

ORDINANCE NO. 052, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF A PERMANENT SANITARY SEWER LINE
EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT ON SOARING VISTA
NATURAL AREA TO SOUTH FORT COLLINS SANITATION DISTRICT

WHEREAS, the City is the owner of a parcel of land in southeast Fort Collins as more particularly described on Exhibit “A”, attached hereto and incorporated herein by reference, known as Soaring Vista Natural Area (the “City Property”); and

WHEREAS, Interstate Land Holdings, LLC (“Developer”) is in the process of obtaining the necessary development approvals for a development in north Loveland south of the City Property (the “Project”); and

WHEREAS, Developer has requested a permanent sewer line easement (“the “Easement”) and a temporary construction easement (the “TCE”) on the City Property (together, the “Easements”) for installation of a sanitary sewer line for South Fort Collins Sanitation District (the “District”) to serve the Project; and

WHEREAS, the Easement is more particularly described on Exhibit “B”, and the TCE is more particularly described on Exhibit “C”, both attached hereto and incorporated herein by this reference; and

WHEREAS, the City would grant the Easements to the District, but Developer would pay for the Easements pursuant to a Reimbursement Agreement between the City and the Developer; and

WHEREAS, under the Reimbursement Agreement, Developer would pay the City the fair market value of the property interests conveyed: \$26,165 for the Easement and \$3,412 per year for use of the TCE, as well as a restoration fee of \$9,945 for disturbance to the City Property caused by the initial installation of the sewer line; and

WHEREAS, Developer would not record or pay the City for the easements until Developer receives its necessary approvals for the Project from the City of Loveland, but if Developer does not receive its approvals for the Project, the Easements would terminate; 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, at its regular meeting on December 11, 2019, the Land Conservation and Stewardship Board voted to recommend City Council approve the conveyance of the Easement.

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 Easements to South Fort Collins Sanitation District 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 Easements to the District 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 or effectuate the purposes of this Ordinance.

Section 4. That the City Manager is hereby authorized to execute a Reimbursement Agreement with the Developer as described herein 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 or effectuate the purposes of this Ordinance.

Introduced, considered favorably on first reading, and ordered published this 7th day of April, A.D. 2020, and to be presented for final passage on the 21st day of April, A.D. 2020.

DocuSigned by:
Wade Troxell
F972F432DED1484...

Mayor

ATTEST:

DocuSigned by:
Silvan Calderon
DA94896740DA4BA...

City Clerk

Passed and adopted on final reading on the 21st day of April, A.D. 2020.

DocuSigned by:
Wade Troxell
F972F432DED1484...

Mayor

ATTEST:

DocuSigned by:
Silvan Calderon
DA94896740DA4BA...

City Clerk

Legal Description
Soaring Vista Natural Area

The W1/2 of the SW1/4 and the SW1/4 of the NW1/4 of Section 22, Township 6 North, Range 68 West of the 6th P.M., County of Larimer, State of Colorado

EXCEPTING THEREFROM the right of way for County Road as established and/or used;

ALSO EXCEPTING THEREFROM those parcels described in Deeds recorded December 11, 1985, at Reception No. 85062821 and August 20, 1991, at Reception No. 91039306.

(Street Address: 4200 East County Road 30, Fort Collins, Colorado)

PROPERTY DESCRIPTION**Permanent Easement**

Being part of that parcel as described in Special Warranty Deed as recorded October 2, 2015 as Reception No. 20150065994 of the Records of Larimer County, located in the Southwest Quarter (SW1/4) of Section Twenty-Two (22), Township Six North (T.6N.), Range Sixty-Eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 22 and assuming the South line of said Southwest Quarter as bearing South 89°28'33" East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2617.09 feet with all other bearings contained herein relative thereto;

THENCE North 00°12'21" East along the West line of said Southwest Quarter a distance of 544.51 feet to a point on the North line of that certain parcel as described in Quit Claim Deed as recorded December 11, 1985 as Reception No. 85062821 of the Records of Larimer County;

THENCE South 89°28'33" East along said North line a distance of 5.41 feet to the **POINT OF BEGINNING**.

THENCE North 00°20'38" West a distance of 565.35 feet;

THENCE North 00°11'47" East a distance of 550.46 feet;

THENCE North 03°06'58" East a distance of 529.69 feet to a point on the South line of that certain Easement as described in Grant of Easement as recorded February 21, 1990 as Reception No. 90007579 of the Records of Larimer County;

THENCE South 89°47'59" East along said South line a distance of 30.04 feet;

THENCE South 03°06'58" West a distance of 530.45 feet;

THENCE South 00°11'47" West a distance of 549.55 feet;

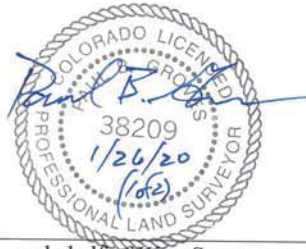
THENCE South 00°20'38" East a distance of 565.66 feet to a point on the North line of that certain parcel as described in Quit Claim Deed as recorded December 11, 1985 as Reception No. 85062821 of the Records of Larimer County;

THENCE North 89°28'33" West along said North line a distance of 30.00 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 49,368 Square Feet or 1.133 Acres, more or less (±), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

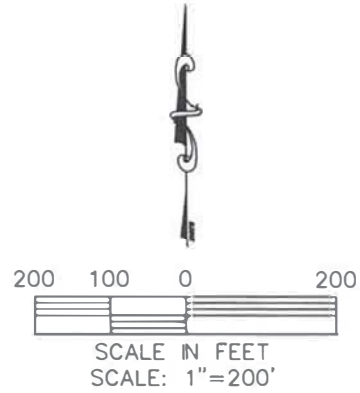
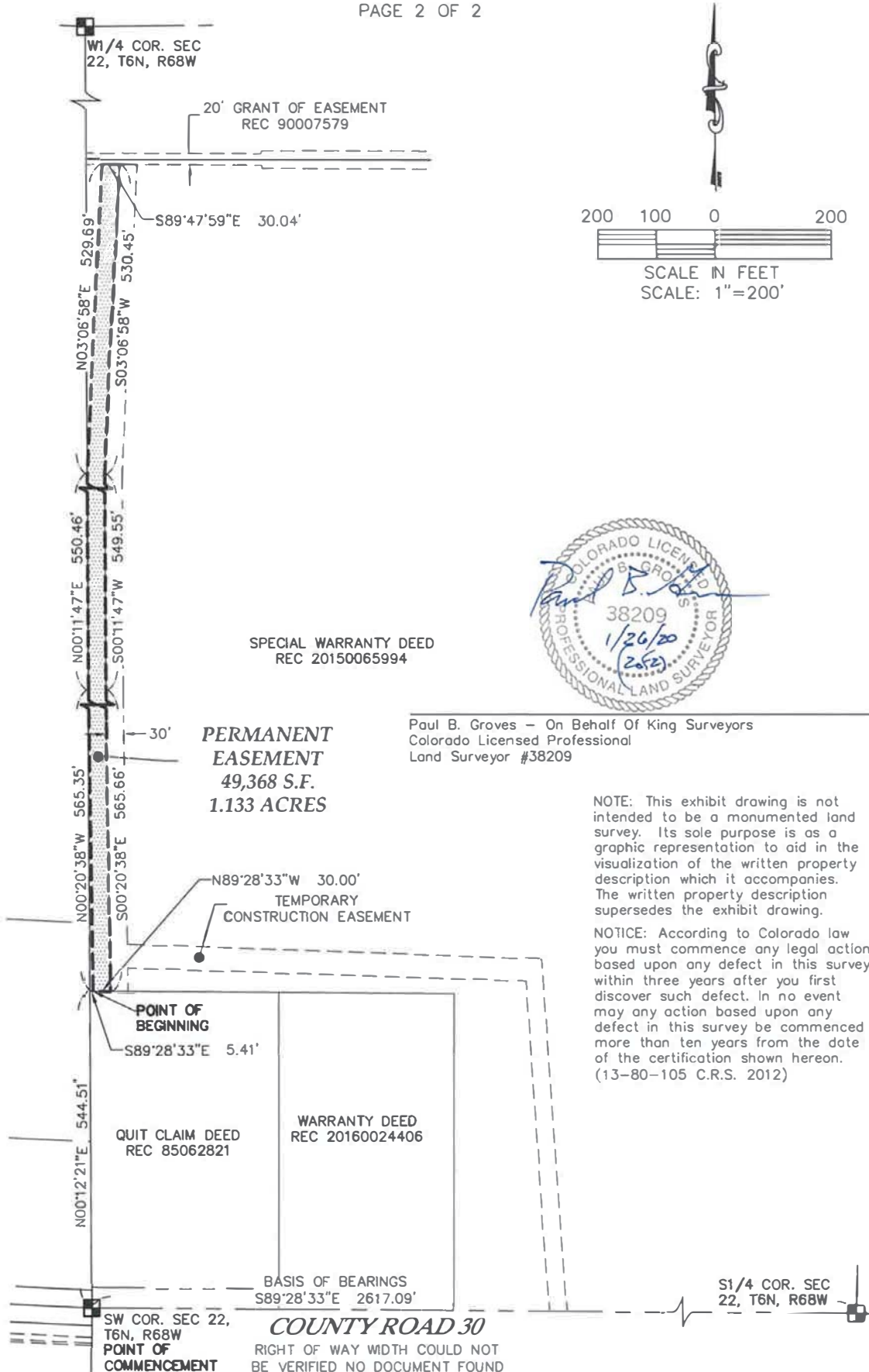
SURVEYORS STATEMENT

I, Paul B. Groves, a Colorado Licensed Professional Land Surveyor do hereby state that this Property Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.



Paul B. Groves - on behalf of King Surveyors
Colorado Licensed Professional
Land Surveyor #38209

KING SURVEYORS
650 East Garden Drive
Windsor, Colorado 80550
(970) 686-5011



SPECIAL WARRANTY DEED
REC 20150065994



Paul B. Groves - On Behalf Of King Surveyors
Colorado Licensed Professional
Land Surveyor #38209

**PERMANENT
EASEMENT
49,368 S.F.
1.133 ACRES**

NOTE: This exhibit drawing 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 supersedes the exhibit drawing.

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon. (13-80-105 C.R.S. 2012)

QUIT CLAIM DEED REC 85062821
WARRANTY DEED REC 20160024406

BASIS OF BEARINGS
S89°28'33"E 2617.09'
COUNTY ROAD 30
RIGHT OF WAY WIDTH COULD NOT
BE VERIFIED NO DOCUMENT FOUND



KING SURVEYORS
650 E. Garden Drive | Windsor, Colorado 80550
phone: (970) 686-5011 | fax: (970) 686-5821
email: contact@KingSurveyors.com

PROJECT NO: 20170864-D
DATE: 1/26/20
CLIENT: Sanderson-Stewart
DWG: 20170864-EASE-2
DRAWN: DS CHECKED: PBG

PROPERTY DESCRIPTION**Temporary Easement**

Being part of that parcel as described in Special Warranty Deed as recorded October 2, 2015 as Reception No. 20150065994 of the Records of Larimer County, located in the Southwest Quarter (SW1/4) of Section Twenty-Two (22), Township Six North (T.6N.), Range Sixty-Eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 22 and assuming the South line of said Southwest Quarter as bearing South 89°28'33" East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2617.09 feet with all other bearings contained herein relative thereto;

THENCE South 89°28'33" East along said South line a distance of 781.99 feet to the **POINT OF BEGINNING.**

THENCE North 03°30'12" West a distance of 567.30 feet;

THENCE North 87°56'32" West a distance of 680.58 feet;

THENCE South 00°20'38" East a distance of 39.62 feet to a point on the North line of that certain parcel as described in Quit Claim Deed as recorded December 11, 1985 as Reception No. 85062821 of the Records of Larimer County;

THENCE North 89°28'33" West along said North line a distance of 30.00 feet;

THENCE North 00°20'38" West a distance of 565.66 feet;

THENCE North 00°11'47" East a distance of 549.55 feet;

THENCE North 03°06'58" East a distance of 530.45 feet to a point on the South line of that certain Easement as described in Grant of Easement as recorded February 21, 1990 as Reception No. 90007579 of the Records of Larimer County;

THENCE South 89°47'59" East along said South line a distance of 30.04 feet;

THENCE South 03°06'58" West a distance of 531.21 feet;

THENCE South 00°11'47" West a distance of 548.65 feet;

THENCE South 00°20'38" East a distance of 486.32 feet;

THENCE South 87°56'32" East a distance of 708.51 feet;

THENCE South 03°30'12" East a distance of 606.68 feet to the South line of said Southwest Quarter for Section 22;

THENCE North 89°28'33" West along said South line a distance of 30.07 feet to the **POINT OF BEGINNING.**

Said described parcel of land contains 94,764 Square Feet or 2.175 Acres, more or less (\pm), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

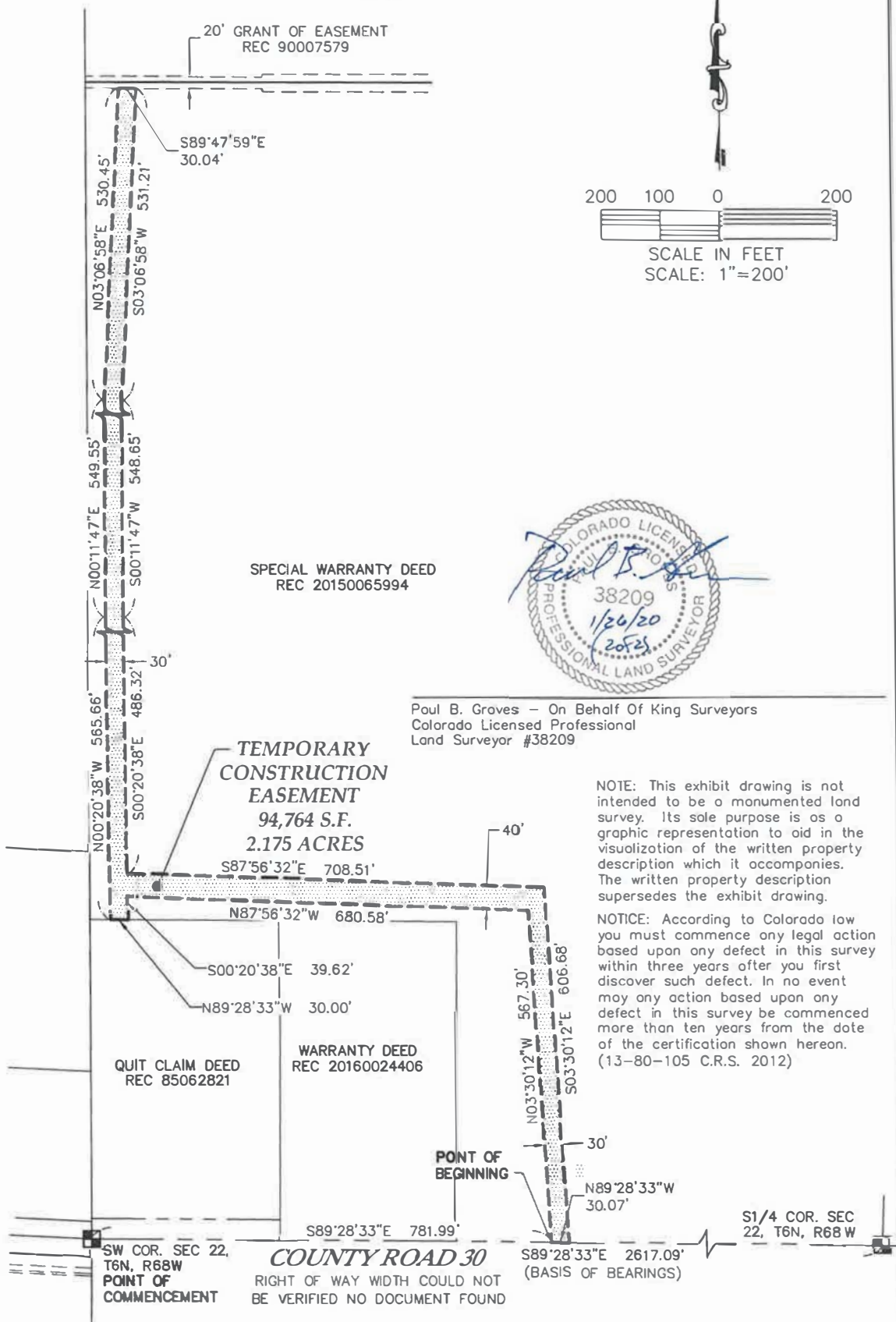
SURVEYORS STATEMENT

I, Paul B. Groves, a Colorado Licensed Professional Land Surveyor do hereby state that this Property Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.

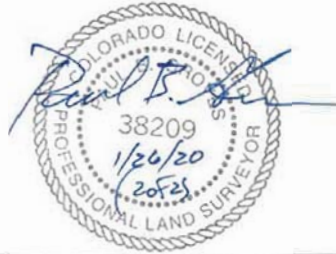


Paul B. Groves - on behalf of King Surveyors
 Colorado Licensed Professional
 Land Surveyor #38209

KING SURVEYORS
 650 East Garden Drive
 Windsor, Colorado 80550
 (970) 686-5011



SPECIAL WARRANTY DEED
REC 20150065994



Poul B. Groves - On Behalf Of King Surveyors
Colorado Licensed Professional
Land Surveyor #38209

**TEMPORARY
CONSTRUCTION
EASEMENT**
94,764 S.F.
2.175 ACRES

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NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon. (13-80-105 C.R.S. 2012)

QUIT CLAIM DEED
REC 85062821

WARRANTY DEED
REC 20160024406

SW COR. SEC 22,
T6N, R68W
POINT OF
COMMENCEMENT

COUNTY ROAD 30

RIGHT OF WAY WIDTH COULD NOT
BE VERIFIED NO DOCUMENT FOUND

S1/4 COR. SEC
22, T6N, R68W



KING SURVEYORS

650 E. Garden Drive | Windsor, Colorado 80550
phone: (970) 686-5011 | fax: (970) 686-5821
email: contact@KingSurveyors.com

PROJECT NO: 20170864-D
DATE: 1/26/20
CLIENT: Sanderson-Stewart
DWG: 20170864-EASE-1
DRAWN: DS CHECKED: PBG