

RESOLUTION 93-197  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
DETERMINING THE NECESSITY OF, AND AUTHORIZING THE  
ACQUISITION, BY NEGOTIATION OR EMINENT DOMAIN PROCEEDINGS,  
OF CERTAIN LANDS FOR SEWER IMPROVEMENTS

WHEREAS, the City of Fort Collins desires to acquire certain real property described in Exhibit "A," attached hereto and incorporated herein by this reference (the "Property"), for the purpose of an easement for sewer improvements; and

WHEREAS, the City has previously negotiated in good faith for the acquisition of the Property from the owner thereof, which negotiations have been unsuccessful; and

WHEREAS, the acquisition of the Property is desirable and necessary for public use to enhance the public health, safety and welfare; and

WHEREAS, the acquisition of the Property may, by law, be accomplished through proceedings in eminent domain.

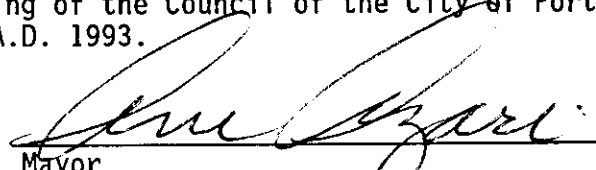
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That Council finds and hereby determines that it is necessary for the public health, safety and welfare that the City acquire the Property to be used for the purpose of a sewer line easement.

Section 2. That City staff is hereby authorized to acquire the Property by negotiation and agreement or, if such negotiations are unsuccessful, the City Attorney is hereby authorized to acquire the same through the exercise of the City's powers of eminent domain.

Section 3. That the City Council hereby finds that, in the event that the Property is to be acquired by condemnation, immediate possession of the same is necessary for the public health, safety and welfare, and the City Attorney is further authorized to obtain such immediate possession, through court action if necessary.

Passed and adopted at regular meeting of the Council of the City of Fort Collins held this 21st day of December, A.D. 1993.

  
Mayor

ATTEST:

  
Deputy City Clerk

DESCRIPTION OF A 7.50 FEET WIDE PERMANENT UTILITY EASEMENT ACROSS  
A PORTION OF LOT 7, LANDINGS THIRD FILING

A 7.50 feet wide Permanent Utility Easement located in the Southeast One Quarter of Section 36, Township 7 North, Range 69 West of the Sixth Principal Meridian, City of Fort Collins, Larimer County, Colorado, also being located in Lot 7 of the Plat of The Landings Third Filing, a Plat of record with the Clerk and Recorder of the said Larimer County more particularly described as follows;

Commencing at the northeasterly most corner of the said Lot 7,

THENCE along the southeasterly line of Lot 7, South 34 degrees 10 minutes 00 seconds West for a distance of 138.06 feet to the TRUE POINT OF BEGINNING of this description;

THENCE continuing along the said southeasterly line of Lot 7, South 34 degrees 10 minutes 00 seconds West for a distance of 7.58 feet;

THENCE leaving the said southeasterly line, North 47 degrees 41 minutes 54 seconds West for a distance of 97.41 feet to the easterly right of way of Skysail Lane, as shown on the said Plat;

THENCE along the said right of way, along a non-tangent curve to the left having a radius of 319.61 feet, a central angle of 03 degrees 17 minutes 03 seconds and an arc length of 18.32 feet, being subtended by a chord of North 23 degrees 31 minutes 41 seconds West for a distance of 18.32 feet;

THENCE leaving the said right of way, non-tangent from the said curve, South 47 degrees 41 minutes 54 seconds East for a distance of 113.05 feet to the point of beginning. Containing 788 square feet.

The above described easement is subject to all easements and rights of ways now existing or of record.

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. The description and areas are based upon previously recorded plats and deeds and not upon a actual monumented field survey.

WALLACE C. MUSCOTT COLORADO P.L.S. 17497  
P.O. BOX 580 FORT COLLINS, CO 80522

