

ORDINANCE NO. 015, 2017
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF A PORTION OF CITY-OWNED
PROPERTY AT CATHY FROMME PRAIRIE NATURAL AREA
TO BARBARA AND THOMAS CYNKAR

WHEREAS, the City is the owner of a parcel of land located in southwest Fort Collins known as Cathy Fromme Prairie Natural Area (the "City Property"); and

WHEREAS, in 2011 the Natural Areas Department developed the Natural Areas Encroachment Policy, which defines what constitutes an encroachment on a natural area and how violations will be monitored and enforced; and

WHEREAS, in 2016 Natural Areas rangers discovered eleven significant encroachments onto the City Property by residents in the Fox Hills Subdivision including Barbara and Thomas Cynkar (the "Cynkars"); and

WHEREAS, City staff discussed the situation with the encroaching property owners and gave them the option of removing the encroachments or purchasing the portion of the City Property affected by the encroachments; and

WHEREAS, City staff does not always consider or recommend conveying away Natural Areas property to resolve encroachments, but in this case the encroachments are long standing and of significant value, and were created in part due to a misunderstanding about ownership of the City Property; and

WHEREAS, all but seven of the substantial encroachments have been resolved, and the remaining property owners, including the Cynkars, have asked that the City sell them the small parcels of land where they are encroaching; and

WHEREAS, the portion of the City Property that would be conveyed to the Cynkars is shown and described on Exhibit "A", attached hereto and incorporated herein by reference (the "Encroachment Parcel"); and

WHEREAS, the City would reserve from the conveyance of the Encroachment Parcel any utility, drainage, or other easements needed to accommodate existing City facilities; and

WHEREAS, the Cynkars have agreed to pay a total of \$5,735 for the Encroachment Parcel, consisting of \$3,235 for the value of the property as determined by Real Estate Services, a \$1,000 administrative fee for processing the transaction, and a \$1,500 survey fee; and

WHEREAS, the Land Conservation and Stewardship Board voted to recommend that the City Council sell the Encroachment Parcel to resolve the encroachment issue; and

WHEREAS, Section 23-111(a) of the City Code authorizes the City Council to sell, convey, or otherwise dispose of any and all 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.

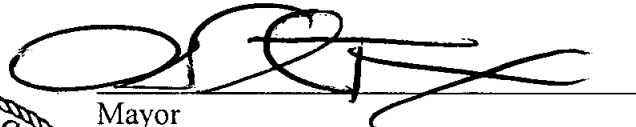
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

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 that the conveyance of the Encroachment Parcel to Barbara and Thomas Cynkar as provided herein is in the best interests of the City.

Section 3. That the Mayor is hereby authorized to execute such documents as are necessary to convey the Encroachment Parcel on terms and conditions consistent with this Ordinance, together with such additional terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City, including, but not limited to, any necessary changes to the legal description of the Encroachment Parcel, as long as such changes do not materially increase the size or change the character of the property interest to be conveyed.

Introduced, considered favorably on first reading, and ordered published this 17th day of January, A.D. 2017, and to be presented for final passage on the 7th day of February, A.D. 2017.

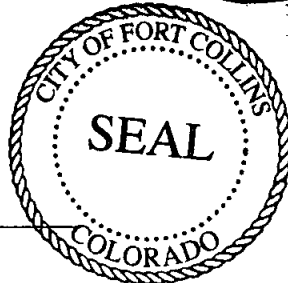


Mayor

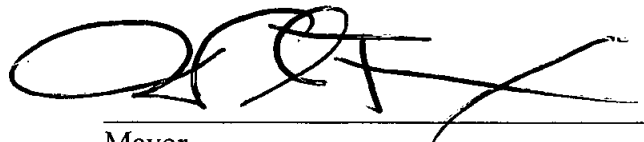
ATTEST:



City Clerk / Chief Deputy



Passed and adopted on final reading on the 7th day of February, A.D. 2017.



Mayor

ATTEST:



City Clerk



**DESCRIPTION OF A PORTION OF TRACT H, FOX HILLS SECOND FILING
OWNED BY THE CITY OF FORT COLLINS TO BE CONVEYED TO THE OWNER
OF LOT 12, FOX HILLS SECOND FILING**

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE SIXTH P.M.; CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO; BEING A PORTION OF TRACT H, FOX HILLS SECOND FILING; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 12, FOX HILLS SECOND FILING AND CONSIDERING THE WEST LINE OF SAID LOT 12 TO BEAR $S00^{\circ}09'17''E$ AS SHOWN ON THE PLAT THEREOF, SAID LINE BEING MONUMENTED ON ITS NORTH END BY THE BASE OF A BENT NO. 4 REBAR WITH NO CAP, AND ON ITS SOUTH END BY A 1" BRASS TAG STAMPED LS 5028 IN THE CONCRETE SIDEWALK ON THE EXTENSION OF SAID WEST LINE AT A POINT 3.00 FEET DISTANT FROM THE SOUTHWEST CORNER OF SAID LOT 12, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE $N89^{\circ}50'43''E$, A DISTANCE OF 90.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE NORTHEAST CORNER OF SAID LOT 12;

THENCE ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 12, $N89^{\circ}50'43''E$, A DISTANCE OF 15.15 FEET;

THENCE $S07^{\circ}13'02''E$, A DISTANCE OF 6.86 FEET;

THENCE $S20^{\circ}26'02''E$, A DISTANCE OF 30.29 FEET;

THENCE $S15^{\circ}00'21''E$, A DISTANCE OF 36.62 FEET;

THENCE $S40^{\circ}30'24''E$, A DISTANCE OF 38.56 FEET TO A POINT ON THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 13, FOX HILLS SECOND FILING;

THENCE ALONG SAID EASTERLY EXTENSION AND ALONG SAID NORTH LINE OF SAID LOT 13, $S89^{\circ}50'43''W$, A DISTANCE OF 60.85 FEET TO THE SOUTHEAST CORNER OF SAID LOT 12;

THENCE $N00^{\circ}09'17''W$, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,235 SQUARE FEET (0.074 ACRES), MORE OR LESS, AND BEING SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD OR THAT NOW EXIST ON THE GROUND.

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.

JOHN STEVEN VON NIEDA, COLORADO P.L.S. 31169
FOR AND ON BEHALF OF THE CITY OF FORT COLLINS
P.O. BOX 580, FORT COLLINS, CO 80522

S:\Engineering\Departments\Survey\Projects\Natural Areas\
Fox Hills\Legals\Lot 12-Cynkar Lgl.doc

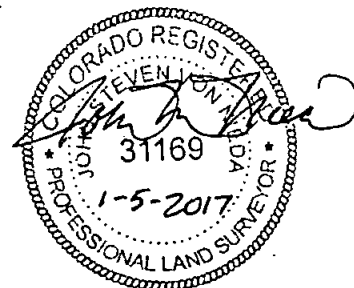


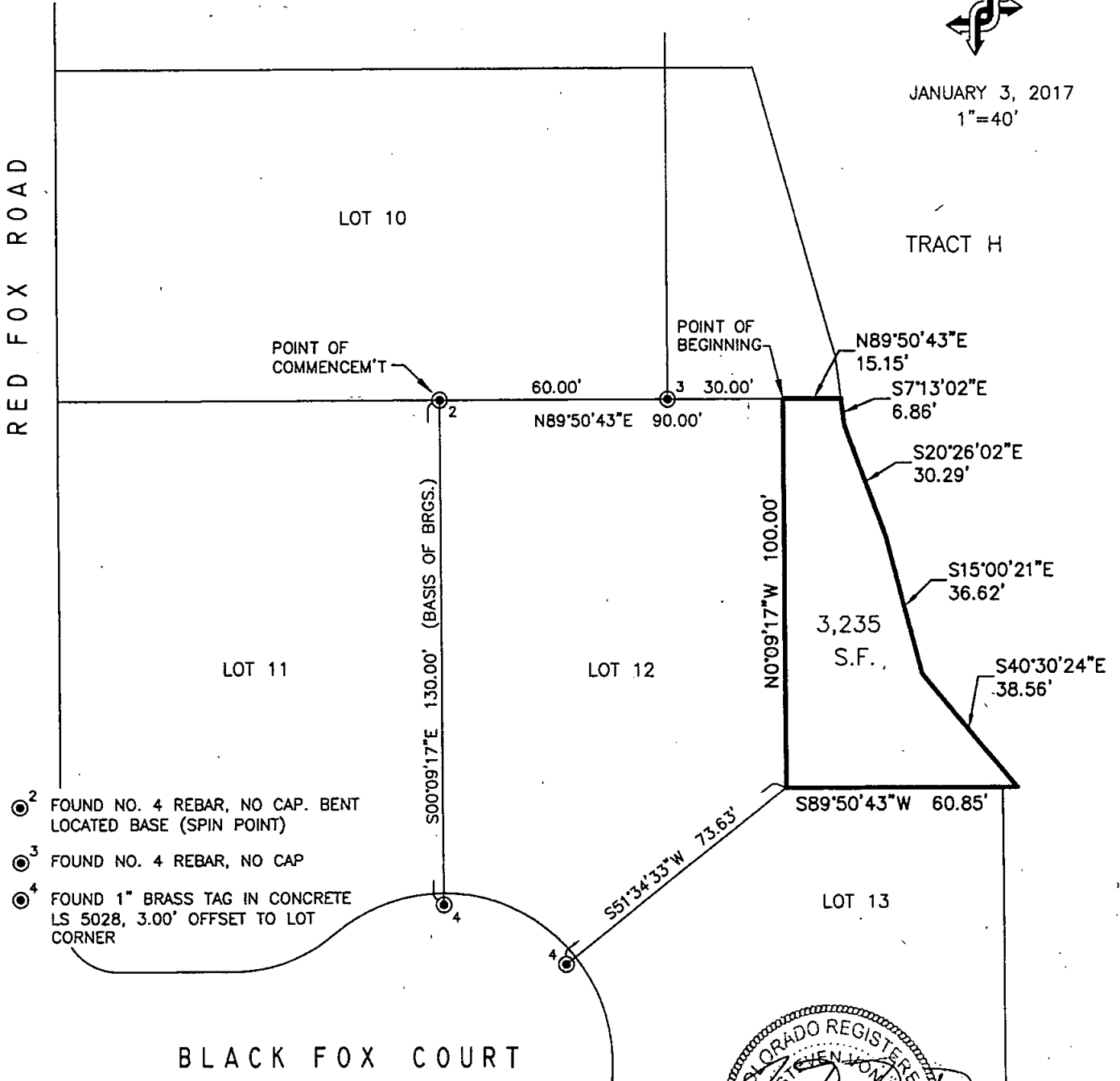
EXHIBIT OF
 PORTION OF TRACT H, FOX HILLS SECOND FILING
 OWNED BY THE CITY OF FORT COLLINS
 TO BE CONVEYED TO THE OWNER OF
 LOT 12, FOX HILLS SECOND FILING



JANUARY 3, 2017
 1"=40'

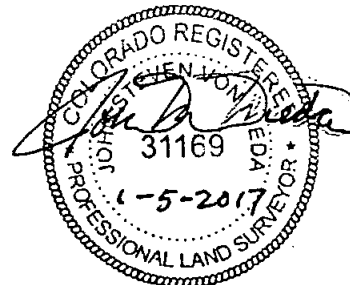
RED FOX ROAD

TRACT H



- ② FOUND NO. 4 REBAR, NO CAP. BENT LOCATED BASE (SPIN POINT)
- ③ FOUND NO. 4 REBAR, NO CAP
- ④ FOUND 1" BRASS TAG IN CONCRETE LS 5028, 3.00' OFFSET TO LOT CORNER

BLACK FOX COURT



THIS EXHIBIT'S SOLE INTENT IS TO GRAPHICALLY REPRESENT AND AUGMENT THE ATTACHED PROPERTY DESCRIPTION. IT DOES NOT REPRESENT A MONUMENTED LAND SURVEY AS DEFINED IN C.R.S. 38-51-102. IN THE EVENT OF DISCREPANCIES BETWEEN THIS EXHIBIT AND THE ATTACHED PROPERTY DESCRIPTION, THE INFORMATION CONTAINED WITHIN THE ATTACHED PROPERTY DESCRIPTION SHOULD BE RELIED UPON.