

# AGENDA ITEM SUMMARY

## FORT COLLINS CITY COUNCIL

ITEM NUMBER: 12

DATE: September 15, 2009

STAFF: Susan Joy

### SUBJECT

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First Reading of Ordinance No. 093, 2009, Vacating a Portion of Right-of-way for Redwood Street as Dedicated at Reception #2006-0034597 of the Larimer County Records.

### RECOMMENDATION

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Staff recommends adoption of the Ordinance on First Reading.

### EXECUTIVE SUMMARY

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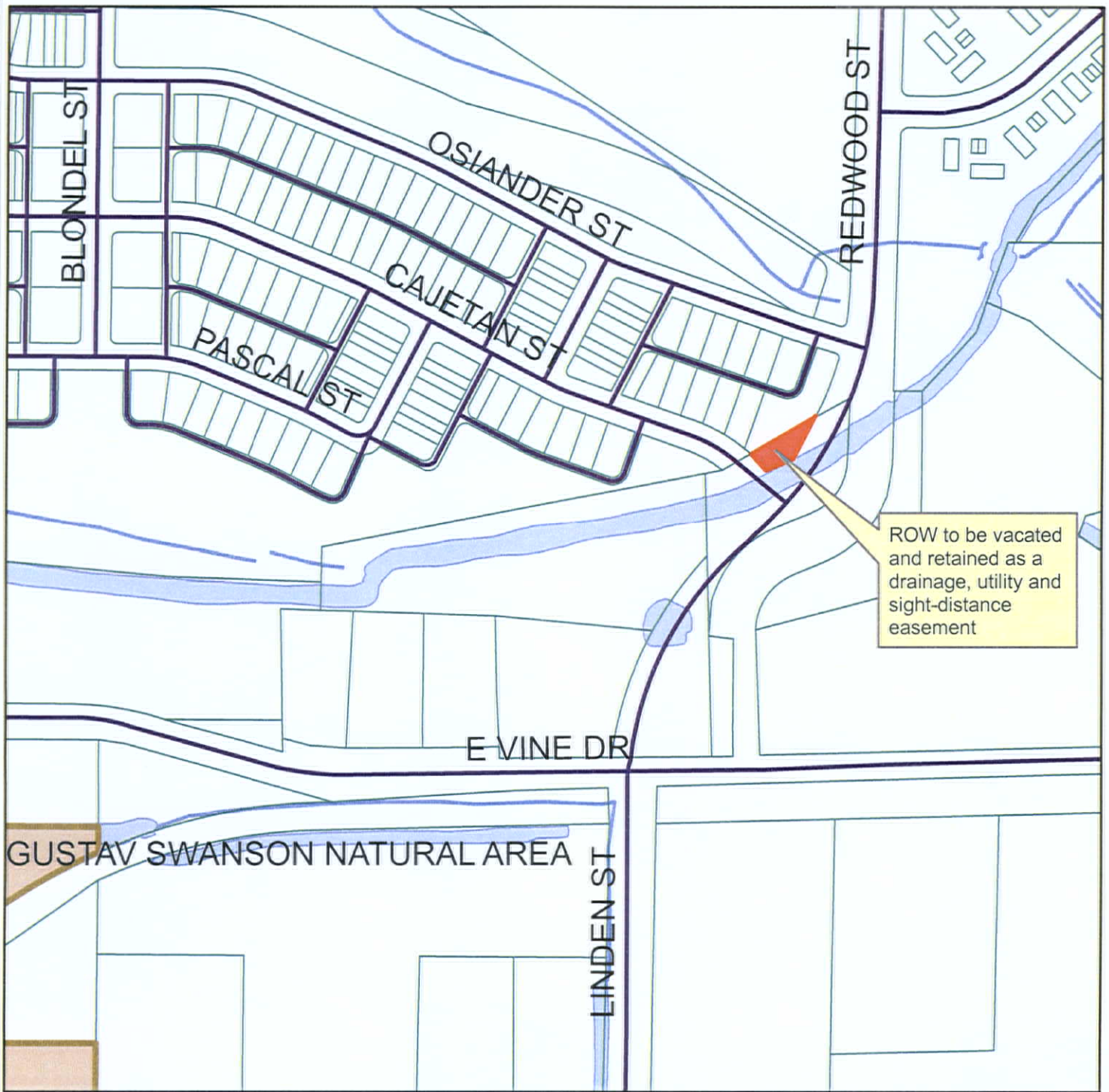
The right-of-way at Reception #2006-0034597 was dedicated in 2006 by the developer of Old Town North, in order to complete the construction of Redwood Street, from the development to Vine Drive. Additional land was needed to provide a second point of access into the development. The parcel dedicated was originally a small tract in the Evergreen Park Subdivision that the developer of Old Town North was able to obtain and dedicate to the City in order to construct Redwood Street. Some of the parcel that was dedicated is not needed for street purposes and the developer of Old Town North Sunterrace Townhomes has requested the vacation of a portion of the right-of-way to accommodate the setbacks needed for the proposed townhomes.

All public and private utilities have been notified of the proposed vacation and they report no objections, provided the area is retained as a utility, drainage and sight-distance easement. The adjacent property owner is the developer requesting the vacation and has no objection to the vacation.

### ATTACHMENTS

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1. Location map



August 21, 2009

**Request to Vacate a Portion  
of Redwood Street Right-of-Way**



ORDINANCE NO. 093, 2009  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
VACATING A PORTION OF RIGHT-OF-WAY FOR REDWOOD STREET  
AS DEDICATED AT RECEPTION #2006-0034597  
OF THE LARIMER COUNTY RECORDS

WHEREAS, certain land was dedicated to the City as street right-of-way for Redwood Street between Vine Drive and Osiander Street as described in that deed of dedication recorded at Reception #2006-0034597 of the Larimer County, Colorado, records; and

WHEREAS, the developer of Old Town North, Second Filing, has requested that the City vacate this right-of-way; and

WHEREAS, the Administrative Hearing Officer has approved an application for the final plan for a project entitled "Old Town North Sunterrace Townhomes," which plan plats property abutting the right-of-way for Redwood Street; and

WHEREAS, the approval of the Old Town North Sunterrace Townhomes necessitates the vacation of a portion of the original right-of-way dedicated for Redwood Street more particularly described on Exhibit "A", attached hereto and incorporated herein by this reference; and

WHEREAS, the portion of the Redwood Street right-of-way is no longer necessary or desirable to retain for street intersection purposes due to the actual alignment of the constructed street; and

WHEREAS, pertinent City agencies and private utility companies have been contacted and have reported no objection to the proposed vacation, provided that a utility, drainage and sight-distance easement be reserved unto the City as more particularly described on Exhibit "B", attached hereto and incorporated herein by this reference; and

WHEREAS, the right of the residents of the City 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, more particularly described on Exhibit "A", is hereby vacated, abated, and abolished, reserving a utility, drainage, and sight-distance easement unto the City as more particularly described on Exhibit "B".

Introduced, considered favorably on first reading, and ordered published this 15th day of September, A.D. 2009, and to be presented for final passage on the 6th day of October, A.D. 2009.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading on the 6th day of October, A.D. 2009.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

# EXHIBIT "A"



## RJL SURVEYS

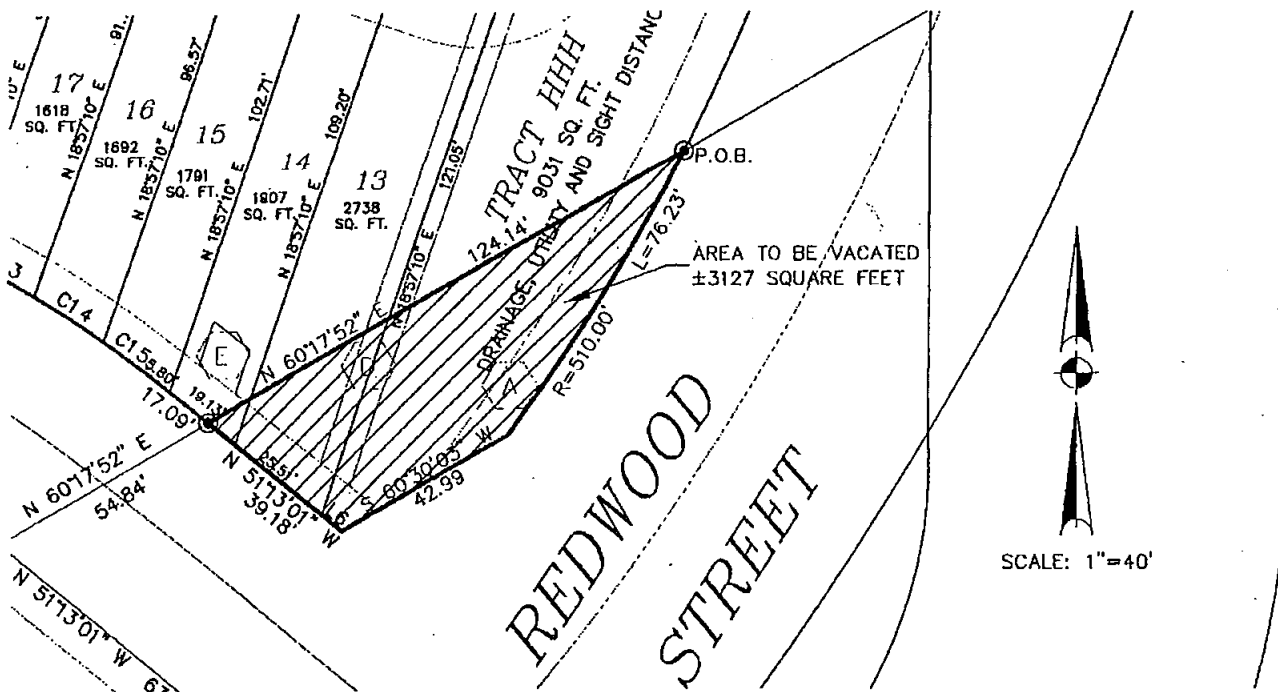
113 Cameron Drive, Suite B  
Fort Collins, Colorado 80525  
TEL: (970)226-3007  
FAX: (970)226-3027



### DESCRIPTION OF AREA TO BE VACATED:

A tract of land, being a portion of Tract E, Evergreen Park Subdivision, located in the South half of the Southwest quarter of Section 1, Township 7 North, Range 69 West of the 6<sup>th</sup> P.M., Larimer County, Colorado, being more particularly described by the following boundary lines:

Considering the West line of the Southwest quarter of said Section 1 as bearing N 00°00'00" E, and with all bearings contained herein relative thereto, commencing at the Northeast corner of Old Town North Subdivision, which bears S 53°36'45" E 3203.97 feet from the West Quarter Corner of said Section 1; thence 229.85 feet along the arc of a curve to the right having a radius of 510.00 feet, a central angle of 25°49'21", and a long-chord which bears S 28°06'38" W 227.91 feet to the TRUE POINT OF BEGINNING; thence 76.23 feet along the arc of a curve to the right having a radius of 510.00 feet, a central angle of 08°33'51" and a long-chord which bears S 31°34'20" W 76.16 feet; thence S 60°30'03" W 42.99 feet; thence N 51°13'01" W 39.18 feet; thence N 60°17'52" E 124.14 feet, more or less, to the POINT OF BEGINNING, containing 3127 square feet, more or less, and being subject to any easements, restrictions, or rights-of-way now existing, in use, or on record.



# EXHIBIT "B"



## RJL SURVEYS

113 Cameron Drive, Suite B  
Fort Collins, Colorado 80525  
TEL: (970)226-3007  
FAX: (970)226-3027



### DESCRIPTION OF AREA TO BE RETAINED AS A DRAINAGE, UTILITY AND SIGHT-DISTANCE EASEMENT:

A tract of land, being a portion of Tract E, Evergreen Park Subdivision, located in the South half of the Southwest quarter of Section 1, Township 7 North, Range 69 West of the 6<sup>th</sup> P.M., Larimer County, Colorado, being more particularly described by the following boundary lines:

Considering the West line of the Southwest quarter of said Section 1 as bearing N 00°00'00" E, and with all bearings contained herein relative thereto, commencing at the Northeast corner of Old Town North Subdivision, which bears S 53°36'45" E 3203.97 feet from the West Quarter Corner of said Section 1; thence 229.85 feet along the arc of a curve to the right having a radius of 510.00 feet, a central angle of 25°49'21", and a long-chord which bears S 28°06'38" W 227.91 feet to the TRUE POINT OF BEGINNING; thence 76.23 feet along the arc of a curve to the right having a radius of 510.00 feet, a central angle of 08°33'51" and a long-chord which bears S 31°34'20" W 76.16 feet; thence S 60°30'03" W 42.99 feet; thence N 51°13'01" W 39.18 feet; thence N 60°17'52" E 9.67 feet; thence S 51°13'01" E 22.31 feet; thence N 18°37'10" E 31.42 feet; thence N 60°17'52" E 82.69 feet, more or less, to the POINT OF BEGINNING, containing 2800 square feet, more or less, and being subject to any easements, restrictions, or rights-of-way now existing, in use, or on record.

