OF FORT COLLINS

A Permanent Bike, Hiking, Equestrian Trail Easement located in the Northeast Quarter of Section 19, Township 7 North, Range 68 West of the Sixth Principal Meridian, City of Fort Collins, Larimer County, Colorado, the said easement is also a portion of that certain tract of land as described in a Rule and Order recorded May 3, 1973 in Book 1552 at Page 62 records of the Clerk and Recorder of the said Larimer County, more particularly described as follows;

Commencing at the northeast corner of the said Section 19;

THENCE along the north line of the said northeast quarter, South 89 degrees 18 minutes 14 seconds West for a distance of 924.83 feet to the east line of the Union Pacific Subdivision No. 1, a plat of record with the said Clerk and Recorder;

THENCE along the said east line of the Union Pacific Subdivision No. 1, South 00 degrees 15 minutes 14 seconds West for a distance of 50.01 feet to the south right of way of East Prospect Road;

THENCE along the said south right of way, North 89 degrees 18 minutes 14 seconds East for a distance of 364.71 feet to the TRUE POINT OF BEGINNING of this description;

THENCE leaving the said south right of way, South 05 degrees 19 minutes 46 seconds West for a distance of 223.48 feet;

THENCE South 16 degrees 18 minutes 54 seconds West for a distance of 39.03 feet;

THENCE South 18 degrees 14 minutes 01 seconds West for a distance of 51.87 feet to the existing centerline of Spring Creek;

THENCE along the said centerline of Spring Creek, North 65 degrees 29 minutes 10 seconds East for a distance of 40.85 feet;

THENCE leaving the said centerline, North 18 degrees 14 minutes 01 seconds East for a distance of 24.64 feet;

THENCE North 16 degrees 18 minutes 54 seconds East for a distance of 42.41 feet;

THENCE North 05 degrees 19 minutes 46 seconds East for a distance of 229.53 feet to the said south right of way of East Prospect Road;

THENCE along the said south right of way, South 89 degrees 18 minutes 14 seconds West for a distance of 30.17 feet to the point of beginning. Containing 9164 square feet more or less.

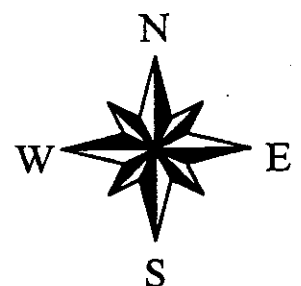
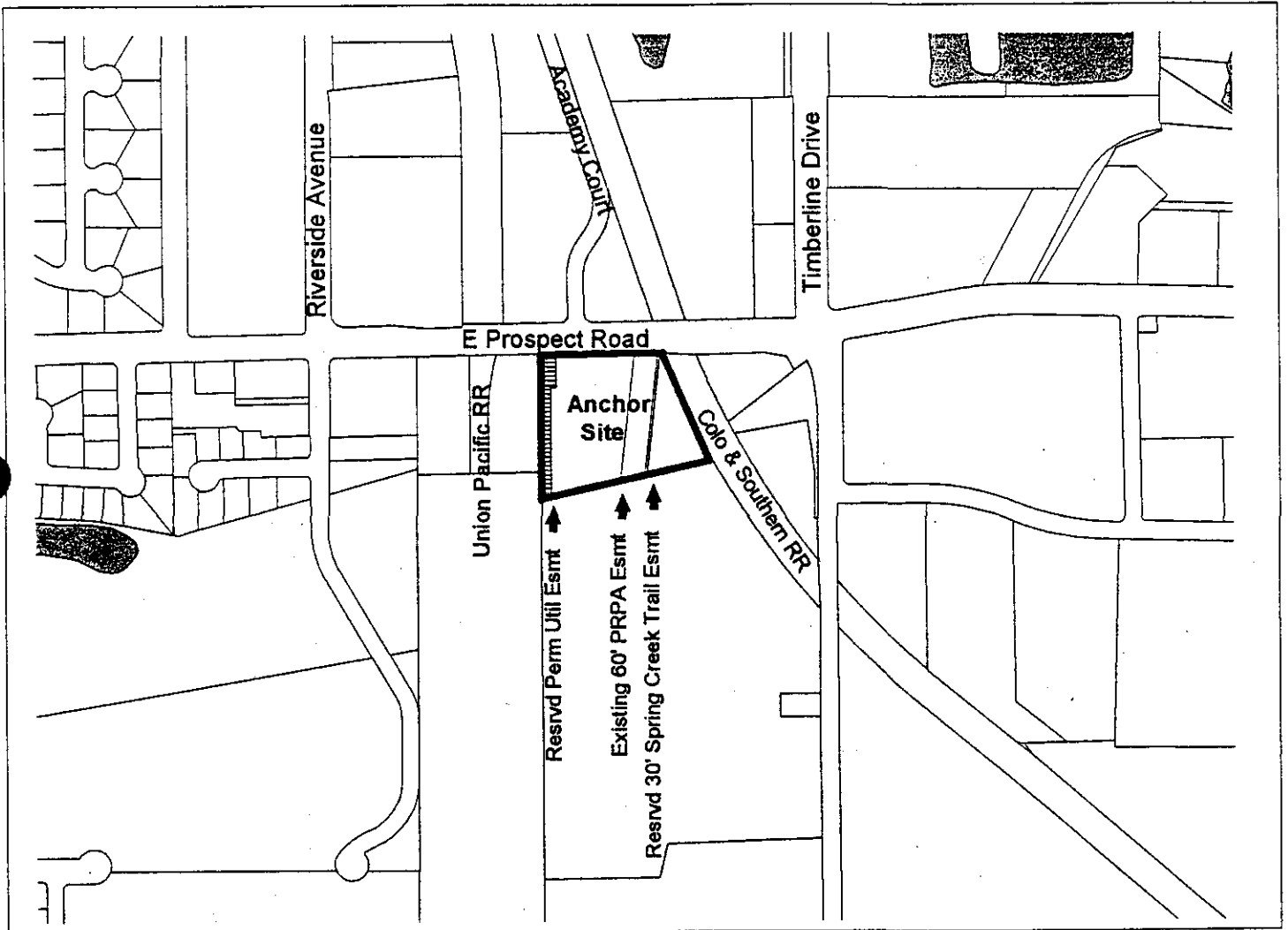
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WALLACE C. MUSCOTT COLORADO P.L.S. 17497  
P.O. BOX 580 FORT COLLINS, CO 80522



# City Sale to Anchor Development



# CITY PROPERTY TO BE SOLD PROSPECT RD. AND TIMBERLINE RD.



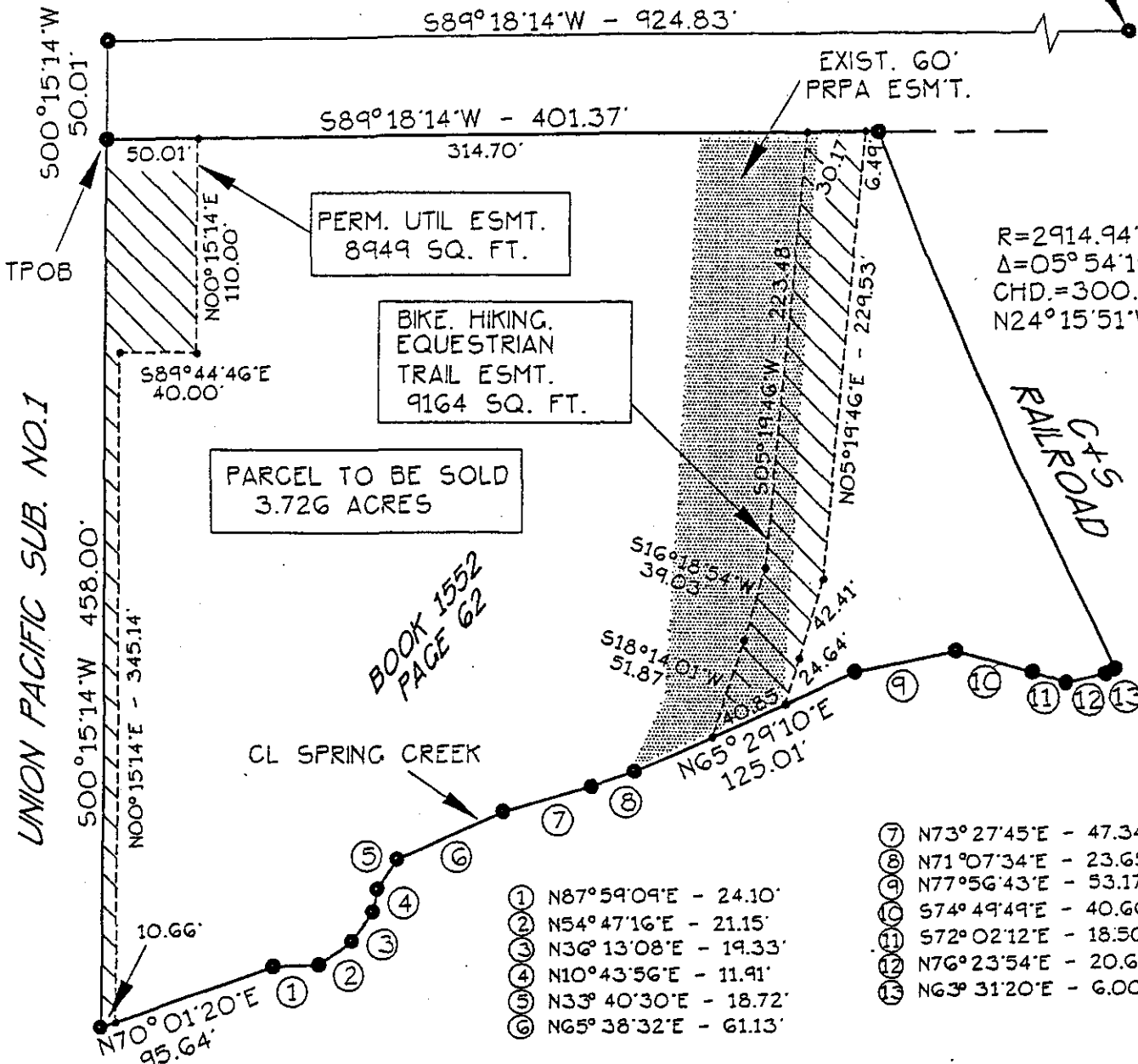
NTS

MAY 20, 1998

NOTE:  
THIS SKETCH AND THE AREAS  
SHOWN DEPICT THE ATTACHED  
PROPERTY DESCRIPTION ONLY,  
AND DO NOT REPRESENT A  
MONUMENTED BOUNDARY SURVEY.

NE CORNER  
19-7-68

EAST PROSPECT ROAD



**PARCEL TO BE SOLD**  
**3.726 ACRES**

**PERM. UTIL ESMT.**  
**8949 SQ. FT.**

**BIKE, HIKING,**  
**EQUESTRIAN**  
**TRAIL ESMT.**  
**9164 SQ. FT.**

R=2914.94'  
 Δ=05° 54' 19"  
 CHD.=300.30'  
 N24° 15' 51" W

**BOOK 1552**  
**PAGE 62**

CL SPRING CREEK

- ① N87° 59' 09" E - 24.10'
- ② N54° 47' 16" E - 21.15'
- ③ N36° 13' 08" E - 19.33'
- ④ N10° 43' 56" E - 11.91'
- ⑤ N33° 40' 30" E - 18.72'
- ⑥ N65° 38' 32" E - 61.13'

- ⑦ N73° 27' 45" E - 47.34'
- ⑧ N71° 07' 34" E - 23.65'
- ⑨ N77° 56' 43" E - 53.17'
- ⑩ S74° 49' 49" E - 40.66'
- ⑪ S72° 02' 12" E - 18.50'
- ⑫ N76° 23' 54" E - 20.69'
- ⑬ N63° 31' 20" E - 6.00'

PROT.M.DWG