

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 21

DATE: April 20, 1999

STAFF: Ron Mills/
Mark Sears

SUBJECT:

First Reading of Ordinance No. 57, 1999, Authorizing the Mayor to Execute a Deed of Conveyance for the Sale of 945 East Prospect and Appropriating the Proceeds as Unanticipated Revenue in the Capital Projects Fund to Be Used to Construct a Right Turn Lane at the Prospect/Lemay Intersection.

RECOMMENDATION:

Staff recommends adoption of the Ordinance on First Reading.

FINANCIAL IMPACT:

Revenue from the sale of City property located at 945 East Prospect Road will be appropriated in the Choices 95 Capital Projects Fund and used to construct a right turn lane at the southwest corner of the Lemay/Prospect intersection.

EXECUTIVE SUMMARY:

The City purchased 945 East Prospect for \$41,000 in late 1991 as part of the Prospect/Lemay Intersection Project. The project was completed with the exception of the southwest corner due to the high cost of relocating the Texaco gas station on the corner. The decision was made to delay construction of this corner until it redeveloped, thus lowering the construction costs for the right turn lane. This decision has proven advantageous, as Rite Aid is now proposing to redevelop the southwest corner where the Texaco Station is located. Staff has negotiated an agreement under which the City would convey 945 East Prospect, and would in return receive the appropriate right-of-way for the turn lane, and a payment of \$89,000, which is the difference between the value of the respective properties. As part of the development process, the developer will be responsible for dedicating additional right-of-way and for making street improvements in relation to its project.

Approval of this Ordinance would authorize the Mayor to execute a Deed of Conveyance for the sale of this property in exchange for the right turn lane right-of-way and \$89,000. The City will use the \$89,000 to construct a right turn lane at the southwest corner of the Prospect/Lemay intersection.

ORDINANCE NO. 57, 1999
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE MAYOR TO EXECUTE A DEED OF CONVEYANCE
FOR THE SALE OF 945 EAST PROSPECT AND APPROPRIATING THE PROCEEDS AS
UNANTICIPATED REVENUE IN THE CAPITAL PROJECTS FUND
TO BE USED TO CONSTRUCT A RIGHT TURN LANE
AT THE PROSPECT/LEMAY INTERSECTION

WHEREAS, the City of Fort Collins is the owner of that certain parcel of real property located at 945 East Prospect Road, described on Exhibit "A", attached hereto and incorporated herein by this reference (the "City Parcel"); and

WHEREAS, the City Parcel was purchased by the City in 1991 as part of the Choices 95 Prospect/Lemay Intersection Project; and

WHEREAS, the Prospect/Lemay Intersection project was completed with the exception of a right turn lane at the southwest corner of the intersection; and

WHEREAS, the aforementioned right turn lane was to be constructed when redevelopment of the southwest corner of the intersection occurred, lowering the cost of the right turn lane; and

WHEREAS, Richard W. and Pamela S. Dunlap (the "Dunlaps") are the owners of the property over which the right turn lane would be needed for the completion of the Prospect/Lemay Intersection Project, which is described on Exhibit "B" attached hereto and incorporated herein by this reference (the "ROW Area"); and

WHEREAS, City staff has determined that the City has no identified need or use for the City Parcel; and

WHEREAS, the Dunlaps have agreed to convey a right-of-way for a right turn lane to the City and the payment of \$89,000 in exchange for the City's conveyance of the City Parcel; 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 the proposed action is in the best interest of the City of Fort Collins; and

WHEREAS, Article V, Section 9, of the Charter of the City of Fort Collins permits the City Council to appropriate by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriations, in conjunction with all previous appropriations for that fiscal year, does not exceed the then current estimate of actual and anticipated revenue to be received during the fiscal year.

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

Section 1. That the conveyance of the City Parcel to Richard W. and Pamela S. Dunlap, in exchange for their grant of a right turn lane over the ROW Area and payment to the City in the amount of EIGHTY NINE THOUSAND DOLLARS (\$89,000), is in the best interest of the City of Fort Collins.

Section 2. That the Mayor is hereby 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.

Section 3. That there is hereby appropriated for expenditure from unanticipated revenue in the Prospect/Lemay Turn Lane capital project in the Choices 95 Capital Projects Fund, the sum of EIGHTY-NINE THOUSAND DOLLARS (\$89,000), representing proceeds from the sale of city property located at 945 East Prospect, to be used to construct a right turn lane at the southwest corner of the Prospect/Lemay intersection.

Introduced, considered favorably on first reading, 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.

Mayor

ATTEST:

City Clerk

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

Mayor

ATTEST:

City Clerk

EXHIBIT "A"

DESCRIPTION OF THE REMAINDER OF THE CITY OF FORT COLLINS PROPERTY
LOCATED AT 945 EAST PROSPECT ROAD

A tract of land located in the northeast quarter of Section 24, Township 7 North, Range 69 West of the Sixth Principal Meridian, City of Fort Collins, Larimer County, Colorado, also being a portion of that certain tract of land as described in a Warranty Deed recorded December 9, 1991 at Reception No. 91062239 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 24; THENCE along the north line of the said northeast quarter, North 89 degrees 50 minutes 00 seconds West for a distance of 262.30 feet to the west line of Lot 5 of the plat of East Acres, a plat of record with the said Clerk and Recorder; THENCE along the west line of the said Lot 5, South 00 degrees 17 minutes 47 seconds West for a distance of 47.50 feet to the TRUE POINT OF BEGINNING of this description; THENCE continuing along the said west line, South 00 degrees 17 minutes 47 seconds West for a distance of 212.50 feet to the south line of the said Lot 5; THENCE along the said south line, South 89 degrees 50 minutes 00 seconds East for a distance of 55.00 feet to the east line of the said tract recorded at Reception No. 91062239; THENCE along the said east line, North 00 degrees 17 minutes 47 seconds East for a distance of 212.50 feet to a line which is 17.50 feet (measured at right angles) south of and parallel with the south right of way of East Prospect Street as shown on the said Plat of East Acres; THENCE along the said parallel line, North 89 degrees 50 minutes 00 seconds West for a distance of 55.00 feet to the point of beginning. Containing 11688 square feet (0.268 Acres) more or less.

EXHIBIT "A"

DESCRIPTION OF A TRACT OF LAND LOCATED ON THE DUNLAP PROPERTY TO BE DEEDED TO THE CITY OF FORT COLLINS

A tract of land located in the northeast quarter of Section 24, Township 7 North, Range 69 West of the Sixth Principal Meridian, City of Fort Collins, Larimer County, Colorado, also being a portion of that certain tract of land as described in a Deed recorded in Book 2270 at Page 1897 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 24; THENCE along the north line of the said northeast quarter, North 89 degrees 50 minutes 00 seconds West for a distance of 118.65 feet to the west line of the said tract described in Book 2270 at Page 1897; THENCE along the said west line, South 00 degrees 17 minutes 47 seconds West for a distance of 30.00 feet to the existing south right of way of East Prospect Road and to the TRUE POINT OF BEGINNING of this description; THENCE continuing along the said west line, South 00 degrees 17 minutes 47 seconds West for a distance of 17.50 feet to a line which is 17.50 feet (measured at right angles) south of and parallel with the said existing south right of way; THENCE along the said parallel line, South 89 degrees 50 minutes 00 seconds East for a distance of 58.59 feet; THENCE leaving the said parallel line, South 50 degrees 32 minutes 00 seconds East for a distance of 25.86 feet to the west line of that certain tract of land described in a Dedication of Easement recorded September 3, 1975 in Book 1661 at Page 517 records of the said Clerk and Recorder; THENCE along the said west line, North 00 degrees 18 minutes 11 seconds East for a distance of 18.85 feet (this distance disagrees by 10.00 feet with the calculated distance using the distances as shown in the said Book 1661 at Page 517); THENCE continuing along the said west line, along a curve to the left having a radius of 15.00 feet a central angle of 90 degrees 08 minutes 11 seconds and an arc length of 23.60 feet, being subtended by a chord of North 44 degrees 45 minutes 55 seconds West for a distance of 21.24 feet to the said existing south right of way of East Prospect Road; THENCE along the said existing south right of way, North 89 degrees 50 minutes 00 seconds West for a distance of 63.61 feet to the point of beginning. Containing 1492 square feet (0.034 Acres) more or less.

EXHIBIT "A"

DESCRIPTION OF A TRACT OF LAND LOCATED ON THE DUNLAP (FORMALLY THE QUEEN) PROPERTY TO BE DEEDED TO THE CITY OF FORT COLLINS

A tract of land located in the northeast quarter of Section 24, Township 7 North, Range 69 West of the Sixth Principal Meridian City of Fort Collins, Larimer County, Colorado, also being a portion of that certain tract of land as described in a Warranty Deed recorded April 11, 1997 at Reception No. 97022654 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 24; THENCE along the north line of the said northeast quarter, North 89 degrees 50 minutes 00 seconds West for a distance of 207.30 feet to the west line of the said tract of land described at Reception No. 97022654; THENCE along the said west line, South 00 degrees 17 minutes 47 seconds West for a distance of 30.00 feet to the existing south right of way of East Prospect Road and to the TRUE POINT OF BEGINNING of this description; THENCE continuing along the said west line, South 00 degrees 17 minutes 47 seconds West for a distance of 17.50 feet to a line which is 17.50 feet (measured at right angles) south of and parallel with the said south right of way; THENCE along the said parallel line, South 89 degrees 50 minutes 00 seconds East for a distance of 88.65 feet to the east line of the said tract described at Reception No. 97022654; THENCE along the said east line, North 00 degrees 17 minutes 47 seconds East for a distance of 17.50 feet to the said south right of way of East Prospect Road; THENCE along the said south right of way, North 89 degrees 50 minutes 00 seconds West for a distance of 88.65 feet to the point of beginning. Containing 1551 square feet (0.036 Acres) more or less.

City/Dunlap Property Exchange Prospect/Lemay Intersection

