

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 9 A-B

DATE: June 3, 2008

STAFF: Shelby Sommer

SUBJECT

Items Relating to the Fossil Creek Reservoir Open Space Annexation.

RECOMMENDATION

Staff recommends adoption of these Ordinances on Second Reading.

EXECUTIVE SUMMARY

- A. Second Reading of Ordinance No. 054, 2008, Annexing Property Known as the Fossil Creek Reservoir Open Space Annexation to the City of Fort Collins.
- B. Second Reading of Ordinance No. 055, 2008, Amending the Zoning Map and Classifying for Zoning Purposes the Property Included in the Fossil Creek Reservoir Open Space Annexation to the City.

These Ordinances, unanimously adopted on First Reading on May 20, 2008, annex 328.75 acres known as the Fossil Creek Reservoir Open Space and place the properties in the POL – Public Open Lands Zone District.

ATTACHMENTS

- 1. Copy of First Reading Agenda Item Summary - May 20, 2008.
(w/o original attachments)

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

ITEM NUMBER: 17 A-C

DATE: May 20, 2008

STAFF: Shelby Sommer

COPY

SUBJECT

Items Pertaining to the Fossil Creek Reservoir Open Space Annexation.

RECOMMENDATION

Staff recommends adoption of the Resolution and the Ordinances on First Reading.

The Planning and Zoning Board, at its regular monthly meeting of April 17, 2008, voted to recommend approval of the annexation, and include the property in the POL – Public Open Lands Zone District, as part of the Board's Consent Agenda.

EXECUTIVE SUMMARY

COPY

- A. Resolution 2008-045 Setting Forth Findings of Fact and Determinations Regarding the Fossil Creek Reservoir Open Space Annexation and Zoning.
- B. Hearing and First Reading of Ordinance No. 054, 2008, Annexing Property Known as the Fossil Creek Reservoir Open Space Annexation to the City of Fort Collins.
- C. Hearing and First Reading of Ordinance No. 055, 2008, Amending the Zoning Map and Classifying for Zoning Purposes the Property Included in the Fossil Creek Reservoir Open Space Annexation to the City.

This is a 100% voluntary request to annex 328.75 acres known as the Fossil Creek Reservoir Open Space and place the properties POL – Public Open Lands Zone District. This annexation request is in conformance with the State of Colorado Revised Statutes as they relate to annexations, the City of Fort Collins Comprehensive Plan, the Larimer County and City of Fort Collins Intergovernmental Agreement, the City of Fort Collins *Land Use Code*, and the *Fossil Creek Reservoir Area Plan*. There are no issues or known controversies associated with this annexation.

Applicant: City of Fort Collins

Property Owners: City of Fort Collins
Larimer County

BACKGROUND

The City of Fort Collins and Larimer County are joint owners of the Fossil Creek Reservoir Regional Open Space properties. The City and Larimer County have submitted a written petition requesting annexation of 328.7 acres located on the south side of Fossil Creek Reservoir and north of Carpenter Road (Highway 392). The property is preserved as regional open space and features minimal development, including public trails and parking, and maintenance and office facilities associated with the open space program. The proposed zoning for this annexation is POL – Public Open Lands.

The Current Planning Department hosted a public neighborhood information meeting on Monday, March 10, 2008 to discuss the proposed annexation. No interested parties attended this meeting.

Compliance with Existing Policies and State Law

The property is located within the Fort Collins Growth Management Area. According to policies and agreements between the City and Larimer County contained in the *Intergovernmental Agreement for the Fort Collins Growth Management Area*, the City will agree to consider annexation of property in the UGA when the property is eligible for annexation according to State law.

This property gains the required 1/6 contiguity to existing City limits from a common boundary with the Fossil Lake Annexation No. 1 (March, 2002) to the north of the reservoir. Per Colorado Revised Statutes (CRS) 31-12-106 *Annexation of Enclaves, Partially Surrounded Land, and Municipally Owned Land*, contiguity is not affected by the existence of such reservoir or water body.

The Initiating Resolution was adopted on April 15, 2008. On April 17, 2008 the Planning and Zoning Board considered the item and recommended annexation of the property and placement in the POL – Public Open Lands Zone District.

Proposed Zoning

The proposed zoning for this annexation is POL – Public Open Lands, which is consistent with the City Structure Plan and with recommendations from the adopted *Fossil Creek Reservoir Area Plan*, an element of the City’s Comprehensive Plan. The surrounding properties are currently zoned:

- North of the reservoir: T – Transition;
- Northwest: FA1 – Farming in Larimer County;
- E: R – Residential, M – Multi-family, C – Commercial and T – Tourist in Larimer County; and
- S: AP – Airport in Larimer County.

Findings

In evaluating the proposal for the Fossil Creek Reservoir Open Space Annexation and Zoning, staff makes the following findings of fact:

1. The annexation of this area is consistent with the policies and agreements between Larimer County and the City of Fort Collins contained in the Intergovernmental Agreement.
2. The area meets the eligibility requirements included in State law to qualify for a voluntary annexation to the City of Fort Collins.
3. The requested Zone District, POB - Public Open Lands, in conformance with the City's Comprehensive Plan and City Structure Plan Map.
4. On April 15, 2008, the City Council adopted a resolution determining the annexation process for this property that includes a public hearing regarding the readings of the Ordinances annexing and zoning the area.

ATTACHMENTS

1. Vicinity Map.
2. City Boundary and Proposed Zoning.
3. Growth Management Area.
4. Structure Plan.

COPY

COPY

ORDINANCE NO. 054, 2008
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ANNEXING PROPERTY KNOWN AS THE
FOSSIL CREEK RESERVOIR OPEN SPACE ANNEXATION
TO THE CITY OF FORT COLLINS, COLORADO

WHEREAS, Resolution 2008-037, finding substantial compliance and initiating annexation proceedings, has heretofore been adopted by the Council of the City of Fort Collins; and

WHEREAS, the Council does hereby find and determine that it is in the best interests of the City to annex said area to the City.

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

Section 1. That the following described property, to wit:

A tract of land located in Sections 15, 16, 17, 20, 21, and 22 all in Township 6 North, Range 68 West of the Sixth Principal Meridian, Larimer County, Colorado, more particularly described as follows;

Considering the north line of the northeast quarter of the said Section 21 as bearing North 86 degrees 38 minutes 47 seconds West between a 3.25" Aluminum Cap monument at the northeast corner of Section 21 and a 3.25" Aluminum Cap monument at the north quarter corner of Section 21, based upon GPS observation and the City of Fort Collins coordinate base, and with all bearings contained herein relative thereto;

Commencing at the said northeast corner of Section 21;

THENCE along the east line of the said northeast quarter of Section 21, South 00 degrees 29 minutes 35 seconds West for a distance of 57.23 feet to the south line of that certain tract of land described in a Deed of Dedication recorded July 9, 1992 at Reception NO. 92039354 records of the Clerk and Recorder of the said Larimer County, and to the TRUE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE continuing along the said east line of the northeast quarter, South 00 degrees 29 minutes 35 seconds West for a distance of 0.28 feet to the existing south right of way of Carpenter Road as dedicated by the Plat of Fossil Creek Farm M.L.D. No. 00-S1539;

THENCE along the said existing south right of way, North 89 degrees 41 minutes 04 seconds East for a distance of 59.91 feet (previously recorded as 60.00 feet) to the west line of that certain tract of land as described in a Deed of Dedication recorded August 13, 1992 at Reception No. 92049221 records of the said Clerk and Recorder;

THENCE along the said west line, South 00 degrees 35 minutes 27 seconds West for a distance of 1.36 feet to the south line of the said tract described at Reception No. 92049221;

THENCE along the said south line, along a non-tangent curve to the left having a radius of 5790.00 feet a central angle of 01 degrees 10 minutes 55 seconds and an arc length of 119.43 feet, being subtended by a chord of South 89 degrees 37 minutes 47 seconds East for a distance of 119.43 feet;

THENCE continuing along the said south line, North 89 degrees 46 minutes 48 seconds East for a distance of 1264.10 feet to the west line of the existing State Highway (I-25) right of way;

THENCE along the said State Highway right of way the following three (3) courses and distances, (1) North 81 degrees 14 minutes 44 seconds West for a distance of 170.44 feet;

(2) North 00 degrees 08 minutes 51 seconds West for a distance of 35.53 feet;

(3) North 89 degrees 41 minutes 04 seconds East for a distance of 51.27 feet;

THENCE continuing along the said State Highway right of way, and along the westerly line of that certain tract of land described in a Special Warranty Deed recorded December 28, 2005 at Reception No. 20050110472 records of the said Clerk and Recorder, North 00 degrees 34 minutes 46 seconds East for a distance of 204.22 feet to the southerly line of the Fossil Creek Reservoir as shown on a Survey Plat by James H. Stewart, PLS dated January 29, 1975;

THENCE along the said southerly line the following 29 courses and distances, (1) North 61 degrees 32 minutes 14 seconds West for a distance of 437.39 feet;

(2) North 45 degrees 29 minutes 14 seconds West for a distance of 490.00 feet;

(3) North 56 degrees 50 minutes 14 seconds West for a distance of 405.00 feet;

(4) North 43 degrees 10 minutes 14 seconds West for a distance of 355.00 feet to the east line of the said Section 16 Township 6 North Range 68 West;

(5) along the said east line, North 00 degrees 32 minutes 46 seconds East for a distance of 5.34 feet;

(6) North 44 degrees 25 minutes 14 seconds West for a distance of 653.21 feet;

(7) North 01 degrees 58 minutes 29 seconds West for a distance of 604.02 feet;

(8) North 45 degrees 06 minutes 29 seconds West for a distance of 246.58 feet;

(9) North 71 degrees 32 minutes 44 seconds West for a distance of 328.65 feet;

(10) South 63 degrees 24 minutes 46 seconds West for a distance of 195.40 feet;

(11) South 77 degrees 28 minutes 01 seconds West for a distance of 301.55 feet;

(12) South 67 degrees 12 minutes 31 seconds West for a distance of 373.70 feet;

(13) South 89 degrees 10 minutes 46 seconds West for a distance of 382.55 feet;

(14) South 09 degrees 11 minutes 31 seconds West for a distance of 430.50 feet;

(15) South 86 degrees 38 minutes 31 seconds West for a distance of 601.85 feet;

(16) South 71 degrees 48 minutes 01 seconds West for a distance of 205.40 feet;

(17) North 76 degrees 24 minutes 29 seconds West for a distance of 243.00 feet;

(18) North 65 degrees 11 minutes 44 seconds West for a distance of 374.20 feet;

(19) North 56 degrees 57 minutes 59 seconds West for a distance of 369.25 feet;

(20) South 33 degrees 40 minutes 46 seconds West for a distance of 405.60 feet;

(21) South 87 degrees 20 minutes 16 seconds West for a distance of 384.40 feet;

(22)North 69 degrees 58 minutes 44 seconds West for a distance of 407.00 feet;
(23)North 62 degrees 09 minutes 59 seconds West for a distance of 284.51 feet;
(24)North 80 degrees 25 minutes 14 seconds West for a distance of 137.89 feet
(previously recorded as 138.93 feet) to the west line of the said Section 16;
(25)along the said west line and continuing along the said southerly line of the Fossil
Creek Reservoir, North 00 degrees 31 minutes 41 seconds East for a distance of
19.77 feet (previously recorded as 19.60 feet);
(26)North 88 degrees 45 minutes 41 seconds West for a distance of 506.08 feet
(previously recorded as 505.00 feet);
(27)North 80 degrees 19 minutes 14 seconds West for a distance of 465.00 feet;
(28)South 81 degrees 33 minutes 46 seconds West for a distance of 377.00 feet;
(29)North 78 degrees 37 minutes 14 seconds West for a distance of 434.00 feet to the
westerly line of that certain tract of land as described in a Public Trustee's Deed
recorded December 27, 1990 at Reception No. 90060837 records of the said Clerk
and Recorder;
THENCE leaving the said southerly line of the Fossil Creek Reservoir and along the
said westerly line as recorded at Reception No. 90060837 and its southerly extension,
South 00 degrees 43 minutes 55 seconds West for a distance of 1171.28 feet to the
southerly Right of Way of Carpenter Road as described in a Warranty Deed recorded
January 27, 1999 at Reception No. 99007575 records of the said Clerk and Recorder;
THENCE along the said southerly Right of Way, South 49 degrees 04 minutes 18
seconds East for a distance of 1249.46 feet to the said southerly Right of Way of
Carpenter Road as shown on the Plat of Fossil Lake PUD First Filing South Property,
being a line which is 30.00 feet south of and parallel with the north line of the
northeast quarter of the said Section 20;
THENCE continuing along the said southerly Right of Way, North 89 degrees 45
minutes 50 seconds East for a distance of 815.95 feet;
THENCE continuing along the said southerly Right of Way, being a line which is
30.00 feet south of and parallel with the north line of the northwest quarter of the said
Section 21, South 86 degrees 41 minutes 40 seconds East for a distance of 2652.67
feet to the west line of that certain tract of land described in a Deed of Dedication
recorded July 9, 1992 at Reception NO. 92039354 records of the said Clerk and
Recorder;
THENCE along the said west line, South 00 degrees 33 minutes 06 seconds West for
a distance of 30.04 feet to the south line of the said tract described at Reception NO.
92039354;
THENCE along the said south line and along the south line of that certain tract of
land described in a Deed of Dedication recorded July 16, 1992 at Reception NO.
92041166 records of the said Clerk and Recorder, South 86 degrees 38 minutes 47
seconds East for a distance of 1811.73 feet to the east line of the said tract described
at Reception NO. 92041166;
THENCE along the said east line, North 03 degrees 21 minutes 13 seconds East for
a distance of 30.00 feet;
THENCE continuing along the said south Right of Way line, being a line which is
30.00 feet south of and parallel with the north line of the northeast quarter of the said

Section 21, South 86 degrees 38 minutes 47 seconds East for a distance of 215.00 feet to the west line of the said tract described at Reception NO. 92041166; THENCE along the west and south lines of the said tract described at Reception NO. 92041166 the following three (3) courses and distances, (1) South 03 degrees 21 minutes 13 seconds West for a distance of 15.00 feet; (2) South 86 degrees 38 minutes 47 seconds East for a distance of 50.00 feet; (3) South 03 degrees 21 minutes 13 seconds West for a distance of 15.00 feet; THENCE continuing along the said south line and along the said south line of the tract described at Reception No. 92039354, South 86 degrees 38 minutes 47 seconds East for a distance of 393.17 feet; THENCE continuing along the said south line as described at Reception No. 92039354, along a curve to the left having a radius of 5790.00 feet a central angle of 01 degrees 47 minutes 39 seconds and an arc length of 181.30 feet, being subtended by a chord of South 87 degrees 32 minutes 36 seconds East for a distance of 181.29 feet to the Point of Beginning; Containing 326.319 acres more or less.

TOGETHER WITH:

With the above described basis of bearings;

Commencing at the southeast corner of the said Section 16; THENCE along the east line of the said Section 16, as shown on the said Survey Plat of Fossil Creek Reservoir, North 00 degrees 32 minutes 46 seconds East for a distance of 3248.48 to the said southerly line of the Fossil Creek Reservoir, and to the TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE continuing along the said east line of Section 16, North 00 degrees 32 minutes 46 seconds East for a distance of 329.62 to the said southerly line of the Fossil Creek Reservoir; THENCE along the said southerly line the following five (5) courses and distances, (1) North 85 degrees 35 minutes 14 seconds West for a distance of 123.42; (2) South 61 degrees 42 minutes 01 seconds West for a distance of 290.00; (3) South 65 degrees 12 minutes 01 seconds West for a distance of 224.50; (4) South 82 degrees 31 minutes 29 seconds East for a distance of 279.11; (5) South 76 degrees 45 minutes 29 seconds East for a distance of 310.57 to the point of beginning. Containing 2.426 acres more or less.

The above described annexation contains a total of 328.745 acres more or less

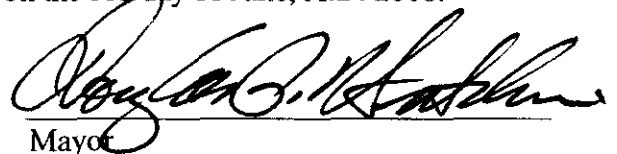
is hereby annexed to the City of Fort Collins and made a part of said City, to be known as the Fossil Creek Reservoir Open Space Annexation, which annexation shall become effective in accordance with the provisions contained in Section 31-12-113, C.R.S., including, without limitation, all required filings for recording with the Larimer County Clerk and Recorder.

Section 2. That, in annexing said property to the City, the City does not assume any obligation respecting the construction of water mains, sewer lines, gas mains, electric service lines,

streets or any other services or utilities in connection with the property hereby annexed except as may be provided by the ordinances of the City.


Section 3. That the City hereby consents, pursuant to Section 37-45-136(3.6), C.R.S., to the inclusion of said property into the Municipal Subdistrict, Northern Colorado Water Conservancy District.

Introduced, considered favorably on first reading, and ordered published this 20th day of May, A.D. 2008, and to be presented for final passage on the 3rd day of June, A.D. 2008.



Mayor

ATTEST:



City Clerk / Chief Deputy

Passed and adopted on final reading on the 3rd day of June, A.D. 2008.

Mayor

ATTEST:

City Clerk

ORDINANCE NO. 055, 2008
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE ZONING MAP OF THE CITY OF FORT COLLINS
AND CLASSIFYING FOR ZONING PURPOSES THE PROPERTY INCLUDED
IN THE FOSSIL CREEK RESERVOIR OPEN SPACE ANNEXATION TO THE
CITY OF FORT COLLINS, COLORADO

WHEREAS, Division 1.3 of the Land Use Code of the City of Fort Collins establishes the Zoning Map and Zone Districts of the City; and

WHEREAS, Division 2.9 of the Land Use Code of the City of Fort Collins establishes procedures and criteria for reviewing the zoning of land; and

WHEREAS, in accordance with the foregoing, the Council has considered the zoning of the property which is the subject of this ordinance, and has determined that the said property should be zoned as hereafter provided.

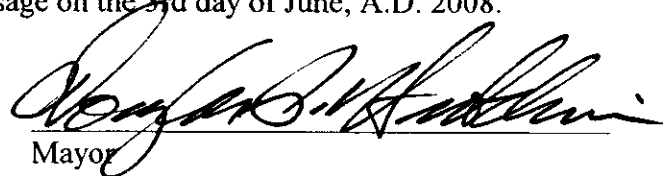
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the Zoning Map of the City of Fort Collins adopted pursuant to Section 1.3.2 of the Land Use Code of the City of Fort Collins is hereby changed and amended by including the property known as the Fossil Creek Reservoir Open Space Annexation to the City of Fort Collins, Colorado, in the Public Open Lands ("POL") Zone District, which property is more particularly described as situate in the County of Larimer, State of Colorado, to wit:


Section 2. That the Sign District Map adopted pursuant to Section 3.8.7(E) of the Land Use Code of the City of Fort Collins is hereby changed and amended by showing that the above-described property is not included in the Residential Neighborhood Sign District.

Section 3. That the City Manager is hereby authorized and directed to amend said Zoning Map in accordance with this Ordinance.

Introduced, considered favorably on first reading, and ordered published this 20th day of May, A.D. 2008, and to be presented for final passage on the 3rd day of June, A.D. 2008.


Mayor

ATTEST:


City Clerk / Chief Deputy

Passed and adopted on final reading this 3rd day of June, A.D. 2008.

Mayor

ATTEST:

City Clerk