

ORDINANCE NO. 017, 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 ROBERT AND YUKARI SAMUEL

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 Robert and Yukari Samuel (the "Samuels"); 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 Samuels, 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 Samuels 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 Samuels have agreed to pay a total of \$3,056 for the Encroachment Parcel, consisting of \$556 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.

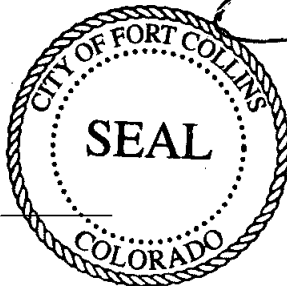
Section 2. That the City Council hereby finds that the conveyance of the Encroachment Parcel to Robert and Yukari Samuel as provided herein is in the best interests of the City.

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.

ATTEST:

Rita R. Kroll
City Clerk / Chief Deputy

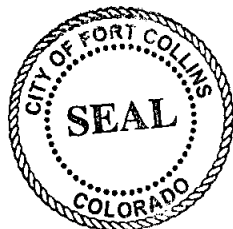


[Signature]
Mayor

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

ATTEST:

W Winkelman
City Clerk



[Signature]
Mayor

**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 5, 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 SOUTHEAST CORNER OF LOT 6, FOX HILLS SECOND FILING AND CONSIDERING THE SOUTH LINE OF SAID LOT 6 TO BEAR S89°50'43"W AS SHOWN ON THE PLAT THEREOF, SAID LINE BEING MONUMENTED ON ITS EAST END BY A NO. 4 REBAR WITH AN ORANGE PLASTIC CAP STAMPED LS 5028, AND ON ITS WEST END BY A DRILLED HOLE FILLED WITH CAULK IN THE CONCRETE SIDEWALK (FORMERLY THE LOCATION OF A BRASS TAG) ON THE EXTENSION OF SAID SOUTH LINE AT A POINT 8.00 FEET DISTANT FROM THE SOUTHWEST CORNER OF SAID LOT 6, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

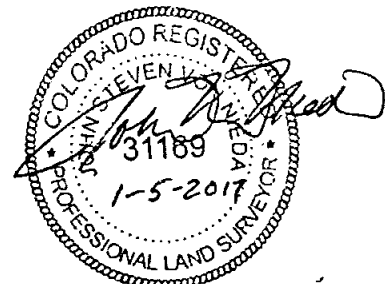
THENCE ALONG THE SOUTH LINE OF TRACT B, FOX HILLS SECOND FILING, N89°50'43"E, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID SOUTH LINE, N89°50'43"E, A DISTANCE OF 10.00 FEET TO THE SOUTHEAST CORNER OF SAID TRACT B;
THENCE S00°09'17"E, A DISTANCE OF 23.00 FEET TO THE SOUTHWEST CORNER OF LOT 5, FOX HILLS SECOND FILING;
THENCE ALONG THE SOUTH LINE OF SAID LOT 5, N89°50'43"E, A DISTANCE OF 11.72 FEET;
THENCE S00°09'17"E, A DISTANCE OF 16.45 FEET;
THENCE S89°07'54"W, A DISTANCE OF 20.01 FEET;
THENCE N02°37'44"W, A DISTANCE OF 39.74 FEET TO THE POINT OF BEGINNING.

CONTAINING 556 SQUARE FEET (0.013 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



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Fox Hills\Legals\ Lot 5-Samuel 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 5, FOX HILLS SECOND FILING

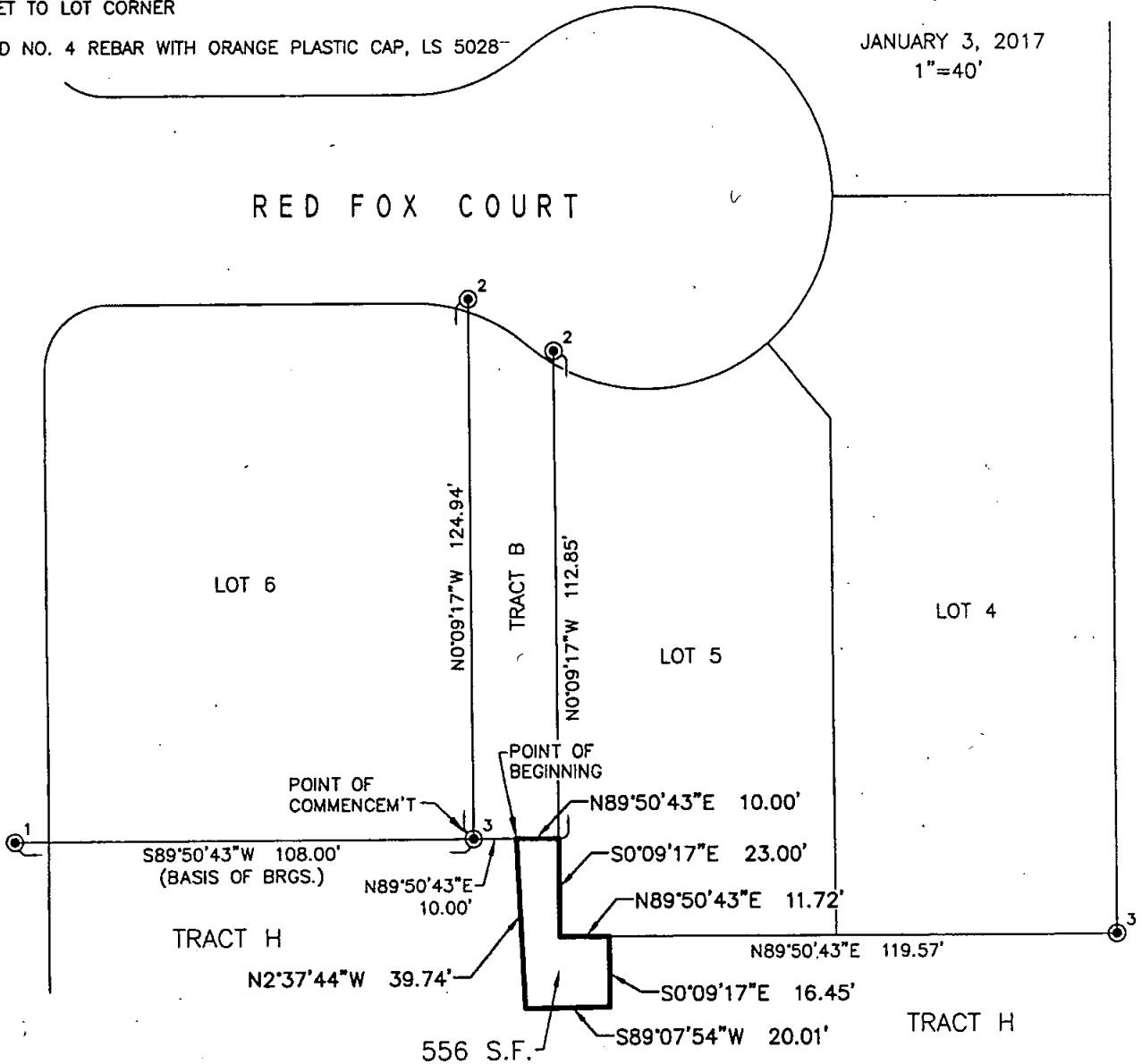


JANUARY 3, 2017
 1"=40'

- ① FOUND DRILLED HOLE IN CONCRETE FILLED WITH CAULK (FORMER BRASS TAG LOCATION), 8.00' OFFSET TO LOT CORNER
- ② FOUND 1" BRASS TAG IN CONCRETE LS 5028, 3.00' OFFSET TO LOT CORNER
- ③ FOUND NO. 4 REBAR WITH ORANGE PLASTIC CAP, LS 5028

RED FOX COURT

RED FOX ROAD



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.



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