

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 12

DATE: November 21, 2006

STAFF: Helen Matson
Lindsay Kuntz
Matt Baker

SUBJECT

First Reading of Ordinance No. 188, 2006, Authorizing the Acceptance of a Donation of .901 Acres of Real Property from Calvin C. and Lois Johnson and Appropriating Unanticipated Revenue in the Capital Project Fund – Timberline Road Widening Project 305-23270.

RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

FINANCIAL IMPACT

The value of the donated property was determined using an appraisal dated August 10, 2006 by Bonnie D. Roerig, MAI, which was an update of a previous appraisal dated July 22, 2005 that was used during the negotiation process with the Johnsons. The original appraisal and updated appraisal has been reviewed and approved by staff. The value of the donation is \$247,284.

The Street Oversizing Department will be responsible for maintenance of the donated property until Timberline Road is widened to the ultimate design as per the Building on Basic ("BOB") Tax.

EXECUTIVE SUMMARY

The Timberline Road Widening Project required the fee simple acquisition of .464 acres and various easements on a 1.365 acre property located just south of Spring Creek on the westerly side of Timberline Road, which was owned by Calvin and Lois Johnson. These interests were to be used for the interim construction of the Timberline Road improvements. City staff successfully negotiated and acquired the necessary interests for the project and an integral part of the agreement was that the Johnsons would donate the remainder of their property that will be needed in approximately ten years when the City of Fort Collins constructs the ultimate improvements to Timberline Road.

BACKGROUND

Ordinance No. 090, 2005, which created the Timberline and Prospect Special Improvement District No. 94 and provided for the construction of improvements, required the fee simple acquisition of property, as well as various easements from numerous properties located at the intersection of

Prospect and Timberline Roads and also on Timberline Road between Prospect Road and Drake Road. The 1.365 acre property located just south of Spring Creek on the westerly side of Timberline Road was owned by Calvin and Lois Johnson. The project required that the City purchase 20,212 square feet in fee simple, as well as a 7,310 square foot drainage easement and a 1,375 square foot slope easement. These interests were to be used for the interim construction of the Timberline Road improvements. An appraiser determined the fair market value of the interests needed for the project. The appraisal indicated the value of the land was estimated to be \$6.33 per square foot. Since the City's project would damage the use of the improvements as they related to the owners' business, the appraisal also recommended the owners be compensated for the value of the improvements which included a large silo building, residential house, and small garage. The appraisal concluded that the compensation for the interests to be acquired by the City was \$383,425.

Staff negotiated with the Johnsons and was able to reach a successful agreement that includes the City's purchase of the interests needed for the current project, at the appraised value, and also includes the donation of the remainder of the Johnson property to the City. In approximately ten years, the City will construct the ultimate improvements to Timberline Road, which will require a total purchase of this property. During negotiations, a major concern to the Johnsons was their use of the remaining property and with the knowledge of the future project, the Johnsons requested that the City accept the donation of the remaining .901 acres at this time. The Johnsons agreed to convey the required property interests to the City at the appraised value.

The appraiser that prepared the July 2005 appraisal provided an up-to-date value for the remaining .901 acres to be donated to the City. The updated appraisal, dated August 10, 2006, estimated the market value to be \$7.00 per square foot. Using the appraised value of \$7.00 per square foot, the value of the remaining property is \$247,284. A breakdown follows:

1.365 Acres = 59,459 Square Feet
.901 Acres = 39,257 Square Feet

Total Land Area Prior to Acquisition:		59,459 sf	
Fee Simple Purchase by City:		- 20,212 sf	
Remainder Property Including Permanent Easements:		39,247 sf	
(The Johnsons were paid 50% of value for required easements at closing and prior to donation)			
Less Drainage Easement Acquired:	7,310 sf		
Less Slope Easement Acquired:	<u>1,375 sf</u>		
Total Area of Purchased Easements	8,685 sf	- 8,685 sf	
Remainder owned in Fee Simple by Johnsons:		30,562 sf	

Value of donation to City:

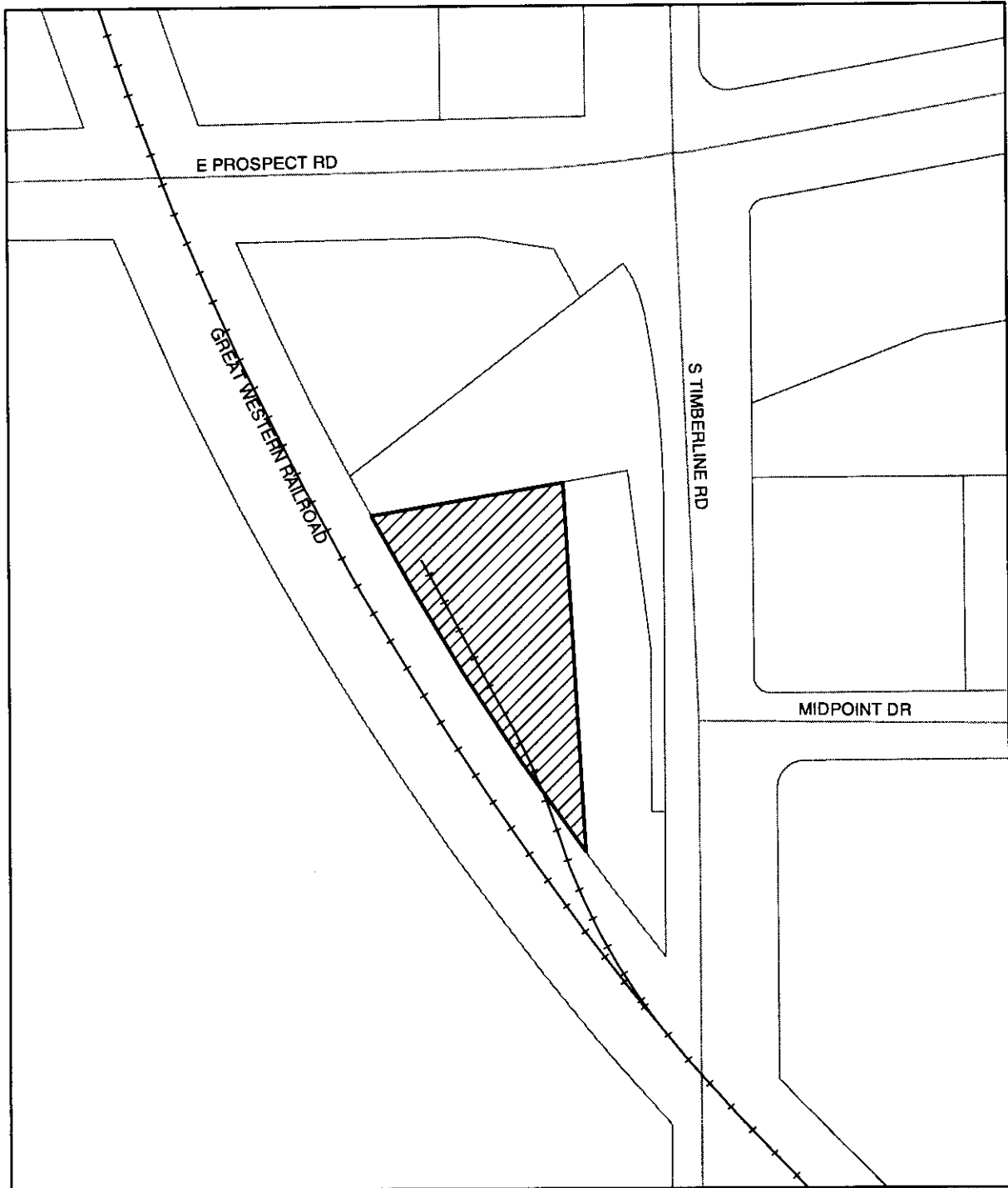
30,562 sf x \$7.00 =	\$213,934
8,685 sf x \$3.84* =	<u>33,350</u>
Donation Total:	\$247,284

*At the closing for the acquisition of the property, the Johnsons were paid 50% of the appraised value for easement acquisitions. Therefore, the remainder value of the easement sites is included in the donation value. The price per square foot is increased to \$7.00, per the updated appraisal, and the price paid for the easements is deducted to get the additional donation amount.

ATTACHMENTS

1. Location Map

Johnson Property Donation Location Map



 Donation Property Location



ORDINANCE NO. 188, 2006
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE ACCEPTANCE OF A DONATION OF .901 ACRES
OF REAL PROPERTY FROM CALVIN C. AND LOIS JOHNSON
AND APPROPRIATING UNANTICIPATED REVENUE IN THE CAPITAL PROJECT
FUND – TIMBERLINE ROAD WIDENING PROJECT 305-23270

WHEREAS, the City of Fort Collins (“City”) constructed the Timberline Road Widening Project (“Project”) to widen Timberline Road and improve the intersection of Timberline and Prospect Roads as per Ordinance 90, 2005 which created the Timberline and Prospect Special Improvement District No.94 and provided for the construction of improvements therein; and

WHEREAS, one of the affected parcels of land was owned by Calvin C. and Lois Johnson (the “Johnsons”), which is located on the west side Timberline Road and just north of Spring Creek (the “Johnson Property”), as described in Exhibit “A”, attached hereto; and

WHEREAS, on July 14, 2006, the City purchased .464 acres of the Johnson Property that was required for the construction of the Project and is described in Exhibit “B”, attached hereto; and

WHEREAS, the Johnsons wish to donate the remaining .901 acres of real property (“Donated Property”) to the City, as described in Exhibit “C”, attached hereto; and

WHEREAS, the estimated fair market value of the Donated Property is \$247,284, based on an appraisal acquired by the City for the Project; and

WHEREAS, if the Donated Property is not accepted by the City prior to the completion of the planned improvements to Timberline Road, staff has determined that the City will likely need to acquire additional property interests from the Johnsons, most likely the entire Donated Property, when the ultimate improvement project of Timberline Road is constructed in approximately ten years; and

WHEREAS, staff has determined that the acceptance of the Donated Property now will likely result in a cost savings to the City when the ultimate improvement project for Timberline Road is constructed; and

WHEREAS, Article V, Section 9 of the Charter of the City of Fort Collins permits the City Council to make supplemental appropriations by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriations, in combination with all previous appropriations for that fiscal year does not exceed the then current estimate of actual and anticipated revenues to be received during the fiscal year; and

WHEREAS, City staff has determined that the appropriation of the donated value of the Donated Property, as described herein, will not cause the total amount appropriated in the

relevant funds to exceed the current estimate of actual and anticipated revenues to be received in that fund during the fiscal year; and

WHEREAS, it is the desire of the Council to authorize the acceptance of the donation of the Donated Property from the Johnsons and to appropriate \$247,284 of unanticipated revenue in the form of a donation of land in the Street Oversizing Fund.

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

Section 1. That the City Council hereby approves and authorizes the acceptance by the Mayor of a deed of conveyance of the Donated Property.

Section 2. That there is hereby appropriated for expenditure from unanticipated revenue in the form of a donation of land to the Street Oversizing Fund the sum of Two Hundred Forty Seven Thousand Two Hundred Eighty Four Dollars (\$247,284.00).

Introduced, considered favorably on first reading, and ordered published this 21st day of November, A.D. 2006, and to be presented for final passage on the 5th day of December, A.D. 2006.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 5th day of December, A.D. 2006.

Mayor

ATTEST:

City Clerk

Exhibit "A"
Page 1 of 1

A tract of land situate in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19, Township 7 North, Range 68 West of the 6th P.M., described as follows:

Commencing at the NE corner of said Section 19, thence S89°21'34" W 431.95 feet along the North section line, thence S00°20'03" W 30.00 feet, thence S24°11'20" E 274.26 feet to the point of beginning, thence N52°31'31" E 320.03 feet, thence along the arc of a curve to the right whose radius is 129.16 feet and whose long chord bears S21°56'34" E 50.62 feet, thence along the arc of a curve to the right whose radius is 878.68 feet and whose long chord bears S05°09'30" E 167.91 feet, thence S00°19'30" W 430.30 feet to a point on the easterly right of way of said Colorado and Southern Railroad, thence along the arc of a curve to the right whose radius is 2,814.94 feet and whose long chord bears N32°24'41" W 532.77 feet to the point of beginning, containing 2.267 acres, with all appurtenances.

Except that portion as conveyed to the City of Fort Collins in Book 2300 at Page 1103.

Exhibit "B"
Page 1 of 2

A parcel of land, for Timberline Road Right-Of-Way, being part of that parcel of land described as Parcel 1 in that Quit Claim Deed (QCD) recorded November 9, 1987 as Reception No. 87063756 of the records of the Larimer County Clerk and Recorder (LCCR) and being part of the Northeast Quarter (NE1/4) of Section Nineteen (19), Township Seven North (T.7N.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), City of Fort Collins, County of Larimer, State of Colorado, and being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 19 and assuming the East line of said NE1/4 as bearing South 00°13'42" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2679.27 feet with all other bearings contained herein relative thereto:

THENCE South 00°13'42" East along said East line a distance of 734.15 feet;
THENCE South 89°46'18" West a distance of 30.00 feet to the POINT OF BEGINNING, said point being the Southerly corner of said Parcel 1, said point also being the intersection of the Westerly Right-Of-Way (ROW) of Timberline Road and the Easterly ROW of the Great Western Railway of Colorado (GWRC), said point also being the beginning point of a curve, said curve being non-tangent to aforesaid line;
THENCE along the arc of a curve which is concave to the Northeast a distance of 86.07 feet, said curve having a radius of 2814.94 feet, a central angle of 01°45'07" and a long chord bearing North 37°31'08" West a distance of 86.06 feet;
THENCE North 04°22'41" West along a line being non-tangent to aforesaid curve a distance of 125.65 feet to a Point of Curvature (P.C.);
THENCE along the arc of a curve which is concave to the East a distance of 161.18 feet, said curve having a radius of 2182.00 feet, a central angle of 04°15'30" and a long chord bearing North 02°15'43" West a distance of 161.14 feet to a Point of Tangency (P.T.);
THENCE North 00°08'45" West a distance of 91.87 feet to the Southerly line of that parcel of land described in that Warranty Deed (WD) recorded November 29, 1984 in Book 2300 at Page 1103 of the records of the LCCR;

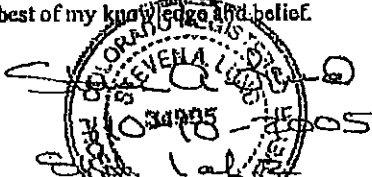
The following Four (4) courses and distances are along said Southerly line:

THENCE North 80°00'33" East a distance of 34.60 feet;
THENCE South 07°10'54" East a distance of 168.85 feet;
THENCE South 00°13'42" East a distance of 150.00 feet;
THENCE North 89°46'18" East a distance of 12.28 feet to said Westerly ROW;
THENCE South 00°13'42" East along said Westerly ROW a distance of 134.96 feet to the POINT OF BEGINNING;

Said parcel contains 20,212 sq. ft. or 0.464 acre, 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.

SURVEYOR'S CERTIFICATE

I, Steven A. Lund, a Colorado Registered 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.



Steven A. Lund, on Behalf of King Surveyors, Inc.
Colorado Registered Professional
Land Surveyor #34995

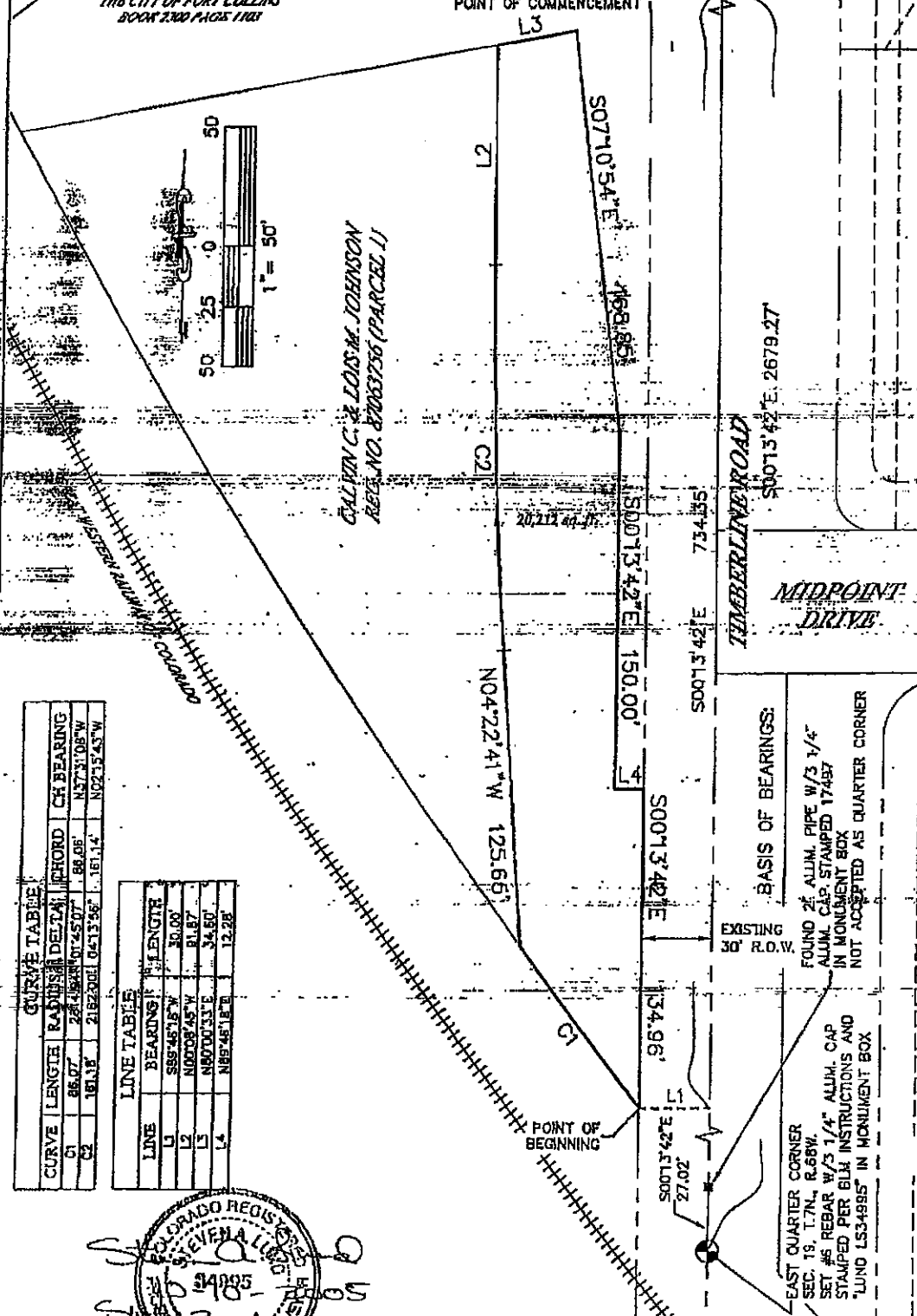
KING SURVEYORS, INC.
9299 Eastman Park Drive
Windsor, Colorado 80550
(970) 686-5011

JN: 2004208

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THIS CITY OF FORT COLLINS
BOOK 2300 PAGES 1101

NORTHEAST CORNER
SEC. 19, T.7N., R.68W.
POINT OF COMMENCEMENT



CALVIN C. & LOIS M. JOHNSON
REBAR NO. 27063756 (PARCEL 1)

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD	CH BEARING
C1	125.66'	281.18'	41°18'	161.11'	N04°22'41" W
C2	168.85'	281.18'	41°18'	161.11'	N02°35'43" W

LINE TABLE

LINE	BEARING	LENGTH
1	N04°22'41" W	125.66'
2	S07°10'54" E	168.85'
3	N04°22'41" W	125.66'
4	S07°10'54" E	168.85'



Steven A. Lund - Owner
Colorado Registered Land Surveyor #34995



KING SURVEYORS, INC.
9299 EASTMAN PARK DRIVE, WINDSOR, CO 80550
PHONE: (970) 686-5011 FAX: (970) 686-5821
WWW.KINGSURVEYORS.COM

PROJECT NO: 2004208
DATE: 10/06/2005
CLIENT: INTERWEST
DWG: EXHIBIT_JOHNSON
DRAWN: MCD CHECKED: SAL

Exhibit "C"
Page 1 of 2

A parcel of land being part of that parcel of land described as Parcel 1 in that Quit Claim Deed (QCD) recorded November 9, 1987 as Reception No. 87063756 of the records of the Larimer County Clerk and Recorder (LCCR) and being part of the Northeast Quarter (NE1/4) of Section Nineteen (19), Township Seven North (T.7N.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), City of Fort Collins, County of Larimer, State of Colorado, and being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 19 and assuming the East line of said NE1/4 as bearing South 00°13'42" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2679.27 feet with all other bearings contained herein relative thereto:

THENCE South 00°13'42" East along said East line a distance of 734.35 feet;

THENCE South 89°46'18" West a distance of 30.00 feet to the Southerly corner of said Parcel; said point also being the intersection of the Westerly Right-Of-Way (ROW) of Timberline Road and the Easterly ROW of the Great Western Railway of Colorado (GWRC), said point also being the beginning point of a curve, said curve being non-tangent to aforesaid line;

THENCE along the arc of a curve which is concave to the Northeast a distance of 86.07 feet, said curve having a radius of 2814.94 feet, a central angle of 01°45'07" and a long chord bearing North 37°31'08" West a distance of 86.06 feet to the POINT OF BEGINNING;

THENCE continuing along the arc of a curve which is concave to the Northeast a distance of 406.56 feet, said curve having a radius of 2814.94 feet, a central angle of 08°16'31" and a long chord bearing North 32°30'19" West a distance of 406.21 feet to the Northwesterly corner of said Parcel 1;

THENCE North 86°00'33" East along the Northerly line of said Parcel 1, being non-tangent to aforesaid curve, a distance of 205.21 feet;

THENCE South 00°08'45" East a distance of 91.87 feet to a Point of Curvature (PC);

THENCE along the arc of a curve which is concave to the East a distance of 161.18 feet, said curve having a radius of 2182.00 feet, a central angle of 04°13'56" and a long chord bearing South 02°15'43" East a distance of 161.14 feet to a Point of Tangency (PT);

THENCE South 04°22'41" East a distance of 125.65 feet to the POINT OF BEGINNING;

Said parcel contains 39,257 sq. ft. or 0.901 acre, 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.

SURVEYOR'S CERTIFICATE

I, Steven A. Lund, a Colorado Registered 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.

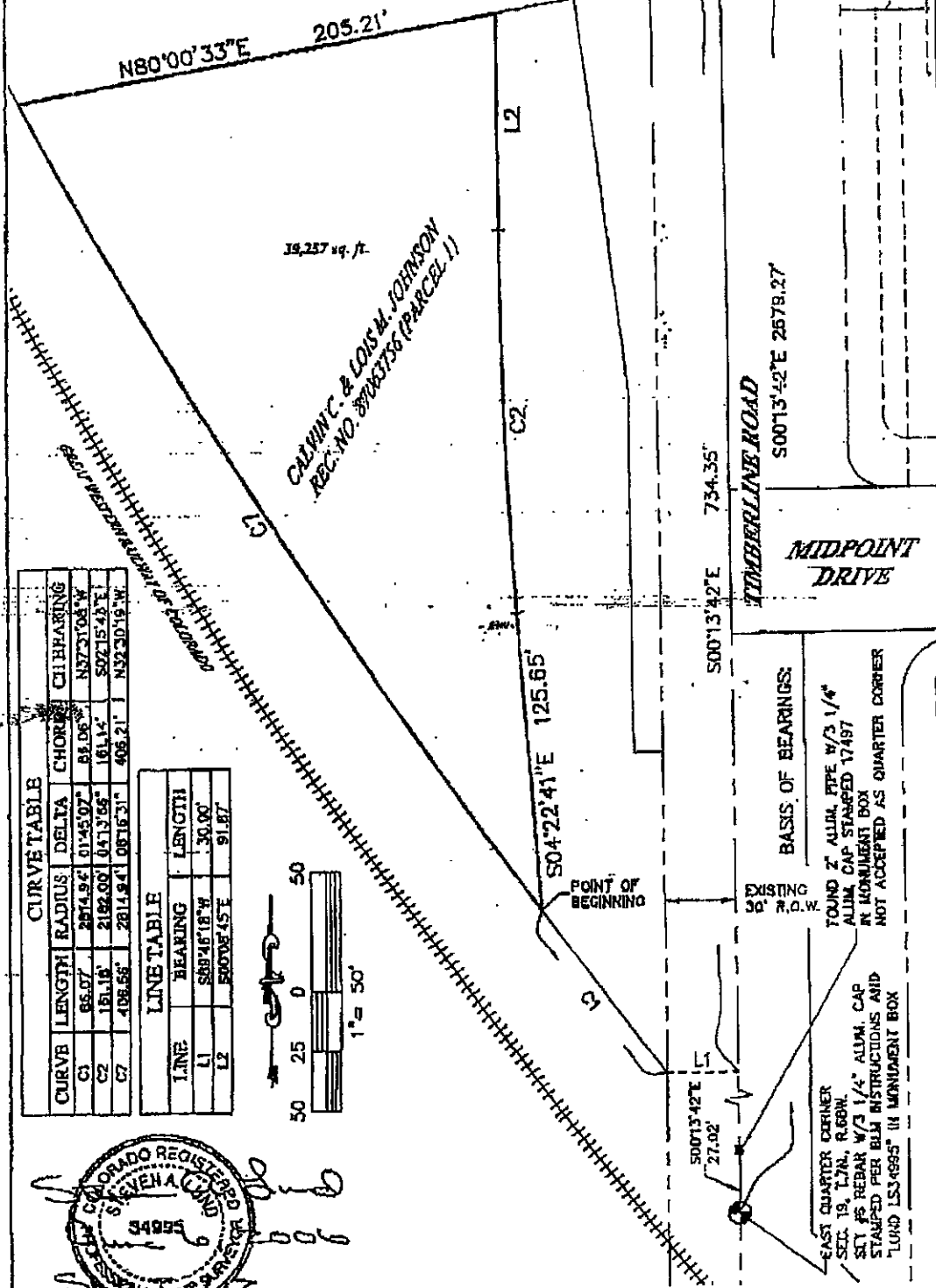


Steven A. Lund, Surveyor of King Surveyors, Inc.
Colorado Registered Professional
Land Surveyor #34995

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650 Garden Drive
Windsor, Colorado 80550
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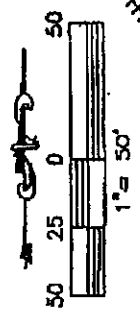
THE CITY OF FORT COLLINS
BOOK 280 PAGE 1181

NORTHEAST CORNER
SEC. 18, T.7N., R.68W.
POINT OF COMMENCEMENT



CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	65.07	2814.9'	01°45'07"
C2	181.18'	2182.00'	04°13'55"
C7	408.55'	2814.94'	08°16'31"

LINE TABLE		
LINE	BEARING	LENGTH
L1	S89°46'18\" W	30.00'
L2	S00°04'57\" E	91.87'



Steven A. Lind - On Behalf of King Surveyors, Inc.
Colorado Registered Land Surveyor #34995



KING SURVEYORS, INC.
 650 GARDEN DRIVE, WINDSOR, CO 80550 PHONE:
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PROJECT NO: 2006284
 DATE: 06/06/2006
 CLIENT: FISCHER & FISCHER
 DWG: EXHIBIT_JOHNSON
 DRAWN: MCD CHECKED: SAL