

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 20

DATE: March 4, 2008

STAFF: Lindsay Kuntz

SUBJECT

First Reading of Ordinance No. 030, 2008, Authorizing the Dedication to the County of Certain City-Owned Property as Tilden Street Road Right-of-Way.

RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

FINANCIAL IMPACT

Savant Homes, Incorporated will pay all costs associated with the processing of the road dedication and construction of the road. The City is not charging for the dedication since the City will no longer have to bear the costs of constructing the road when the City's property develops in the future.

EXECUTIVE SUMMARY

The City owns a parcel of land at 2313 Kechter Road as part of the City's Land Bank Program. The developer of the adjacent property, located at 2309 Kechter Road, has proposed the City dedicate a strip of right-of-way on the City's property for use as part of the Kechter Crossing Development. The developer, Savant Homes, Incorporated, has agreed to cover all costs associated with the construction of the road and processing of the road dedication. The constructed road will then be available to be used as part of the future development on the City's property.

BACKGROUND

Savant Homes, Incorporated, is developing a 28-acre parcel located at 2309 Kechter Road. The City's Affordable Housing Department owns the adjacent property at 2313 Kechter Road which was purchased as part of the City's Land Bank Program in 2006. Both properties are located in the County, outside City limits. Savant Homes, Incorporated has requested the City dedicate a twenty-eight foot wide area of road right-of-way on the City's property which will be used as part of the right-of-way area for Tilden Street as shown on the plat for its development, Kechter Crossing. The constructed road will then be available to be used as part of the future development on the City's property. The developer has agreed to be responsible for all costs to construct the road, move the existing fence on the City property, oversizing the stormwater pipes to handle flows for later developments, as well as, detain all storm water flows from the new road on their property. The


items that the developer has agreed to will be included as part of its County development agreement for Kechter Crossing. Affordable Housing staff, Stormwater staff, and Planning staff have reviewed and agreed to the request for the dedication of the road right-of-way.

ATTACHMENTS

1. Location Map.

Kechter Crossing Right of Way Dedication Location Map



 Right of Way Location



ORDINANCE NO. 030, 2008
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE DEDICATION TO THE COUNTY OF CERTAIN
CITY-OWNED PROPERTY AS TILDEN STREET ROAD RIGHT-OF-WAY

WHEREAS, the City is the owner of property located at 2313 East Kechter Road in Fort Collins, Colorado (the "City Property"); and

WHEREAS, the City Property was purchased in 2006 as part of the City of Fort Collins Land Bank Program to be developed in the future as an affordable housing project; and

WHEREAS, Savant Homes, Incorporated ("Developer") is the developer of Kechter Crossing, which is a twenty-eight acre property adjacent to the City Property (the "Development"); and

WHEREAS, the City Property and the Development are both located in Larimer County, outside the City limits; and

WHEREAS, the Developer has asked the City to dedicate as public road right-of-way, to be used by the Development, a portion of the City Property directly adjacent to the Development, as described in Exhibit "A", attached hereto and incorporated herein by this reference; and

WHEREAS, the Developer has agreed to oversize the stormwater pipes to be located in the right-of-way, pay all costs associated with the construction of the road, and detain all stormwater flows from the constructed road in the Development; and

WHEREAS, City staff has determined that when the City Property is developed in the future, it will benefit from the constructed road; and

WHEREAS, City staff will work with the County and the Developer to ensure that the Developer's obligations regarding the road are either made conditions of the County's approval of the Development, or are addressed in a separate agreement between the City and the Developer; and

WHEREAS, Section 23-111 of the City Code authorizes the City Council to sell, convey, or otherwise dispose of any and all interests in real property owned by the City, provided that the Council first finds, by ordinance, that such sale or other disposition is in the best interest of the City.

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

Section 1. That the Council hereby finds that the dedication to the County of the property described on Exhibit "A" as public road right-of-way for Tilden Street is in the best interests of the City.

Section 2. That the Mayor is hereby authorized to execute documents of dedications, in a form approved by the City Attorney, to convey the property described on Exhibit "A" as public road-right-of-way upon terms and conditions consistent with this Ordinance, together with such other terms and conditions as the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to protect the interests of the City, including any necessary changes to the legal description of the property to be dedicated, as long as such changes do not materially increase the size or change the character of the dedicated property.

Introduced, considered favorably on first reading, and ordered published this 4th day of March, A.D. 2008, and to be presented for final passage on the 18th day of March, A.D. 2008.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 18th day of March, A.D. 2008.

Mayor

ATTEST:

City Clerk

Exhibit "A"
PROPERTY DESCRIPTION
Right of Way Dedication

A parcel of land for Public Right of Way dedication being a portion of that land described in a Warranty Deed recorded January 24, 2006 as Reception Number 2006-0005697 of the Records of Larimer County, said parcel situate within the Northwest Quarter (NW1/4) of Section Eight (8), Township Six North (T.6N.), Range Sixty-eight West (R.68W.), Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado, more particularly described as follows:

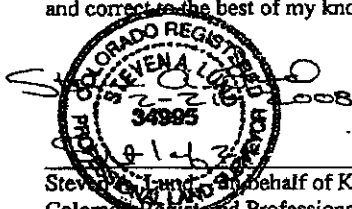
COMMENCING at the North Quarter Corner of said Section 8 and assuming the North line of the Northwest Quarter of said Section 8 as bearing South 89°12'26" West being a grid bearing of the Colorado State Plane Coordinate System, North zone, North American Datum 1983/92 a distance of 2705.30 feet with all bearings contained herein relative thereto;

THENCE South 00°26'59" West along the East line of the NW1/4 of said Section 8 a distance of 30.01 feet to the South Right of Way line of Kechter Road (Larimer County Road 36);
THENCE South 89°12'26" West along a line parallel with and 30.00 feet Southerly of, as measured at a right angle to the North line of the NW1/4 of said Section 8 a distance of 669.50 feet to the **POINT OF BEGINNING**;
THENCE South 00°47'34" East along a line perpendicular to the North line of the NW1/4 of said Section 8 a distance of 12.00 Feet;
THENCE South 89°12'26" West along a line parallel with and 42.00 feet Southerly of, as measured at a right angle to the North line of the NW1/4 of said Section 8 a distance of 1.58 feet to a Point of Curvature;
THENCE along the arc of a curve concave to the Southeast a distance of 20.16 feet, said curve has a Radius of 13.00 feet, a Delta of 88°52'00" and is subtended by a Chord bearing South 44°46'26" West a distance of 18.20 feet to a Point of Tangency;
THENCE South 00°20'26" West along a line parallel with and 28.50 feet Easterly of, as measured at a right angle to the Easterly line of Lot 2 of the Feldman M.R.D. #97-EX1094, recorded August 21, 1998 as Reception Number 98071796 of the Records of Larimer County, a distance of 1258.56 feet to the South line of the North Half of the NW1/4 of said Section 8;
THENCE South 89°21'44" West along the South line of the North Half of the NW1/4 of said Section 8 a distance of 28.50 feet to the East line of Lot 2 of said Feldman M.R.D.;
THENCE North 00°20'26" East along the East line of Lot 2 of said Feldman M.R.D. a distance of 1283.23 feet to a line parallel with and 30.00 feet Southerly of, as measured at a right angle to the North line of the NW1/4 of said Section 8;
THENCE North 89°12'26" East along a line parallel with and 30.00 feet Southerly of, as measured at a right angle to the North line of the NW1/4 of said Section 8 a distance of 42.60 feet to the **POINT OF BEGINNING**;

Said easement contains 36,778 sq. ft. or 0.844 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.

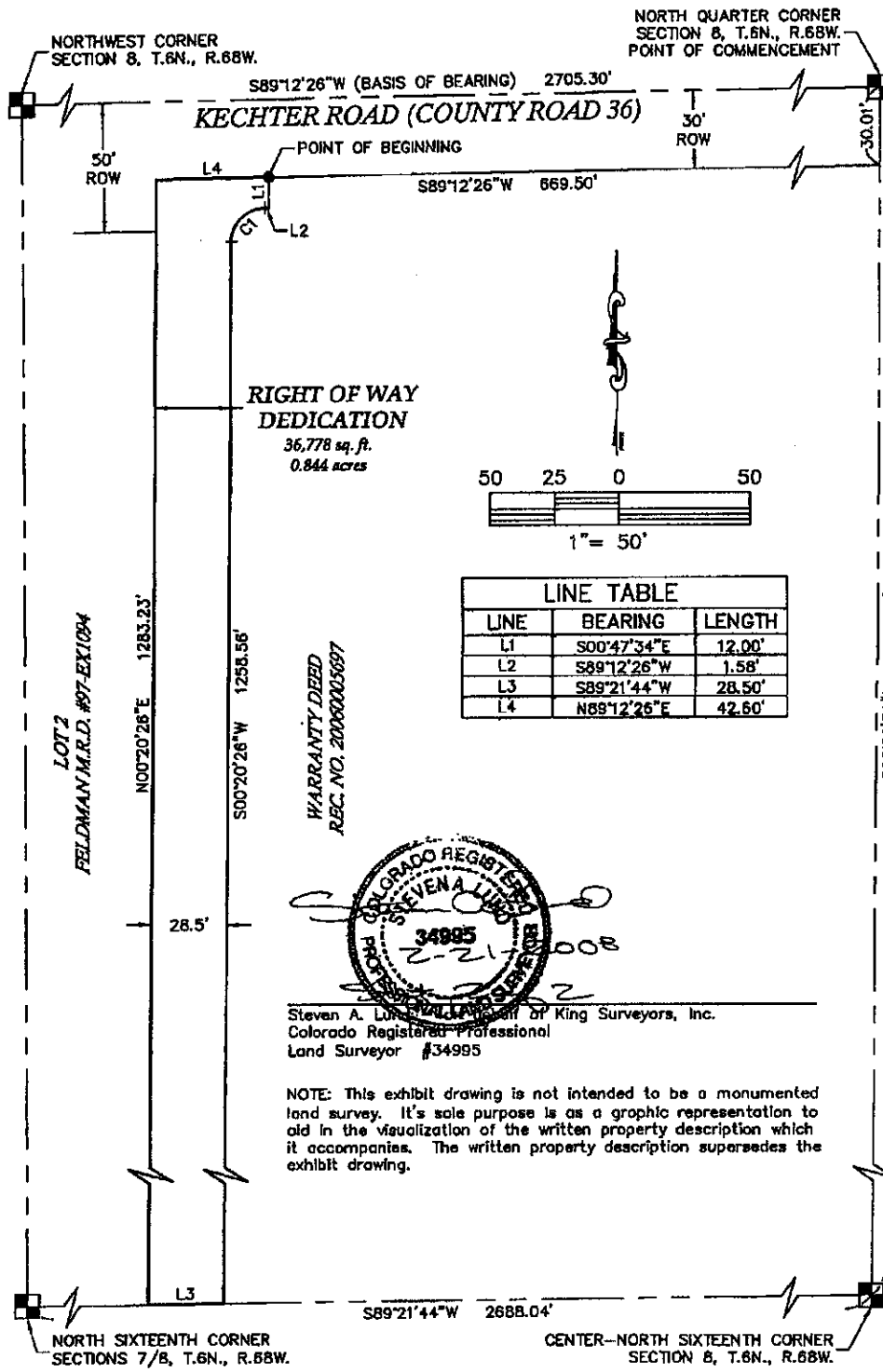
SURVEYOR'S CERTIFICATE

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



CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD	CH BEARING
C1	20.16'	13.00'	89°52'00"	18.20'	S44°46'26"W



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PROJECT NO: 2007084
DATE: 2/21/08
CLIENT: JIM SELL
DWG: 2007084EXH
DRAWN: CSK CHECKED: SAL