

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 19

DATE: April 17, 2007

STAFF: Patrick Rowe

SUBJECT

Resolution 2007-039 Authorizing the Lease of City-owned Vacant Land Located at the Southwest Corner of East Prospect Road and Interstate 25 for up to Two Years.

RECOMMENDATION

Staff recommends adoption of the Resolution.

FINANCIAL IMPACT

The Lessee will pay an annual rate of \$65 per acre for approximately 25 acres of crop land which will result in at least \$1,625 annually in unanticipated revenue to Miscellaneous Revenue - General Fund. Lessee will pay all costs associated with this lease.

EXECUTIVE SUMMARY

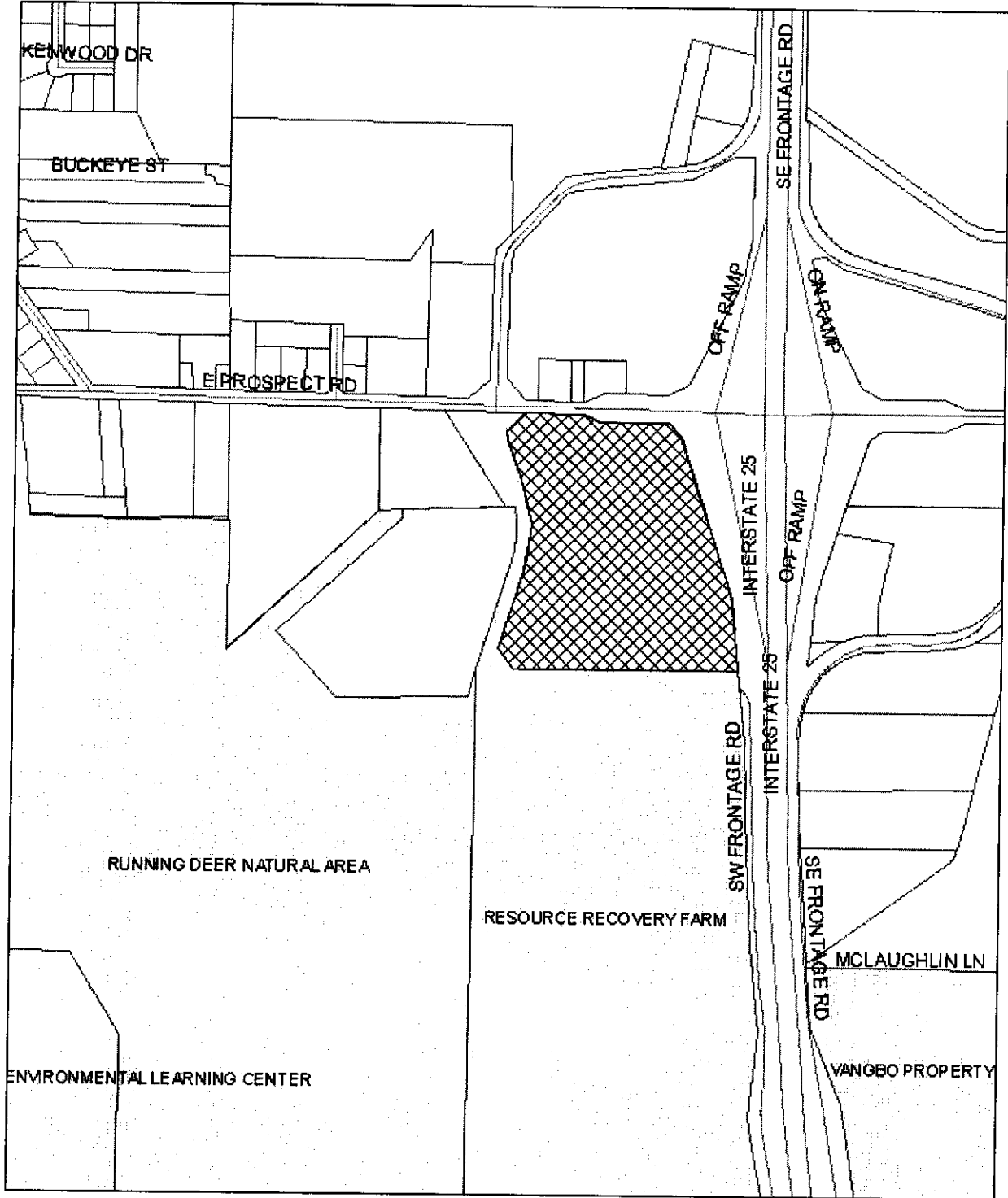
This property was transferred in 2006 to the General Fund. The City does not have an immediate need identified for this tract.

This lease authorizes an agricultural lease on approximately 25 acres for a period of one year with the City having the option to renew for an additional year. The Lessee will be allowed to farm the 25 acres in row crop, such as corn. The Lessee will be responsible for controlling noxious and toxic plants found within the leased area. The Lessee will also be responsible for costs associated with producing the crop including all costs of tillage, seeds, seeding, fertilizer, irrigation management, weed management, and harvesting. The Lessee will have the use of adjudicated wells located on the Property. In addition, this lease will transfer the responsibility of weed control and other maintenance work on the agricultural land to the farming Lessee. Leasing the property for agriculture production reduces management and maintenance costs by the General Fund.

ATTACHMENTS

1. Location map.

CITY-OWNED VACANT LAND LEASE LOCATION MAP



 Vacant Land Location



RESOLUTION 2007-039
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE LEASE OF CITY-OWNED VACANT LAND
LOCATED AT THE SOUTHWEST CORNER OF
EAST PROSPECT ROAD AND INTERSTATE 25
FOR UP TO TWO YEARS

WHEREAS, the City is the owner of a parcel of real property located at the southwest corner of East Prospect Road and I-25, Fort Collins, Larimer County, Colorado, containing approximately 25 acres, as more particularly described on Exhibit A, attached hereto and incorporated herein by reference (the "Property"); and

WHEREAS, the Property was previously part of the Wastewater Utility's Resource Recovery Farm; and

WHEREAS, in 2000 and 2003, the City Council adopted Ordinance No. 199, 1999, and Ordinance No. 098, 2003, respectively, each of which authorized the transfer of portions of the Resource Recovery Farm totaling approximately 325 acres to the City's Natural Areas Program in exchange for a payment to the Utility; and

WHEREAS, on October 3, 2006, the City Council adopted Ordinance No. 149, 2006, transferring the Property and another Utility property to the General Fund in exchange for the transfer to the Utility of several General Fund properties historically used for Utility purposes; and

WHEREAS, on March 20, 2007, Council approved on first reading Ordinance No. 051, 2007, authorizing the lease of a portion of the Resource Recovery Farm located south of the Property and totaling approximately 100 acres, for up to five years, for agricultural purposes; and

WHEREAS, historic use of the Property is for agriculture production; and

WHEREAS, the City does not have an immediate use for the Property, but does not want to limit the City's future use of the Property by entering into a long-term lease for the Property; and

WHEREAS, the City desires to lease the Property for a term of one year, with the City having the option to renew for an additional year, at the annual rate of \$65.00 per acre; and

WHEREAS, the lessee of the Property would likely be the same tenant that is proposing to lease the other portion of the Resource Recovery Farm (the "Lessee"); and

WHEREAS, the Lessee would be allowed to farm the Property in row crops, such as corn; would be responsible for controlling noxious and toxic plants; and would be responsible for all costs associated with production of a crop; and

WHEREAS, the Lessee would be allowed to use adjudicated wells located on the Property;
and

WHEREAS, leasing the Property permits the use of the ground for agricultural production,
and would transfer responsibility for weed control and other maintenance work on the Property from
the City to the Lessee; and

WHEREAS, under Section 23-114(a) of the Code of the City of Fort Collins, the Council is
authorized to lease for a definite term of two (2) years or less any and all interests in real property
owned in the name of the City, provided that Council first finds, by resolution, that the lease is in
the best interests of the City.

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

Section 1. That the Council hereby finds that leasing the Property as provided herein is
in the best interests for the City of Fort Collins.

Section 2. That the City Manager is hereby authorized to execute a lease agreement for
the Property, consistent with the terms of this Resolution, together with such additional terms and
conditions as the City Manager, in consultation with the City Attorney, determines to be necessary
and appropriate to protect the interest of the City, including any necessary corrections to the legal
description thereof that do not result in a material increase or change in character of the intended
conveyance.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 17th
day of April, A.D. 2007.

Mayor

ATTEST:

City Clerk

Legal Description

EXHIBIT "A"

A tract of land located in the Northeast Quarter of Section 21, Township 7 North, Range 68 West of the Sixth Principal Meridian, City of Fort Collins, Larimer County, Colorado, the said tract is a portion of that certain tract of land described in a Warranty Deed recorded October 2, 1979, in Book 1992 at Page 028 records of the Clerk and Recorder of the said Larimer County, more particularly described as follows;

Commencing at the northeast corner of the said Section 21;

THENCE along the north line of the said northeast quarter, North 88 degrees 19 minutes 55 seconds West for a distance of 1241.97 feet to the east line of a Permanent Easement No. E-4 State of Colorado Division of Highways Project IR 025-3 (89) as described at Reception No. 88026808 records of the said Clerk and, Recorder;

THENCE along the said east line of the Permanent Easement, South 01 degrees 40 minutes 05 seconds West for a distance of 30.00 feet to the south Right of Way of East Prospect Road and to the TRUE POINT OF BEGINNING of this description;

THENCE continuing along the said east line and along the north line of the said Permanent Easement the following seven (7) courses and distances, (1) South 44 degrees 23 minutes 59 seconds West for a distance of 136.14 feet;

(2) along a non-tangent curve to the left having a radius of 532.96 feet a central angle of 14 degrees 20 minutes 52 seconds and an arc length of 133.46 feet being subtended by a chord of South 15 degrees 12 minutes 04 seconds, East for a distance of 133.11 feet;

(3) South 22 degrees 22 minutes 30 seconds East for a distance of 110.41 feet;

(4) along a curve to the right having a radius of 612.96 feet a central angle of 40 degrees 05 minutes 20 seconds and an arc length of 428.88 feet, being subtended by a chord of South 02 degrees 19 minutes 50 seconds East for a distance of 420.18 feet;

(5) South 17 degrees 42 minutes 50 seconds West for a distance of 404.31 feet;

(6) South 36 degrees 09 minutes 13 seconds East for a distance of 117.93 feet;

(7) North 89 degrees 58 minutes 43 seconds East for a distance of 1059.59 feet to the east line of the said tract described in Book 1992 at Page 028;

THENCE along the said east line and along the north line of the said tract described in Book 1992 at Page 028 the following six (6) courses and distances: (1) North 06 degrees 03 minutes 40 seconds West for a distance of 358.25 feet;

(2) North 17 degrees 43 minutes 09 seconds West for a distance of 789.49 feet;

(3) North 36 degrees 47 minutes 12 seconds West for a distance of 80.95 feet;

(4) North 89 degrees 51 minutes 10 seconds West for a distance of 327.82 feet;

(5) North 61 degrees 39 minutes 31 seconds West for a distance of 88.86 feet;

(6) North 01 degrees 40 minutes 05 seconds East for a distance of 3.55 feet to the said south Right of Way of East Prospect Road;

THENCE along the said south Right of Way North 88 degrees 19 minutes 55 seconds West for a distance of 272.52 feet to the point of beginning. Containing 25.135 Acres more less.

The above described tract is subject to all easements and rights of way 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 is based upon previously recorded plats and deeds and not upon a actual field survey.

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