

ORDINANCE NO. 117, 2018
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE SALE OF CITY-OWNED PROPERTY AT
4030 SOUTH TAFT HILL ROAD, AND THE DEDICATION OF RIGHT-OF-WAY
AND EASEMENTS ON SUCH PROPERTY TO LARIMER COUNTY

WHEREAS, the City is the owner of real property located at 4030 South Taft Hill Road in Larimer County more particularly described as Lots 3, 4 and 5, Block 2, Westfield Subdivision, except the most easterly 50 feet thereof (the "Property"); and

WHEREAS, the Property is not yet annexed into the City but is within the Growth Management Area; and

WHEREAS, the City acquired the Property in 2001 as part of the Harmony Road and Taft Hill Road intersection project; and

WHEREAS, the City does not need the remainder of the Property and City staff recommends selling it rather than continuing to maintain it; and

WHEREAS, City staff is requesting Council authorization to sell the Property on the open market, subject to existing easements and rights-of-way, for no less than \$165,000, up to approximately \$189,900, which range staff believes is a fair market value for the Property; and

WHEREAS, within the next several years the City and Larimer County (the "County") plan to undertake a joint project to widen Taft Hill Road adjacent to the Property (the "Project"); and

WHEREAS, as part of the Project, the owner of the Property would be required to dedicate portions of the Property for right-of-way and related easements; and

WHEREAS, City and County staff believe it would be simplest for the City to convey the necessary property interests for the Project to the County before the Property is sold to a third party, and that this approach would also provide the most transparency to potential purchasers of the Property about how much of the Property will be developable; and

WHEREAS, the proposed right-of-way dedication, approximately .5 acres in size, is described and shown on Exhibit "A", attached hereto and incorporated herein by reference (the "Right-of-Way"); and

WHEREAS, a proposed slope and drainage easement to be conveyed to the County, approximately .15 acres in size, is shown on Exhibit "B", attached hereto and incorporated herein by reference (the "Drainage Easement"); and

WHEREAS, a proposed utility easement to be conveyed to the County, approximately 633 square feet in size, is shown on Exhibit "C", attached hereto and incorporated herein by reference (the "Utility Easement"); and

WHEREAS, the City does not intend to charge the County for the Right-of-Way and Easements because they are in furtherance of a joint City/County road project, and when the Property and the road are annexed, ownership of the Right-of-Way and Easements will revert to the City; and

WHEREAS, Section 23-111(a) of the City Code authorizes the City Council to sell, convey or otherwise dispose of any interests in real property owned by the City, provided the City Council first finds, by ordinance, that such sale or other disposition is in the best interests of the City; and

WHEREAS, under Section 23-114 of the City Code, any sale or lease of City property interests must be for an amount equal to or greater than the fair market value of such interest unless the City Council determines that such sale or lease serves a bona fide public purpose, based on the five factors listed in Section 23-114; and

WHEREAS, conveying the Right-of-Way and Easements to the County for less than fair market value serves a bona fide public purpose because:

- (1) The use to which these property interests will be put promotes health, safety or general welfare and benefits a significant segment of the citizens of Fort Collins by allowing for the future widening of an arterial street;
- (2) Widening Taft Hill Road to four lanes in this location is consistent with the City's Master Street Plan;
- (3) The financial support provided by the City through the below-market conveyance of the property interests will be leveraged with other funding and assistance from Larimer County for the Project;
- (4) The conveyance of these property interests will not result in any direct financial benefit to any private person or entity, except to the extent such benefit is only an incidental consequence and is not substantial relative to the public purpose being served; and
- (5) Conveying these property interests for less than fair market value will not interfere with current City projects or work programs, hinder workload schedules or divert resources needed for primary City functions or responsibilities.

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 sale of the Property as provided herein is in the best interests of the City.

Section 3. That the City Council hereby finds that the conveyance of the Right-of-Way and Easements to the County prior to the sale of the Property as provided herein is in the best interests of the City.


Section 4. That the Mayor is hereby authorized to execute the deeds necessary to convey the Property, the Right-of-Way and the Easements, and the City Manager is authorized to execute such other documents related to the property conveyances as may be necessary, all 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 descriptions of such property interests, as long as such changes do not materially increase the size or change the character of the interests to be conveyed.

Introduced, considered favorably on first reading, and ordered published this 4th day of September, A.D. 2018, and to be presented for final passage on the 18th day of September, A.D. 2018.




Mayor

ATTEST:




City Clerk

Passed and adopted on final reading on the 18th day of September, A.D. 2018.



Mayor

ATTEST:



City Clerk

**DESCRIPTION OF PROPERTY OWNED BY THE CITY OF FORT COLLINS
TO BE CONVEYED AS ROAD RIGHT OF WAY TO LARIMER COUNTY**

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE SIXTH P.M.; COUNTY OF LARIMER, STATE OF COLORADO; BEING THAT PROPERTY DESCRIBED IN THE RULE AND ORDER RECORDED JUNE 12, 2001 AT RECEPTION NO. 2001045834; BEING A PORTION OF LOTS 3, 4, AND 5, BLOCK 2 OF THE WESTFIELD SUBDIVISION; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 34, AND CONSIDERING THE SOUTH LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 34 TO BEAR S89°52'19"E, SAID LINE BEING MONUMENTED ON ITS WEST END BY A 2-1/2" ALUMINUM CAP STAMPED LS 35596, AND ON ITS EAST END BY A 2-1/2" ALUMINUM CAP STAMPED LS 38260, BASED UPON GPS OBSERVATIONS AND THE CITY OF FORT COLLINS COORDINATE SYSTEM, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE ALONG SAID SOUTH LINE, S89°52'19"E, A DISTANCE OF 30.02 FEET TO THE SOUTHWEST CORNER OF LOT 5, BLOCK 2 OF THE WESTFIELD SUBDIVISION, SAID POINT BEING THE **POINT OF BEGINNING**;

THENCE ALONG THE EXISTING EAST RIGHT-OF-WAY LINE OF SOUTH TAFT HILL ROAD, N00°06'41"E, A DISTANCE OF 345.21 FEET TO THE NORTHWEST CORNER OF LOT 3, BLOCK 2 OF SAID SUBDIVISION;

THENCE ALONG THE NORTH LINE OF SAID LOT 3, S89°48'14"E, A DISTANCE OF 35.17 FEET; THENCE 218.63 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 2,586.00 FEET, A CENTRAL ANGLE OF 04°50'38"; AND A CHORD WHICH BEARS S01°17'48"E A DISTANCE OF 218.57 FEET;

THENCE S01°07'31"W, A DISTANCE OF 70.11 FEET;

THENCE 9.79 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 10.00 FEET, A CENTRAL ANGLE OF 56°06'01", AND A CHORD WHICH BEARS S61°33'43"E A DISTANCE OF 9.40 FEET;

THENCE S89°36'43"E, A DISTANCE OF 31.39 FEET;

THENCE 130.94 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,701.90 FEET, A CENTRAL ANGLE OF 04°24'29", AND A CHORD WHICH BEARS S87°24'29"E A DISTANCE OF 130.90 FEET TO A POINT ON THE EAST LINE OF THE PROPERTY DESCRIBED IN THE AFOREMENTIONED RULE AND ORDER;

THENCE ALONG SAID EAST LINE, S00°15'24"W, A DISTANCE OF 46.34 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 5;

THENCE ALONG SAID SOUTH LINE, N89°52'19"W, A DISTANCE OF 209.63 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 22,240 SQUARE FEET (0.511 ACRES), MORE OR LESS, AND BEING SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD OR THAT NOW EXIST ON THE GROUND.

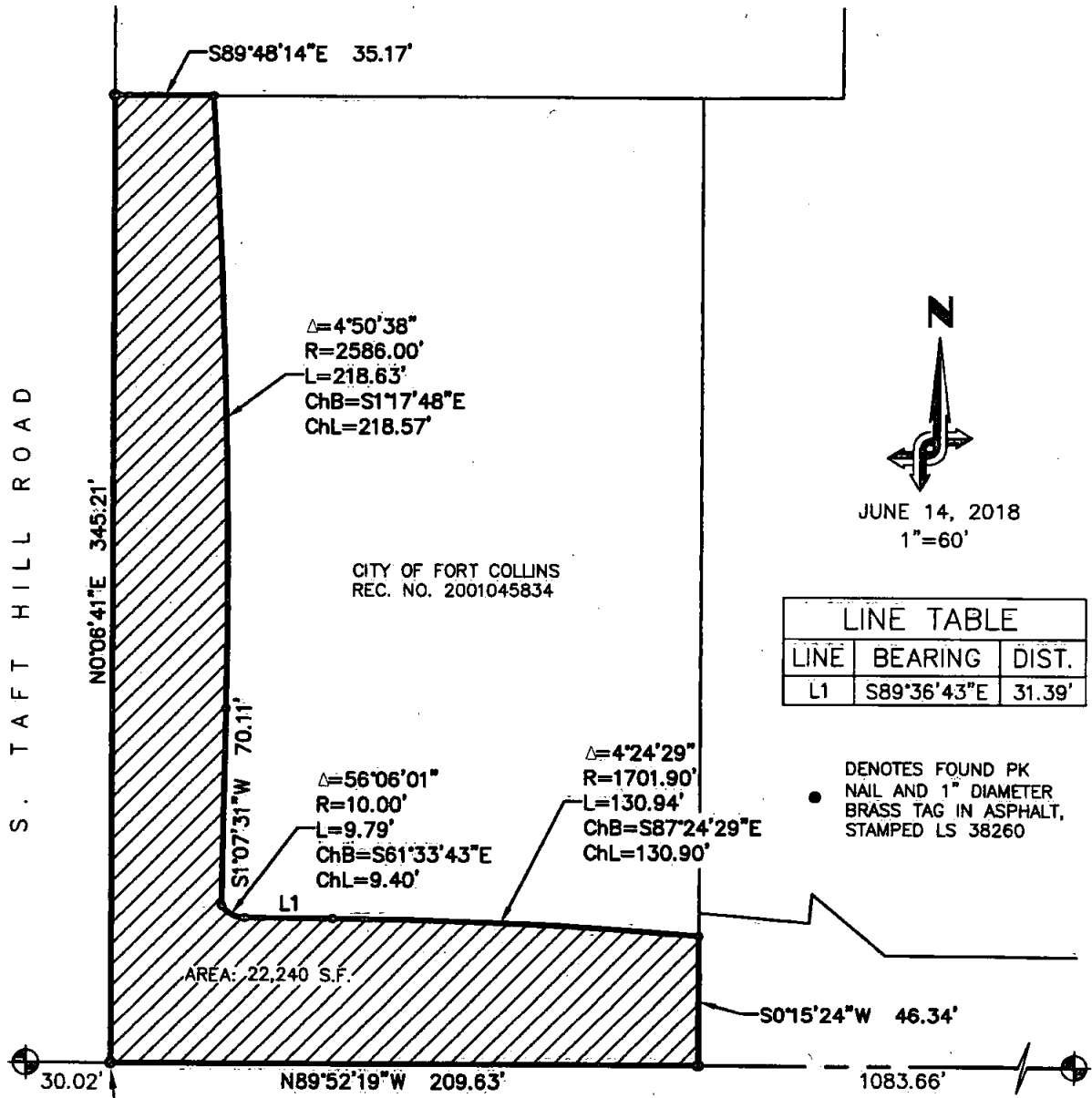
I HEREBY STATE THAT THE ABOVE DESCRIPTION WAS PREPARED BY ME AND IS TRUE AND CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, BELIEF, AND OPINION.

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



Survey\Projects\Engineering\4030 Tafthill Rd LSP\Legals\4030 TH ROW Lgl rev 8-9-18.doc

EXHIBIT OF
 PROPERTY OWNED BY THE CITY OF FORT COLLINS
 TO BE CONVEYED AS ROAD RIGHT OF WAY TO LARIMER COUNTY



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JUNE 14, 2018
 1"=60'

LINE TABLE		
LINE	BEARING	DIST.
L1	S89°36'43"E	31.39'

● DENOTES FOUND PK
 NAIL AND 1" DIAMETER
 BRASS TAG IN ASPHALT,
 STAMPED LS 38260

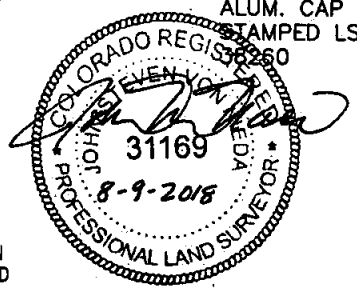
PT. OF
 COMMENCEM'T
 W 1/4 CORNER
 SEC. 34-7-69
 FD 2-1/2"
 ALUM. CAP, LS
 35596 IN
 RANGE BOX

POINT OF
 BEGINNING

S89°52'19"E 1323.31' S. LINE OF W¹/₂ OF NW¹/₄
 (BASIS OF BEARINGS)

W. H A R M O N Y R D.

CENTER WEST
 1/8 CORNER
 SEC. 34-7-69
 FD. 2-1/2"
 ALUM. CAP
 STAMPED LS



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.

**DESCRIPTION OF PROPERTY OWNED BY THE CITY OF FORT COLLINS
TO BE CONVEYED AS A SLOPE AND DRAINAGE EASEMENT TO LARIMER COUNTY**

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE SIXTH P.M.; COUNTY OF LARIMER, STATE OF COLORADO; BEING LOCATED WITHIN LOT 5, BLOCK 2 OF THE WESTFIELD SUBDIVISION; ALSO BEING LOCATED WITHIN THAT PROPERTY DESCRIBED IN THE RULE AND ORDER RECORDED JUNE 12, 2001 AT RECEPTION NO. 2001045834; SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 34, AND CONSIDERING THE SOUTH LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 34 TO BEAR S89°52'19"E, SAID LINE BEING MONUMENTED ON ITS WEST END BY A 2-1/2" ALUMINUM CAP STAMPED LS 35596, AND ON ITS EAST END BY A 2-1/2" ALUMINUM CAP STAMPED LS 38260, BASED UPON GPS OBSERVATIONS AND THE CITY OF FORT COLLINS COORDINATE SYSTEM, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34, S89°52'19"E, A DISTANCE OF 239.65 FEET TO THE SOUTHEAST CORNER OF THAT PROPERTY DESCRIBED IN THE AFOREMENTIONED RULE AND ORDER;

THENCE ALONG THE EAST LINE OF SAID PROPERTY, N00°15'24"E, A DISTANCE OF 46.34 FEET TO THE **POINT OF BEGINNING**;

THENCE 130.94 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1,701.90 FEET, A CENTRAL ANGLE OF 04°24'29", AND A CHORD WHICH BEARS N87°24'29"W A DISTANCE OF 130.90 FEET;

THENCE N89°36'43"W, A DISTANCE OF 31.39 FEET;

THENCE 9.79 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 10.00 FEET, A CENTRAL ANGLE OF 56°06'01", AND A CHORD WHICH BEARS N61°33'43"W A DISTANCE OF 9.40 FEET;

THENCE NON-TANGENT FROM SAID CURVE, N01°21'40"E, A DISTANCE OF 20.65 FEET;

THENCE N55°30'35"E, A DISTANCE OF 36.54 FEET;

THENCE N89°44'14"E, A DISTANCE OF 20.93 FEET;

THENCE S65°07'06"E, A DISTANCE OF 16.06 FEET;

THENCE S86°54'09"E, A DISTANCE OF 70.34 FEET;

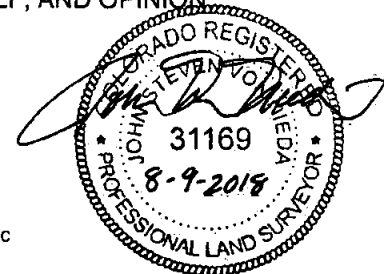
THENCE S83°18'24"E, A DISTANCE OF 34.49 FEET TO A POINT ON THE EAST LINE OF THE PROPERTY DESCRIBED IN SAID RULE AND ORDER;

THENCE ALONG SAID EAST LINE, S00°15'24"W, A DISTANCE OF 37.47 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 6,709 SQUARE FEET (0.154 ACRES), MORE OR LESS, AND BEING SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD OR THAT NOW EXIST ON THE GROUND.

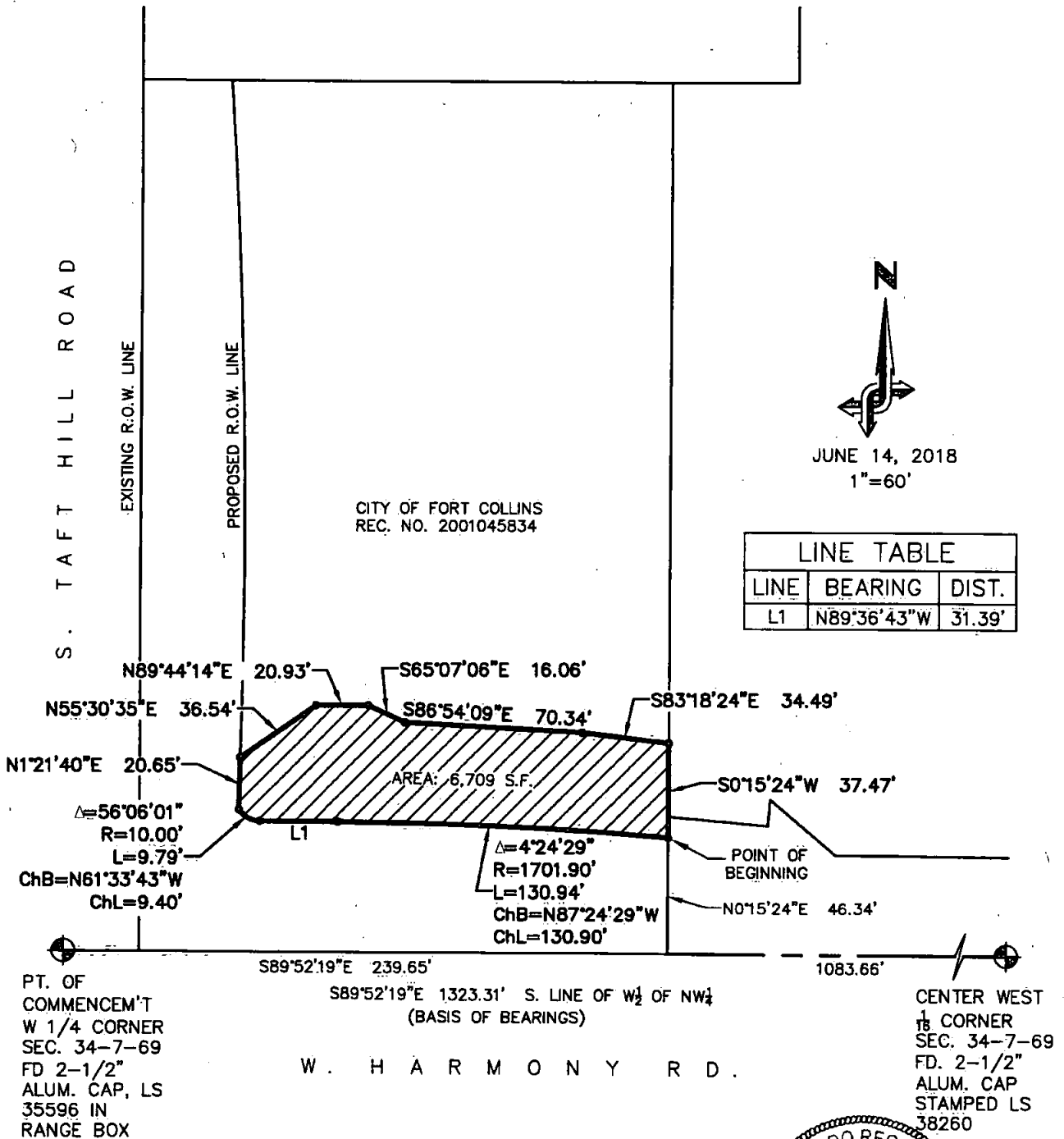
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JOHN STEVEN VON NIEDA, COLORADO P.L.S. 31169
FOR AND ON BEHALF OF THE CITY OF FORT COLLINS
P.O. BOX 580, FORT COLLINS, CO 80522



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EXHIBIT OF
PROPERTY OWNED BY THE CITY OF FORT COLLINS TO BE CONVEYED
AS SLOPE AND DRAINAGE EASEMENT TO LARIMER COUNTY



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JUNE 14, 2018
1"=60'

LINE TABLE		
LINE	BEARING	DIST.
L1	N89°36'43"W	31.39'

N89°44'14"E 20.93'

S65°07'06"E 16.06'

S86°54'09"E 70.34'

S83°18'24"E 34.49'

S0°15'24"W 37.47'

N0°15'24"E 46.34'

N55°30'35"E 36.54'

N1°21'40"E 20.65'

△=56°06'01"
R=10.00'
L=9.79'

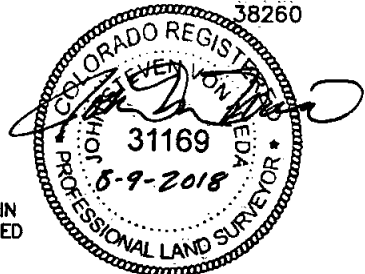
ChB=N61°33'43"W
ChL=9.40'

△=4°24'29"
R=1701.90'
L=130.94'
ChB=N87°24'29"W
ChL=130.90'

S89°52'19"E 239.65'

S89°52'19"E 1323.31' S. LINE OF W 1/2 OF NW 1/4
(BASIS OF BEARINGS)

1083.66'



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.

**DESCRIPTION OF PROPERTY OWNED BY THE CITY OF FORT COLLINS
TO BE CONVEYED AS A UTILITY EASEMENT TO LARIMER COUNTY**

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE SIXTH P.M.; COUNTY OF LARIMER, STATE OF COLORADO; BEING LOCATED WITHIN LOT 5, BLOCK 2 OF THE WESTFIELD SUBDIVISION; ALSO BEING LOCATED WITHIN THAT PROPERTY DESCRIBED IN THE RULE AND ORDER RECORDED JUNE 12, 2001 AT RECEPTION NO. 2001045834; SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34, S89°52'19"E, A DISTANCE OF 80.02 FEET;
THENCE ALONG A LINE PARALLEL TO AND 50.00 FEET EAST OF THE WEST LINE OF SAID LOT 5 (AS MEASURED PERPENDICULARLY), N00°06'41"E, A DISTANCE OF 52.10 FEET TO THE **POINT OF BEGINNING**;

THENCE N89°36'43"W, A DISTANCE OF 2.43 FEET;
THENCE 9.79 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 10.00 FEET, A CENTRAL ANGLE OF 56°06'01", AND A CHORD WHICH BEARS N61°33'43"W A DISTANCE OF 9.40 FEET;
THENCE NON-TANGENT FROM SAID CURVE, N01°07'31"E, A DISTANCE OF 58.52 FEET;
THENCE S89°50'44"E, A DISTANCE OF 9.67 FEET TO A POINT WHICH IS 50.00 FEET EAST OF THE WEST LINE OF SAID LOT 5 (AS MEASURED PERPENDICULARLY);
THENCE ALONG A LINE PARALLEL TO AND 50.00 FEET EAST OF THE WEST LINE OF SAID LOT 5, S00°06'41"W, A DISTANCE OF 62.98 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 633 SQUARE FEET, 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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EXHIBIT OF
PROPERTY OWNED BY THE CITY OF FORT COLLINS
TO BE CONVEYED AS UTILITY EASEMENT TO LARIMER COUNTY

S. TAFT HILL ROAD

EXISTING R.O.W. LINE

PROPOSED R.O.W. LINE

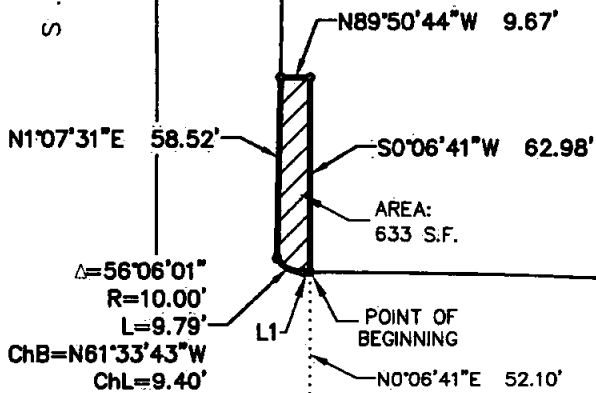
CITY OF FORT COLLINS
REC. NO. 2001045834



JUNE 14, 2018
1"=60'

LINE TABLE		
LINE	BEARING	DIST.
L1	N89°36'43"W	2.43'

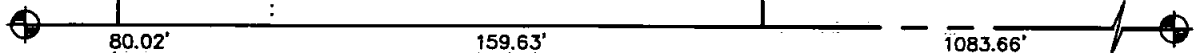
NOTE: A UTILITY EASEMENT WAS GRANTED TO THE CITY OF FORT COLLINS BY INSTRUMENT RECORDED MARCH 11, 1988 AT RECEPTION NO. 88011256. THIS EASEMENT SELF-EXTINGUISHED WHEN THE CITY ACQUIRED THE PROPERTY IN 2001. THIS UTILITY ALIGNMENT AND THE CONCURRENT RIGHT OF WAY DESIGNATION INCLUDES ALL OF THE AREA DESCRIBED IN THIS 1988 EASEMENT.



$\Delta=56^{\circ}06'01''$
 $R=10.00'$
 $L=9.79'$
ChB=N61°33'43"W
ChL=9.40'

POINT OF BEGINNING

N0°06'41"E 52.10'



PT. OF COMMENCEM'T
W 1/4 CORNER
SEC. 34-7-69
FD 2-1/2" ALUM.
CAP, LS 35596 IN
RANGE BOX

S89°52'19"E 1323.31' S. LINE OF W 1/2 OF NW 1/4
(BASIS OF BEARINGS)

W. H A R M O N Y R D.

CENTER WEST
1/8 CORNER
SEC. 34-7-69
FD. 2-1/2"
ALUM. CAP
STAMPED LS
38260

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