

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 24

DATE: April 20, 1999

STAFF: Tim Blandford

SUBJECT :

First Reading of Ordinance No. 60, 1999, Vacating a Portion of the Right-of-Way for Mitchell Drive as Dedicated on the Plat of the Observatory Heights Subdivision.

RECOMMENDATION:

Staff recommends adoption of the Ordinance on First Reading.

EXECUTIVE SUMMARY:

This Ordinance vacates a portion of the street right-of-way for Mitchell Drive. The site was originally platted as part of Lots 1 and 2 of Observatory Heights. Right-of-way was dedicated for future expansion along Mitchell Drive at the intersection of East Horsetooth Road to include both a left-turn lane and a right-turn lane. Because of the construction of the landscaped median along East Horsetooth Road, a left-turn lane is no longer needed. Therefore, not all of the street right-of-way that was originally dedicated with the Observatory Heights plat is needed. Hence, a portion of the right-of-way is being proposed for vacation with the Palmer Design Center development. As there are currently utilities in place that cross this area, the street right-of-way will be retained as a utility easement.

ORDINANCE NO. 60, 1999
OF THE COUNCIL OF THE CITY OF FORT COLLINS
VACATING A PORTION OF THE RIGHT-OF-WAY
FOR MITCHELL DRIVE AS DEDICATED ON THE PLAT OF THE
OBSERVATORY HEIGHTS SUBDIVISION

WHEREAS, there has heretofore been dedicated upon the plat of the Observatory Heights Subdivision a certain public right-of-way for Mitchell Drive; and

WHEREAS, the Director, as that term is defined in the Land Use Code, by and through his duly appointed Hearing Officer, is considering an application for approval of a project development plan for a project entitled "Palmer Design Center", which project abuts said right-of-way of Mitchell Drive; and

WHEREAS, the approval of the Palmer Design Center requires the vacation of a certain portion of the original right-of-way dedicated for Mitchell Drive more particularly described on Exhibit "A", attached hereto and incorporated herein by this reference; and

WHEREAS, said portion of the Mitchell Drive right-of-way is no longer necessary or desirable to retain for street intersection purposes because the Palmer Design Center is not utilizing this area as a street intersection and because of the replatting of this area associated with the Palmer Design Center project development plan; and

WHEREAS, pertinent City agencies and private utility companies have been contacted and reported no objection to the proposed vacation, provided that a utility easement be reserved unto the City; and

WHEREAS, the right-of the residents of the City of Fort Collins will not be prejudiced or injured by the vacation of said street right-of-way.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the portion of street right-of-way for Mitchell Drive, more particularly described on Exhibit "A", is hereby vacated, abated and abolished, reserving the same unto the City as an easement for utility purposes.

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:

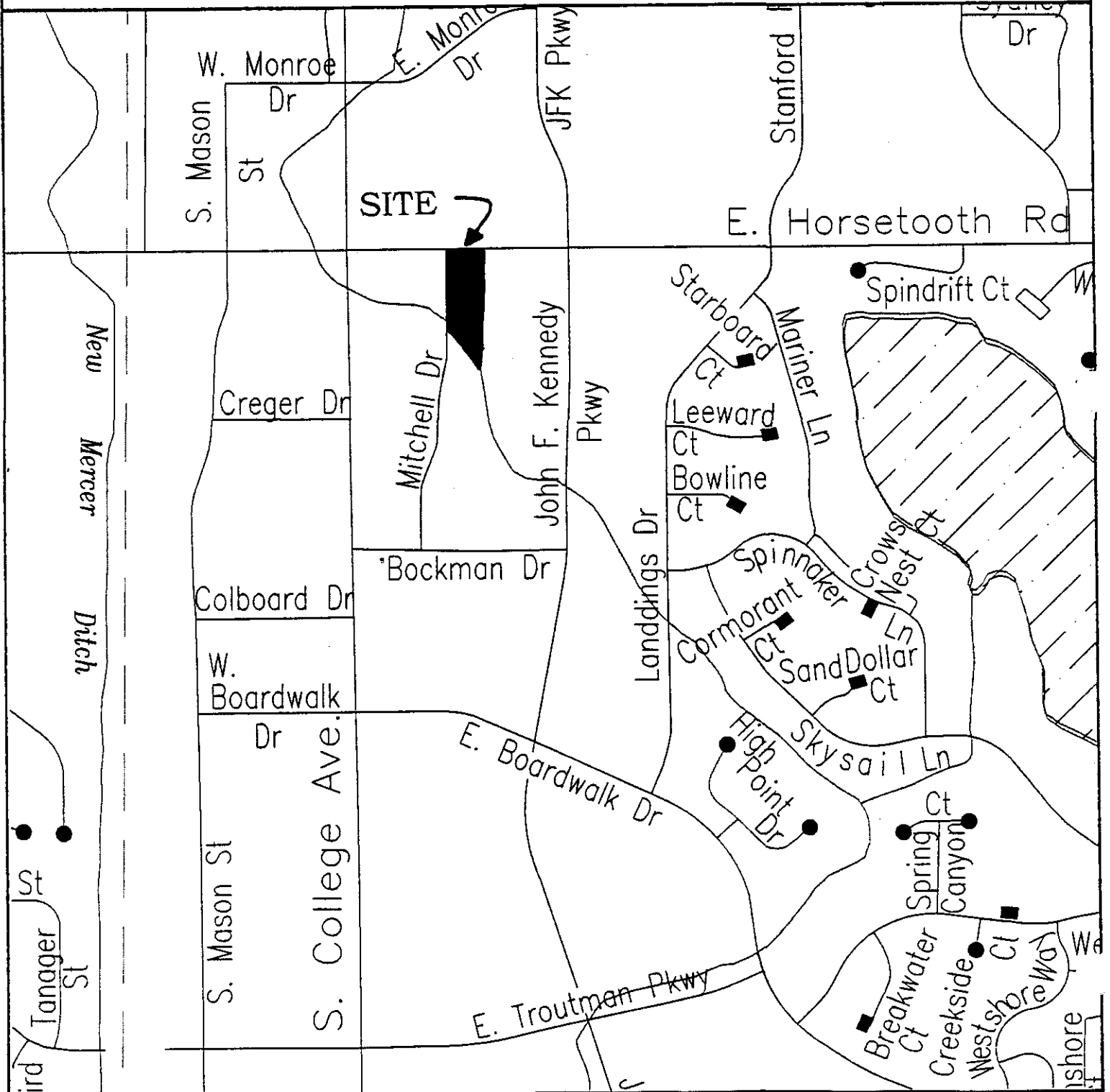
City Clerk

EXHIBIT "A"

DESCRIPTION OF PROPOSED STREET VACATION

A tract of land located in the Northwest 1/4 of Section 36, Township 7 North, Range 69 West, of the Sixth P.M., which is also a part of Lot 2 of the Plat of Observatory Heights, City of Fort Collins, County of Larimer, State of Colorado, which, considering the north line of said Northwest 1/4 as bearing N 89° 56' 00" E, and with all bearings contained herein relative thereto, is contained within the boundary lines which begin at a point on the south right-of-way line of East Horsetooth Road, which bears N 89° 56' 00" E 448.00 feet, and again S 00° 41' 30" E 50.00 feet, and again N 89° 56' 00" E 36.68 feet from the Northwest corner of said Section 36, and run thence N 89° 56' 00" E 4.99 feet; thence along the arc of a 15.00 foot radius curve to the left a distance of 23.73 feet, the long chord of which bears S 44° 37' 17" W 21.33 feet; thence S 00° 41' 30" E 80.84 feet; thence S 07° 56' 00" W 39.16 feet; thence N 00° 16' 00" W 119.73 feet; thence along the arc of a 15.00 foot radius curve to the right a distance of 23.61 feet, the long chord of which bears N 44° 50' 00" E 21.25 feet to the point of beginning.

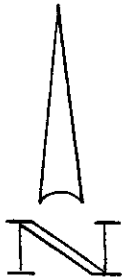
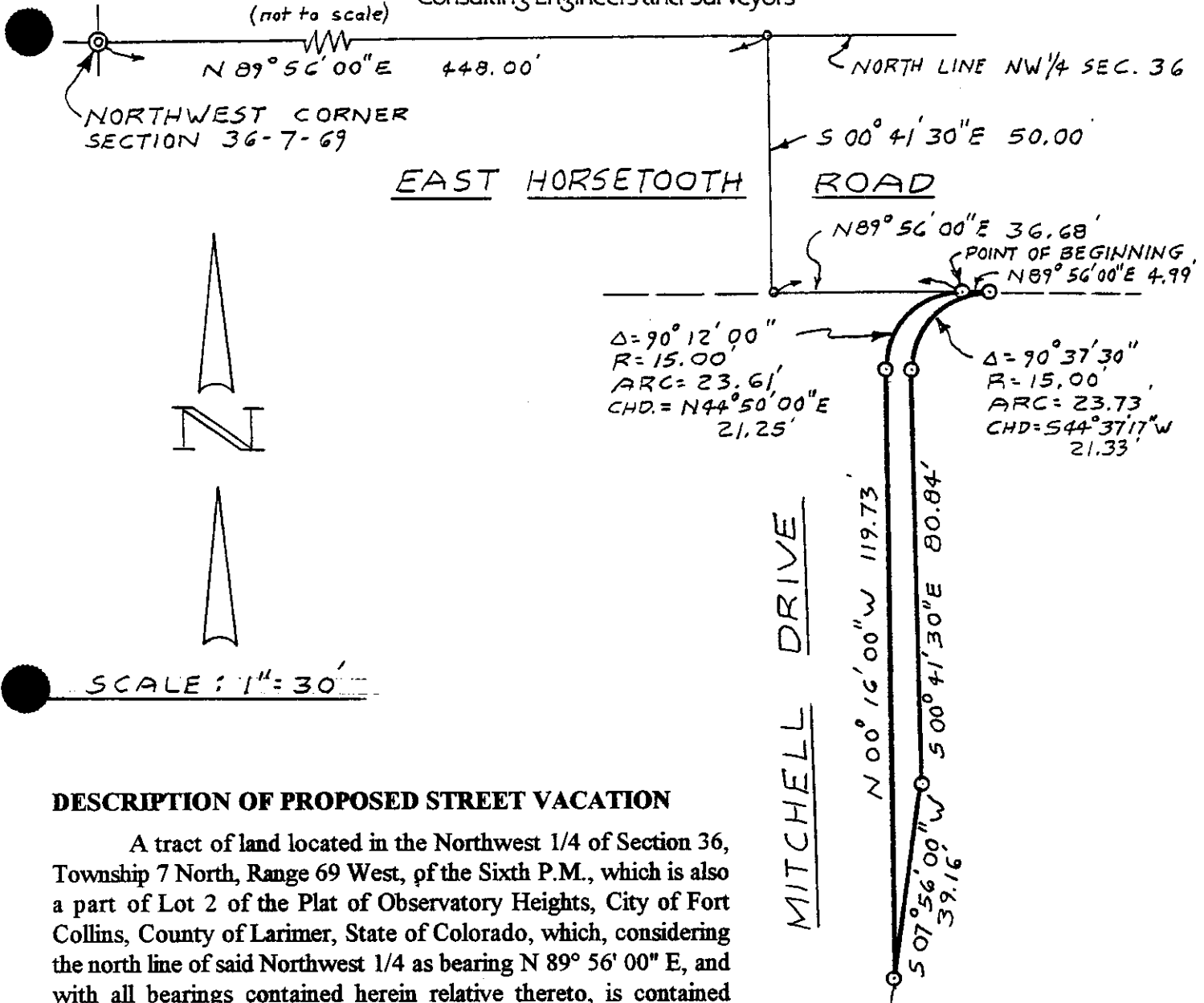
PALMER DESIGN CENTER MITCHELL DRIVE RIGHT-OF-WAY VACATION VICINITY MAP



STEWART & ASSOCIATES

Consulting Engineers and Surveyors

(not to scale)



SCALE: 1" = 30'

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EXHIBIT "A"
SHEET 1 OF 2

James H. Stewart
and Associates, Inc.
103 S. Meldrum Street
P.O. Box 429
Ft. Collins, CO 80522
970/482-9331
Fax 970/482-9382



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SHEET 2 OF 2