

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 16

DATE: April 17, 2007

STAFF: Lindsay Kuntz
Mark Sears

SUBJECT

First Reading of Ordinance No. 057, 2007, Authorizing the Conveyance of Two Small Tracts of Land Located in the Bobcat Ridge Natural Area to Philip and Connie Sprague.

RECOMMENDATION

The Land Conservation and Stewardship Board and staff recommend adoption of the Ordinance on First Reading.

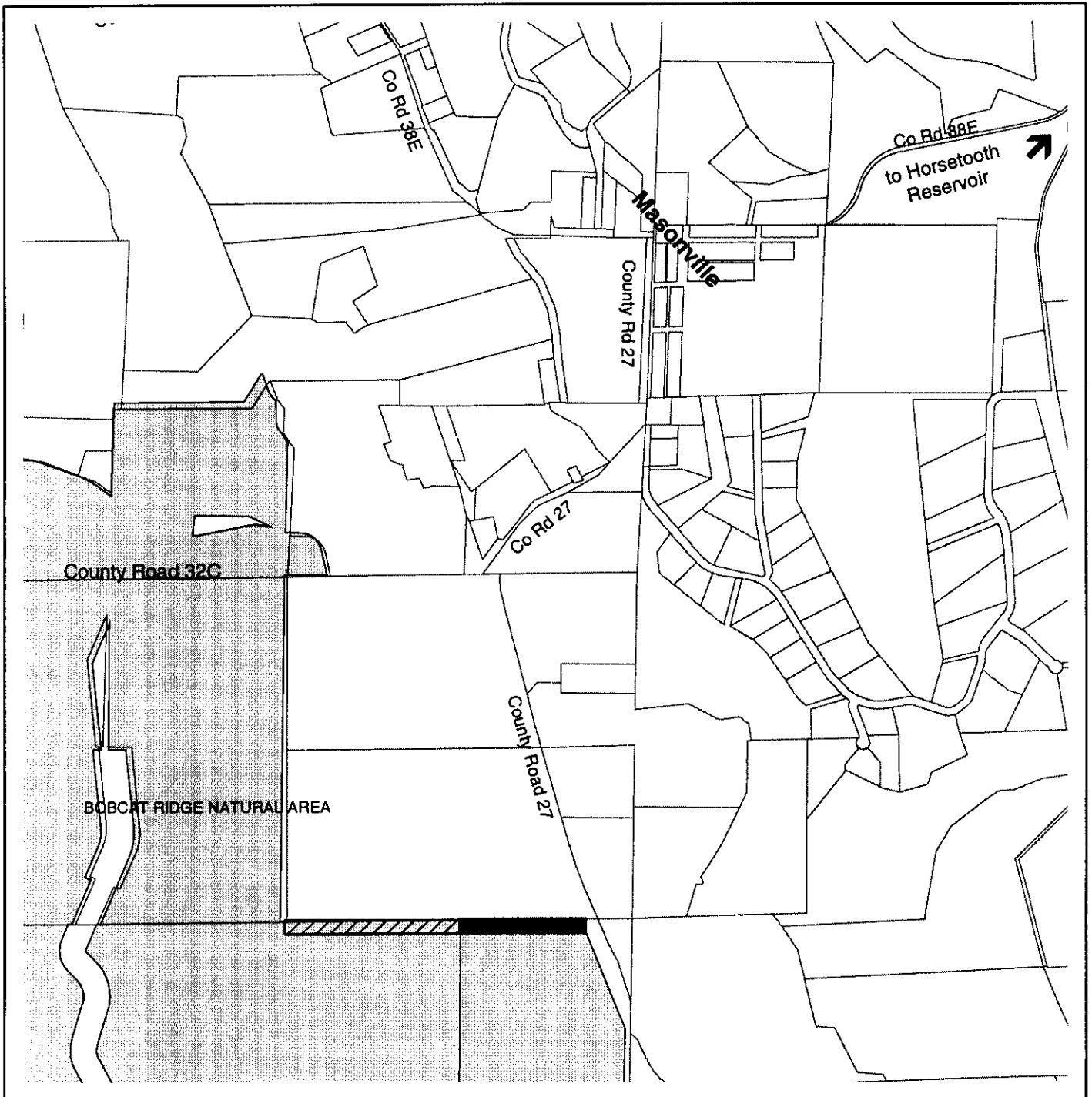
EXECUTIVE SUMMARY

During the acquisition of the Bobcat Ridge Natural Area, which involved a series of purchase and sale transactions, it was discovered that the fence line of the neighboring parcel, owned by Philip and Connie Sprague, encroached on the Natural Area property according to the legal description. As an effort to resolve this issue and clearly define the boundaries of the Natural Area, Natural Resources Department staff recommends that the City recognize the fence line as the property line and convey the two small areas of encroachment to the Spragues. The two tracts are 1.84 acres and .50 acres in size.

BACKGROUND

On December 16, 2003, the Natural Resources Department purchased two parcels of property known as parcel number 06220-00-017 and parcel number 06224-00-001 from the Virginia D. Pulliam Marital Trust to include as part of the Bobcat Ridge Natural Area. These two parcels included a total acreage of approximately 310 acres. The topography of the land in this area is irregular in nature with steep ridge-lines and ravines. Philip and Connie Sprague own a neighboring parcel known as parcel number 06220-00-018 that contains a fence and fence line that encroaches slightly onto the areas described by the legal descriptions of the City-owned parcels described above. The fence line has been in place for over fifty years; therefore City staff recommends recognizing the fence line as the property line. Staff recommends conveying the two tracts of 1.84 acres and .50 acres in size to the adjacent property owners, Philip and Connie Sprague, because the conveyance will resolve the encroachment and boundary issue and allow for the legal descriptions to accurately describe the property boundaries that have been in existence for over 50 years.

Bobcat Ridge Natural Area Parcels To Be Conveyed to Sprague Location Map



 Parcels to be conveyed



ORDINANCE NO. 057, 2007
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF TWO SMALL
PARCELS OF LAND LOCATED IN THE BOBCAT RIDGE
NATURAL AREA TO PHILIP AND CONNIE SPRAGUE

WHEREAS, the City of Fort Collins is the owner of a two parcels of land located within Sections 15 and 22, Township 6 North, Range 70 West (the "Property") that the City purchased in order to augment its holdings at the Bobcat Ridge Natural Area; and

WHEREAS, the Property contains a total of approximately 310 acres; and

WHEREAS, Philip and Connie Sprague own real property (the "Sprague Property") that runs contiguous to the Property; and

WHEREAS, the Sprague Property contains a fence that encroaches onto the Property in two relatively small areas (the "Areas"); and

WHEREAS, the fence line located on the Property owned by the Spragues has been in place over 50 years; and

WHEREAS, the Areas contain approximately 1.84 acres and .50 acres, as described on Exhibit "A" and Exhibit "B", attached hereto; and

WHEREAS, this fence line encroachment issue, which came to the attention of City staff during the property acquisition process, can best be resolved by conveying the Areas to Philip and Connie Sprague; and

WHEREAS, the Land Conservation and Stewardship Board considered and unanimously approved the proposed conveyance of the Areas at its February 2007 meeting; and

WHEREAS, City staff has determined that the conveyance of the Areas will have no adverse impact on the Property or the Bobcat Ridge Natural Area; and

WHEREAS, Section 23-111 of the City Code provides that the City Council is authorized to sell, convey or otherwise dispose of real property owned by the City, provided the Council first finds by ordinance that any sale or other disposition of real property owned by the City is in the best interest of the City of Fort Collins.

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

Section 1. That the conveyance of the Property, consistent with the terms of this Ordinance, will be for the benefit of the City's citizens and is in the best interest of the City of Fort Collins.

Section 2. That the Mayor is hereby authorized to execute such documents of conveyance as are necessary to convey fee simple title of the Areas to Philip and Connie Sprague upon the terms and conditions described above, and subject to such other terms and conditions as the Mayor, in consultation with the City Attorney, determines to be necessary and in the best interest of the City, including any necessary corrections to the legal descriptions thereof that do not result in a material increase or change in character of the intended conveyance.

Introduced, considered favorably on first reading, and ordered published this 17th day of April, A.D. 2007, and to be presented for final passage on the 1st day of May, A.D. 2007.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 1st day of May, A.D. 2007.

Mayor

ATTEST:

City Clerk

PROPERTY DESCRIPTION

Exhibit-A
(1 of 2)

A parcel of land being part of the Southeast Quarter (SE1/4) of Section Twenty-two (22), Township Six North (T.6N.), Range Seventy West (R.70W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado, being more particularly described as follows:

COMMENCING at the Northwest Corner of said SE1/4 and assuming the North line of said SE1/4 as bearing North 89°20'56" East, being a grid bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, with all other bearings contained herein being relative thereto:

THENCE North 89°20'56" East along said North line a distance of 47.44 feet to the POINT OF BEGINNING;

THENCE continuing North 89°20'56" East a distance of 1322.77 feet to the Westerly line of the Easterly 35 acres of the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4) of said Section 22 lying South of the Road as shown on the Land Survey Plat recorded at reception number 20040111736 on November 22, 2004;

THENCE South 00°50'09" West along said Westerly line a distance of 47.25 feet;

THENCE South 86°25'34" West a distance of 288.21 feet;

THENCE North 03°28'25" East a distance of 17.13 feet;


THENCE South 87°16'10" West a distance of 1000.39 feet;

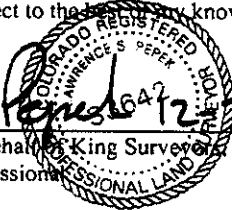
THENCE North 24°06'27" West a distance of 88.45 feet to the POINT OF BEGINNING;

Said parcel of land contains 80.075 sq. ft. or 1.84 acres more or less (+/-), and is subject to any rights-of-way or other easements of record as now existing on said described strip of land.

SURVEYORS CERTIFICATE

I, Lawrence S. Pepek, 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.


Lawrence S. Pepek - on behalf of King Surveyors, Inc.
Colorado Registered Professional Land Surveyor #33642

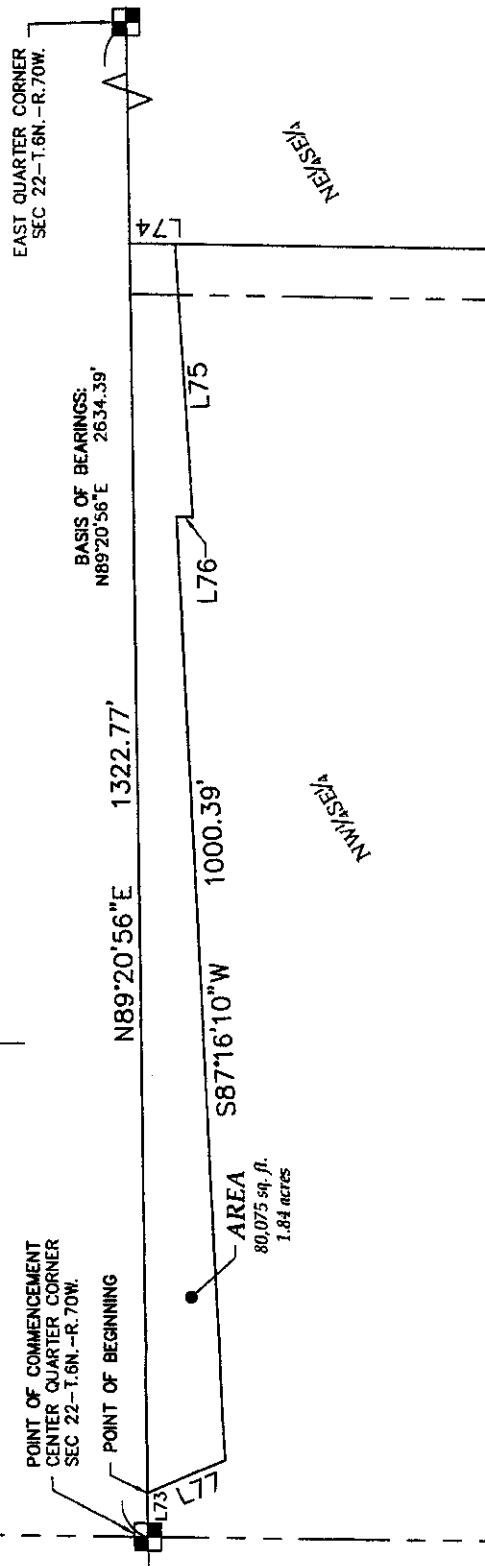
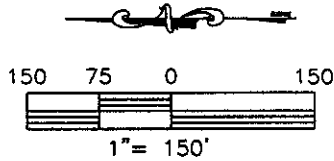


KING SURVEYORS, INC.
650 Garden Drive
Windsor, Colorado 80550
(970) 686-5011

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(2 OF 2)

LINE TABLE		
LINE	BEARING	LENGTH
L73	N89°20'56"E	47.44'
L74	S00°50'09"W	47.25'
L75	S86°25'34"W	288.21'
L76	N03°28'25"E	17.13'
L77	N24°08'27"W	88.45'



Lawrence S. Pepek - on behalf of King Surveyors, Inc.
 Colorado Registered Professional Land Surveyor #33642



NOTE: This exhibit drawing is not intended to be a monumented land survey. It's 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.



KING SURVEYORS, INC.
 650 Garden Drive | Windsor, Colorado 80550
 phone: (970) 686-5011 | fax: (970) 686-5821
 www.kingsurveyors.com

PROJECT NO: 2005061
 DATE: 12/6/2006
 CLIENT: NORTHSTAR
 DWG: 2005061EXH(11-06)
 DRAWN: KER CHECKED: LSP

PROPERTY DESCRIPTION

Exhibit: B
(1 of 2)

A parcel of land being part of the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4) of Section Twenty-two (22), Township Six North (T.6N.), Range Seventy West (R.70W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado, being more particularly described as follows:

COMMENCING at the Northwest Corner of the Southeast Quarter (SE1/4) of said Section 22 and assuming the North line of said SE1/4 as bearing North 89°20'56" East, being a grid bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, with all other bearings contained herein being relative thereto;

THENCE North 89°20'56" East along said North line a distance of 1370.21 feet to the Westerly line of the Easterly 35 acres of the NE1/4SE1/4 lying South of the Road as shown on the Land Survey Plat (LSP) recorded at reception number 20040111736 on November 22, 2004 and to the POINT OF BEGINNING;

THENCE continuing North 89°20'56" East a distance of 905.10 feet to the Easterly line of the parcel described in said LSP;

THENCE South 21°53'29" East along said Easterly line a distance of 1.01 feet;


THENCE South 86°25'34" West a distance of 907.87 feet to said Westerly line;

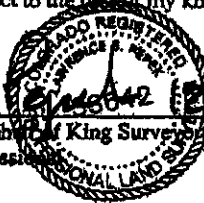
THENCE North 00°50'09" East along said Westerly line a distance of 47.25 feet to the POINT OF BEGINNING;

Said parcel of land contains 21,808 sq. ft. more or less (+/-), and is subject to any rights-of-way or other easements of record as now existing on said described strip of land.

SURVEYORS CERTIFICATE

I, Lawrence S. Pepok, 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.


Lawrence S. Pepok - on behalf of King Surveyors, Inc.
Colorado Registered Professional Land Surveyor #33642



KING SURVEYORS, INC.
650 Garden Drive
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(970) 686-5011

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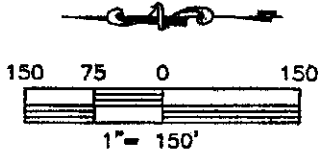
PARCEL

EXHIBIT B

S.22-T.6N.-R.70W.

(2 OF 2)

LINE TABLE		
LINE	BEARING	LENGTH
L78	S21°33'29"E	1.01'
L79	N00°30'09"E	47.25'



L. Papak
 12-06-06
 COLORADO REGISTERED SURVEYOR
 LAWRENCE S. PAPA
 COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR #33842

NOTE: This exhibit drawing is not intended to be a monumented land survey. It's 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 this exhibit drawing.

EAST QUARTER CORNER
 SEC 22-T.6N.-R.70W.

POINT OF BEGINNING
 BASIS OF BEARINGS:
 N89°20'56"E 2634.39'

905.10'

N89°20'56"E

POINT OF BEGINNING

907.87'

S86°25'34"W

AREA
 21,808 sq. ft.

POINT OF COMMENCEMENT
 CENTER QUARTER CORNER
 SEC 22-T.6N.-R.70W.

1370.21'

S89°20'56"W

L79

L78



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