

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 15

DATE: February 5, 2008

**STAFF: Ken Mannon
Helen Matson**

SUBJECT

First Reading of Ordinance No. 010, 2008, Appropriating Prior Year Reserves in the General Fund to Purchase a Parcel of Land on Cherry Street Adjacent to Martinez Park

RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

FINANCIAL IMPACT

This Ordinance authorizes the appropriation of \$363,000 in prior year reserves in the General Fund. These reserves are a portion of the proceeds from the sale of Phase I of the Penny Flats project located on Block 33. These funds will be used for the purchase of the site, environmental testing, closing costs, and staff time for valuation and negotiation.

EXECUTIVE SUMMARY

The new Museum/Discovery Science Center ("the Project") is planned to be built on a portion of the property known as Martinez Park at its eastern boundary. The main access for the Project will be from Mason Street. The facility to be constructed is planned to be a two-story building with a parking lot. This Ordinance would appropriate the funds necessary to acquire a parcel of land located on Cherry Street adjacent to the site of the Project. The property is planned to be used as a visual gateway to the Project. In order to complete this transaction, staff is requesting Council approve the appropriation of funds necessary to acquire the property and pay associated expenses for the purchase.

BACKGROUND

City and Discovery Science Center staff looked at many potential sites for the Project prior to the final decision to construct the Project on a portion of Martinez Park at the eastern boundary. The topography of the site is sloping from Cherry Street to the Poudre River. Conceptual plans for the Project include a two-story building and visitor parking, including some bus and RV parking. The proposed building's elevation will be lower than Cherry Street.

Since this site has been selected, the Project planners have been very interested in acquiring an adjacent parcel of land located on Cherry Street, just east of the Union Pacific Railroad line. If any structure that has at least two stories is built on this property, the view of the Project will be blocked. In addition, this property will also be a gateway to the Poudre River in this area. Staff plan to use this site for directing citizens to the Project. They also plan to use this property for art work focusing on science and history. This site will be landscaped to fit into the Project and to the adjacent Martinez Park.

In response to this request, staff members of Real Estate Services performed an in-house valuation of the entitled property and entered into negotiations for the purchase.

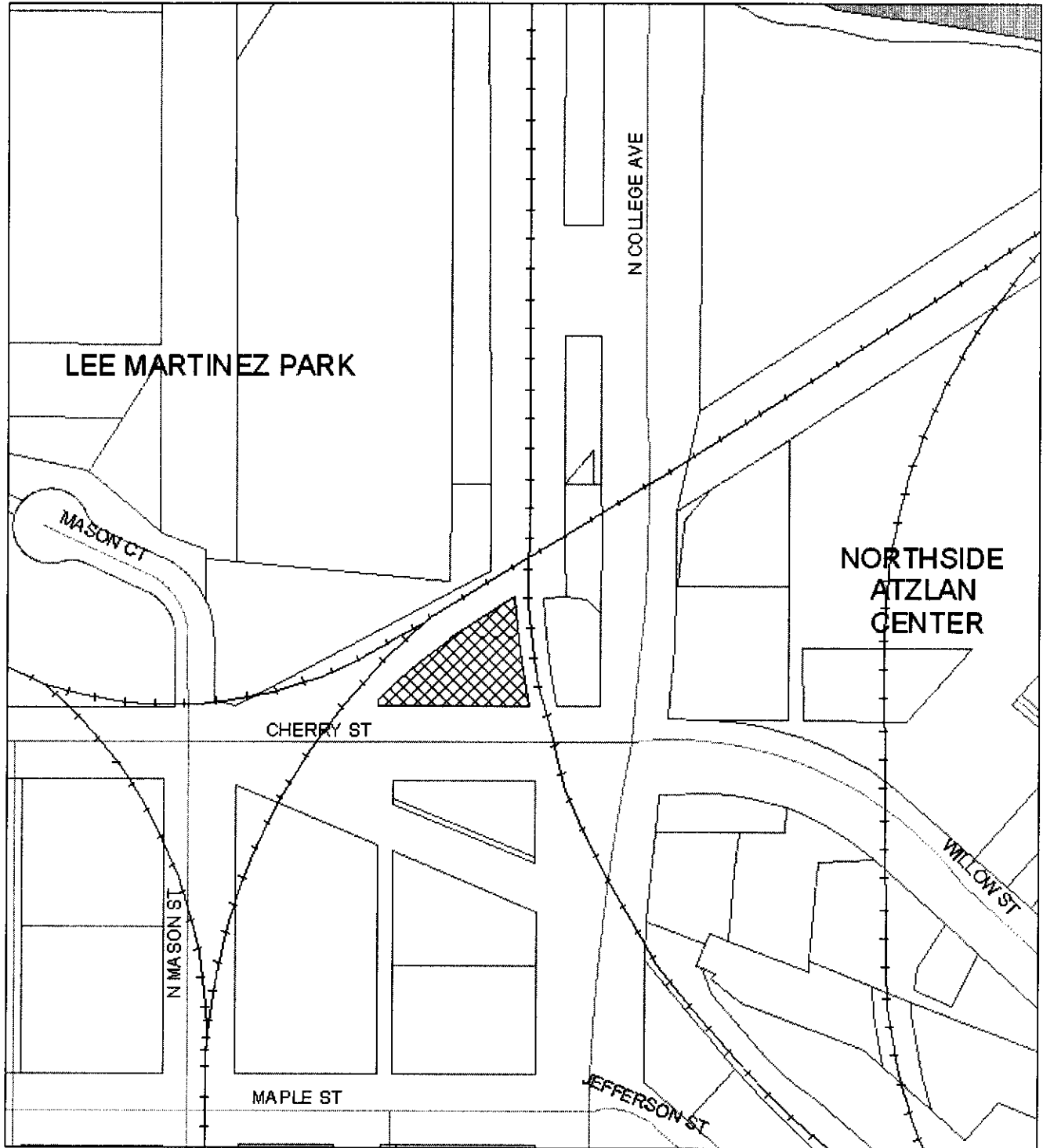
This week, staff was able to reach agreement with the owners to purchase this property for \$350,000, or \$21.41/square foot. The agreed upon price is reflective of the sold properties in the area. The agreement with the property owner is contingent upon Council appropriating the necessary funds for the purchase and is also contingent upon the City completing its inspection of the property. This inspection includes the City obtaining a Phase I Environmental Report.

The funds requested to be appropriated will be used for the \$350,000 purchase price, environmental testing, closing costs, and staff time to complete valuation and negotiation services. The total appropriation request is \$363,000.

ATTACHMENTS

1. Location map.

Proposed Purchase on Cherry Street Location Map



 Cherry Street Property Location



ORDINANCE NO. 010, 2008
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES IN THE GENERAL FUND
TO PURCHASE A PARCEL OF LAND ON CHERRY STREET
ADJACENT TO MARTINEZ PARK

WHEREAS, staff for the City and the Discovery Science Center have been evaluating several potential sites for the new Museum/Discovery Science Center (the "Project"); and

WHEREAS, the combined staff have determined that a location at the eastern boundary of Martinez Park is the best; and

WHEREAS, conceptual plans for the Project include a two-story building and a visitor parking lot with the building located north of the proposed parking lot at a lower elevation than Cherry Street; and

WHEREAS, Project planners have identified a parcel of land located on Cherry Street, just east of the Union Pacific Railroad line, that would serve as a gateway to the Project and provide space for art work focusing on science and history, which parcel is described on Exhibit "A," attached hereto and incorporated herein by this reference; and

WHEREAS, the City's Real Estate Services staff has reached an agreement with the owners to purchase the parcel for \$350,000 subject to the Council's appropriation of the necessary funds; and

WHEREAS, the requested appropriation will be used to pay the \$350,000 purchase price, environmental testing, closing costs, and staff time to complete valuation and negotiation services; and

WHEREAS, in February of 2007 the City received approximately \$540,000 from the sale of Phase I of the Penny Flats project located on Block 33 and these funds were to be used for land purchases; and

WHEREAS, the sales proceeds received in 2007 are now available in the General Fund prior year reserves; and

WHEREAS, Article V, Section 9, of the Charter of the City of Fort Collins permits the City Council to appropriate by ordinance at any time during the fiscal year such funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that there is hereby appropriated for expenditure from General Fund prior year reserves the sum of THREE HUNDRED SIXTY THREE THOUSAND DOLLARS (\$363,000), to be used

for the purchase of a parcel of land on Cherry Street adjacent to Martinez Park, as described on Exhibit "A".

Introduced, considered favorably on first reading, and ordered published this 5th day of February, A.D. 2008, and to be presented for final passage on the 19th day of February, A.D. 2008.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 19th day of February, A.D. 2008.

Mayor

ATTEST:

City Clerk

EXHIBIT A

A parcel of land being a portion of Block 24, in the original Map of the Town of Fort Collins, Larimer County, Colorado, January 16, 1873, within the NE 1/4 of Section 11, Township 7 North, Range 69 West of the 6th P.M. and more particularly described as follows:

Considering the East line of said Block 24 as bearing S 00°20'00" E and with all other bearings herein being relative thereto:

Commencing at the SE corner of said Block 24; thence S 89°58'00" W 102.03 feet along the said southerly line of said Block 24 to a point 25 feet measured radially and westerly from the centerline of the main track of the Fort Collins Branch of the Union-Pacific Railroad Company as now constructed and operated and the True Point of Beginning; thence continuing S 89°58'00" W 192.02 feet along the Southerly line of said Block 24 to a point 294.05 feet westerly along a line parallel with and 294.05 feet distance westerly, measured at right angles from said easterly line of Block 24, N 00°02'00" W 9.80 feet at a point 25 feet distance southeasterly measured radially from the centerline of the main track of the Colorado and Southern Railroad as now constructed and operated, formerly known as the Fort Collins Development Railway Company, said point being the beginning of a non tangent curve concave southeasterly, the center of which bears S 47°01'07" E a distance of 521.44 feet; thence northeasterly along said curve; through an angle of 13 °41'07" and arc distance of 124.55 feet, more or less; thence N 00°02'00" W a distance of 2.10 feet; thence N 56°40'00" E a distance of 92.82 feet; more or less to a point 25.00 feet distance westerly measured radially from said centerline of the main track of the Fort Collins Branch of the Union Pacific Railroad Company, said point also being the beginning of a non tangent curve, concave easterly, the center of which bears N 86°26'24" E a distance of 980.37 feet; thence southerly along said curve, through an angle of 08°26'24" an arc distance of 144.41 feet to the True Point of Beginning.