

AGENDA ITEM SUMMARY

May 21, 2019

City Council

STAFF

Marc Virata, Civil Engineer
Chris Van Hall, Legal

SUBJECT

Second Reading of Ordinance No. 065, 2019, Vacating Portions of Hobbit Street Right-of-Way East of Shields Street.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on May 7, 2019, vacates a portion of the Hobbit Street right-of-way that was originally intended to be built in connection with the Young's Creek development plan. Young's Creek would have extended Hobbit Street from its current termination north into its development but was never constructed and has since expired. With the approval of the Landmark Apartments Expansion project in place of Young's Creek, the constructed portion of Hobbit Street (which is not being vacated) will be terminated into a cul-de-sac at its current location.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

ATTACHMENTS

1. First Reading Agenda Item Summary, May 7, 2019 (w/o attachments) (PDF)
2. Ordinance No. 065, 2019 (PDF)

AGENDA ITEM SUMMARY

City Council

May 7, 2019

STAFF

Marc Virata, Civil Engineer
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SUBJECT

First Reading of Ordinance No. 065, 2019, Vacating Portions of Hobbit Street Right-of-Way East of Shields Street.

EXECUTIVE SUMMARY

The purpose of this item is to vacate a portion of the Hobbit Street right-of-way that was originally intended to be built in connection with the Young's Creek development plan (Young's Creek). Young's Creek would have extended Hobbit Street from its current termination north into its development but was never constructed and has since expired. With the approval of the Landmark Apartments Expansion project in place of Young's Creek, the constructed portion of Hobbit Street (which is not being vacated) will be terminated into a cul-de-sac at its current location.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Hobbit Street is an existing public street east of Shields Street that was constructed in the 1980s in conjunction with the Landmark Apartments development (on file as Landmark PUD). In 2004 the City approved Young's Creek directly east of Landmark Apartments which dedicated right-of-way with the intent of extending Hobbit Street north into the development plan. Young's Creek never proceeded with construction and the right to develop the plan expired. While the development plan expired, the right-of-way dedicated for Hobbit Street remained as right-of-way and did not terminate when the development plan expired.

The Landmark Apartments Expansion development plan was submitted to the City in 2016 on the expired Young's Creek property. Landmark Apartments Expansion's development plan does not extend Hobbit Street into the project and terminates the existing Hobbit Street constructed with Landmark Apartments into a cul-de-sac. The remainder of the Hobbit Street right-of-way as dedicated with Young's Creek is no longer needed for the Landmark Apartments Expansion, which was approved by the Planning and Zoning Board on November 10, 2016, with the condition that subsequent vacation of Hobbit Street right-of-way on the property be approved by City Council. Additionally, Resolution 2017-011 of the City Council adopted findings of fact and conclusions regarding the appeal of the Planning and Zoning Board decision approving the Landmark Apartments Expansion, which allows Landmark Apartments Expansion to move forward with a final plan.

Vacations of public right-of-way are governed by City Code Section 23-115, which provides for an application and review process prior to submission to the City Council for formal consideration. The process includes review by potentially affected utility agencies, City staff, emergency service providers, and affected property owners in the vicinity of the right-of-way proposed to be vacated. This review process was followed in conjunction with review of the Landmark Apartments Expansion final plan and based on comments received, the Planning Development and Transportation Director recommended that the vacation be approved. With the proposed

vacation, an easement for utilities and drainage will be reserved across a small portion of the vacated right-of-way, which preserves the right to utilize the vacated portion for this purpose and is consistent with the Landmark Apartments Expansion development plan for utility facilities. Approval of the plat for Landmark Apartments Expansion will dedicate a blanket utility and drainage easement outside of the building envelopes.

CITY FINANCIAL IMPACTS

The termination of Hobbit Street into a cul-de-sac instead of extending it into Landmark Apartments Expansion reduces the overall roadway maintenance liability to the City.

PUBLIC OUTREACH

A memorandum requesting input was sent to the abutting property owners and utility providers.

ATTACHMENTS

1. Location map (PDF)

COPY

ORDINANCE NO. 065, 2019
OF THE COUNCIL OF THE CITY OF FORT COLLINS
VACATING PORTIONS OF HOBBIT STREET
RIGHT-OF-WAY EAST OF SHIELDS STREET

WHEREAS, Hobbit Street is presently constructed abutting the existing Landmark Apartments; and

WHEREAS, the previously approved Young's Creek subdivision plat dedicated Hobbit Street right-of-way to extend the construction of Hobbit Street into the Young's Creek subdivision; and

WHEREAS, the Young's Creek development plan has expired without being constructed but the Hobbit Street right-of-way remains dedicated to the City; and

WHEREAS, a development plan on the Young's Creek property known as Landmark Apartments Expansion PDP#160013 (the "Landmark Apartments Expansion") was reviewed and approved on November 10, 2016, by the Planning and Zoning Board with the condition that subsequent vacation of Hobbit Street right-of-way on the property be approved by City Council; and

WHEREAS, Resolution 2017-011 of the City Council was approved on February 7, 2017, which adopted findings of fact and conclusions regarding the appeal of the Planning and Zoning Board decision approving the Landmark Apartments Expansion; and

WHEREAS, the Landmark Apartments Expansion, as approved by the Planning and Zoning Board and upheld by City Council, does not extend the Hobbit Street right-of-way into the development but terminates Hobbit Street into a cul-de-sac so that portions of the dedicated Hobbit Street right-of-way are no longer needed to construct the Landmark Apartments Expansion as approved; and

WHEREAS, the City and RTA Hobbit, LLC, developer of Landmark Apartments Expansion, have requested that the City vacate that portion of the undeveloped right-of-way legally described on Exhibit "A" and shown on the map in Exhibit "B" attached hereto and incorporated herein (the "Excess Hobbit Street ROW"); and

WHEREAS, the Excess Hobbit Street ROW is no longer necessary or desirable for street purposes based on the approved Landmark Apartments Expansion; and

WHEREAS, the City Engineer has routed the vacation request to potentially affected City agencies, private utility companies, property owners in the vicinity, and emergency service providers and no objection to the proposed vacation has been received, provided that a drainage and utility easement across a small portion of the Excess Hobbit Street ROW be reserved unto the City; and

WHEREAS, in accordance with City Code Section 23-115, the City Engineer recommended approval of the vacation to the Planning, Development and Transportation Director, and the Director recommends to Council that the request for vacation be approved; 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 rights-of-way.

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

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby finds and determines that the right-of-way for those portions of Hobbit Street more particularly described on Exhibits "A" and "B" attached hereto and incorporated herein is no longer needed for right-of-way purposes, subject to reservation of an easement across that real property described as Parcel 2 on Exhibit "A" for drainage and utilities, and that it is in the public interest to vacate said right-of-way.

Section 3. That those portions of the Hobbit Street right-of-way more particularly described on Exhibits "A" and "B" attached hereto and incorporated herein by this reference are hereby vacated, abated and abolished provided, however, that:

- (1) there is hereby reserved to the City a perpetual easement over, under, and across Parcel 2 described on Exhibit "A" for utility and drainage purposes;
- (2) this vacation shall not take effect until this Ordinance is recorded with the Larimer County Clerk and Recorder;
- (3) this Ordinance shall be recorded concurrently with the subdivision plat for the Landmark Apartments Expansion PDP #160013 known as "Landmark Apartments Expansion"; and
- (4) if this Ordinance is not so recorded by March 14, 2022, then this Ordinance shall become null and void and of no further force and effect.

Introduced, considered favorably on first reading, and ordered published this 7th day of May, A.D. 2019, and to be presented for final passage on the 21st day of May, A.D. 2019.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 21st day of May, A.D. 2019.

Mayor

ATTEST:

City Clerk



NORTHERN
ENGINEERING

EXHIBIT A

DESCRIPTION:

PARCEL 1:

All of Hobbit Street right-of-way dedicated per the Plat of Young's Creek being recorded at Reception No. 20040037611, Larimer County Clerk and Recorder and a portion of that tract of land to the City of Fort Collins as recorded at Reception No. 20040017621, Larimer County Clerk and Recorder being more particularly described as follows:

Considering the West line of the Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 23, Township 7 North, Range 69 West of the 6th P.M. as bearing North 00° 13' 32" East and with all bearings contained herein relative thereto:

COMMENCING at the Southwest corner of the Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 23, Township 7 North, Range 69 West of the 6th P.M., being monumented by a found Model "T" axle, with 3 ¾" steel cap in collar of stone; thence along the West line of the Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 23, said line also being the East line of Landmark Subdivision and the West line of Proposed Plat of Landmark Apartments, North 00° 13' 32" East, 7.57 feet to the Southerly right-of-way line of Hobbit Street, said point being **POINT OF BEGINNING 1**; thence continuing along said West line, North 00° 13' 32" East, 58.76 feet to the Northerly right-of-way line of Hobbit Street; thence along the extents of said Hobbit Street the following 11 courses and distances: thence, North 50° 28' 11" East, 2.75 feet; thence along a curve concave to the Northwest having a central angle of 57° 22' 49" with a radius of 214.50 feet, an arc length of 214.82 feet and the chord of which bears North 26° 47' 08" East, 205.95 feet; thence, North 01° 54' 16" West, 30.16 feet; thence along a curve concave to the Southeast having a central angle of 94° 03' 51" with a radius of 64.50 feet, an arc length of 105.89 feet and the chord of which bears North 45° 07' 39" East, 94.39 feet; thence, South 87° 50' 25" East, 128.00 feet; thence along a curve concave to the Northwest having a central angle of 241° 43' 22" with a radius of 50.50 feet, an arc length of 213.05 feet and the chord of which bears South 33° 01' 28" West, 86.70 feet; thence along a curve concave to the Southwest having a central angle of 61° 43' 35" with a radius of 44.50 feet, an arc length of 47.94 feet and the chord of which bears North 56° 58' 38" West, 45.66 feet; thence, North 87° 50' 25" West, 44.33 feet; thence along a curve concave to the Southeast having a central angle of 94° 03' 51" with a radius of 13.50 feet, an arc length of 22.16 feet and the chord of which bears South 45° 07' 39" West, 19.76 feet; thence, South 01° 54' 16" East, 30.16 feet; thence along a curve concave to the Northwest having a central angle of 65° 13' 23" with a radius of 265.50 feet, an arc length of 302.23 feet and the chord of which bears South 30° 42' 25" West, 286.18 feet to **POINT OF BEGINNING 1**, containing 30,744 square feet, or 0.706 acres, more or less;

TOGETHER WITH:

PARCEL 2:

A portion of right-of-way dedicated per Landmark Subdivision P.U.D. being recorded at Book 2231, Page 1454, being more particularly described as follows:

Considering the East line of the Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 23, Township 7 North, Range 69 West of the 6th P.M. as bearing North 00° 13' 32" East and with all bearings contained herein relative thereto:

COMMENCING at the Southwest corner of the Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 23, Township 7 North, Range 69 West of the 6th P.M., being monumented by a found Model "T" axle, with 3 ¾" steel cap in collar of stone; thence along the West line of the Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 23, said line also being the East line of Landmark Subdivision and the West line of Proposed Plat of Landmark Apartments, North 00° 13' 32" East, 35.62 feet to **POINT OF BEGINNING 2**; thence along a curve concave to the South having a central angle of 40° 11' 53" with a radius of 61.42 feet, an arc length of 43.09 feet and the chord of which bears North 74° 58' 10" West, 42.21 feet to a point on the Northerly right-of-way line of Hobbit Street; thence along said Northerly line the following 2 courses and distances: along a curve concave to the Northwest having a central angle of 01° 21' 26" with a radius of 213.00 feet, an arc length of 5.05 feet and the chord of which bears North 64° 48' 38" East, 5.05 feet; thence, North 64° 07' 55" East, 40.37 feet to the East line of the Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 23; thence along said East line South 00° 13' 32" West, 30.71 feet to **POINT OF BEGINNING 2**, containing 519 square feet, or 0.012 acres, more or less;

The above described parcels are meant to be contiguous, containing no gaps or overlaps and are subject to all easements and rights-of-way now on record or existing.

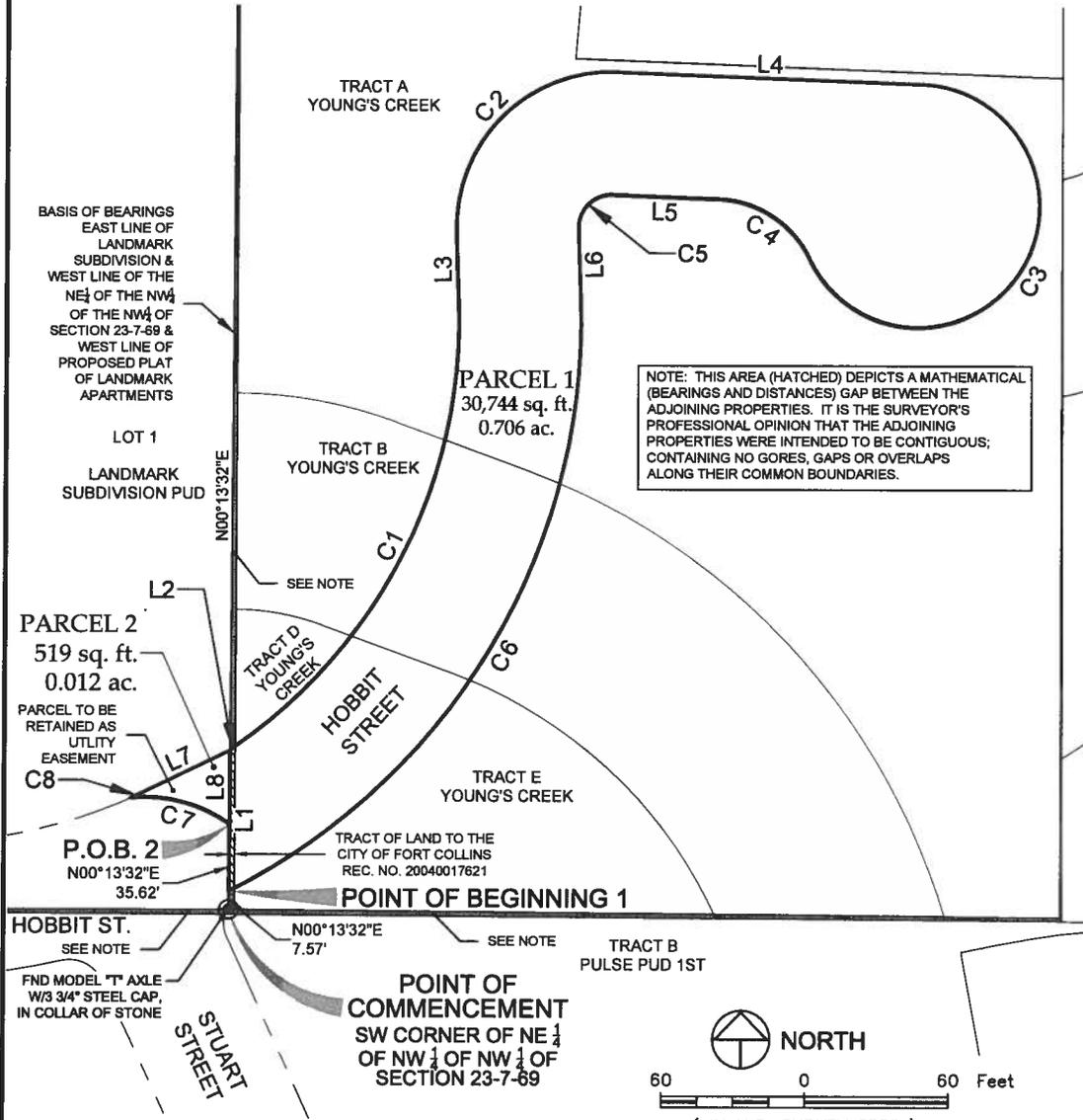
LMS

April 26, 2019

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EXHIBIT B

RIGHT-OF-WAY TO BE VACATED LOCATED IN THE NORTHWEST QUARTER OF SECTION 23,
TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6th P.M., CITY OF FORT COLLINS,
COUNTY OF LARIMER, STATE OF COLORADO



| LINE | LENGTH | BEARING |
|------|---------|---------------|
| L1 | 58.76' | N00° 13' 32"E |
| L2 | 2.75' | N50° 28' 11"E |
| L3 | 30.16' | N01° 54' 16"W |
| L4 | 128.00' | S87° 50' 25"E |
| L5 | 44.33' | N87° 50' 25"W |
| L6 | 30.16' | S01° 54' 16"E |
| L7 | 40.37' | N64° 07' 55"E |
| L8 | 30.71' | S00° 13' 32"W |

| CURVE | DELTA | RADIUS | LENGTH | BEARING | CHORD |
|-------|------------|---------|---------|-------------|---------|
| C1 | 57°22'49" | 214.50' | 214.82' | N26°47'08"E | 205.95' |
| C2 | 94°03'51" | 64.50' | 105.89' | N45°07'39"E | 94.39' |
| C3 | 241°43'22" | 50.50' | 213.05' | S33°01'28"W | 86.70' |
| C4 | 61°43'35" | 44.50' | 47.94' | N56°58'38"W | 45.66' |
| C5 | 94°03'51" | 13.50' | 22.16' | S45°07'39"W | 19.76' |
| C6 | 65°13'23" | 265.50' | 302.23' | S30°42'25"W | 286.18' |
| C7 | 40°11'53" | 61.42' | 43.09' | N74°58'10"W | 42.21' |
| C8 | 1°21'26" | 213.00' | 5.05' | N64°48'38"E | 5.05' |

NOTE: THIS EXHIBIT IS NOT INTENDED TO BE A MONUMENTED LAND SURVEY. ITS SOLE PURPOSE IS AS A GRAPHIC REPRESENTATION TO AID IN THE VISUALIZATION OF THE WRITTEN PROPERTY DESCRIPTION WHICH IT ACCOMPANIES. THE WRITTEN PROPERTY DESCRIPTION SUPERCEDES THE EXHIBIT DRAWING.