

# AGENDA ITEM SUMMARY

## FORT COLLINS CITY COUNCIL

ITEM NUMBER: 20

DATE: June 3, 2008

STAFF: Chip Steiner  
Matt Robenalt

### SUBJECT

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First Reading of Ordinance No. 067, 2008, Expanding the Boundaries of the Fort Collins Downtown Development Authority (DDA) and Amending the Plan of Development of the Authority.

### RECOMMENDATION

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Staff recommends adoption of the Ordinance on First Reading.

At its regular meeting on May 8, 2008, the Downtown Development Authority Board of Directors voted unanimously to recommend City Council inclusion of the property located at 800 East Lincoln Avenue (Odell Brewing Company) into the DDA boundary area.

### FINANCIAL IMPACT

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The petition is a voluntary request by Odell Brewing Company (Petitioner), and the Petitioner understands that upon inclusion into the DDA boundary the Petitioner's property will be subject to an increase of 5 mills to the current area rate of 86.72, for a total of 91.72 mills.

The annual net fiscal impact to the DDA is positive and will result in approximately \$3,600 in new operating revenue from the 5 mill levy. There is no fiscal impact, negative or positive, to the City resulting from the specific action to include this property in the DDA boundary.

Tax increment revenues will not be generated unless and/or until taxable improvements are made to the property.

### EXECUTIVE SUMMARY

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This annexation would change the boundaries of the DDA District and amend the Plan of Development of the Authority to include the property located at 800 East Lincoln Avenue, owned by Odell Brewing Company.

### BACKGROUND

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This petition is a voluntary request by Odell Brewing Company, owner of the property at 800 East Lincoln Avenue, and is authorized under Section 31-25-822 of the Colorado Revised Statutes, as amended. The criteria for inclusion of additional property into the DDA boundary area pursuant to

Section 31-25-822 have been reviewed by DDA legal counsel, and adjacency to the existing DDA boundary and evidence of ownership of the property has been documented.

Odell Brewing Company intends to expand its brewing facility at some point in the relative near future. The DDA anticipates a proposal from Odell's for use of tax increment funds in its project, but at this time no formal request has been submitted to the DDA for consideration.

This inclusion of property resulting in a boundary line adjustment will effectively amend the DDA's Plan of Development.

## **ATTACHMENTS**

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1. Resolution 2008-05 of the Board of Directors of the Fort Collins Downtown Development Authority. (Location Map and Petition provided as Exhibits to the Resolution)

**RESOLUTION 2008-05  
OF THE BOARD OF DIRECTORS OF THE FORT COLLINS,  
COLORADO DOWNTOWN DEVELOPMENT AUTHORITY  
RECOMMENDING TO THE FORT COLLINS CITY COUNCIL  
THAT THE BOUNDARIES OF THE DOWNTOWN  
DEVELOPMENT AUTHORITY BE AMENDED TO  
INCLUDE THE PROPERTY DESCRIBED HEREIN**

WHEREAS, on April 21, 1981, the City Council of the City of Fort Collins, Colorado ("City Council") adopted Ordinance No. 046, 1981, creating The Fort Collins, Colorado Downtown Development Authority (the "Authority") and establishing the boundaries of the Downtown Development District (the "District"); and

WHEREAS, Section 31-25-822, C.R.S., as amended, allows for the inclusion of additional property in the boundaries of the District subject to the receipt of a satisfactory petition therefor from the owner in fee and approval by the Board of Directors of the Authority ("Board") and the City Council; and

WHEREAS, the Board has received a petition to include the described following property within the boundaries of the District from the fee owner thereof, Odell Investments, LLC:

Lots 1 & 2, Odell Brewing Company, City of Fort Collins, County of Larimer, State of Colorado

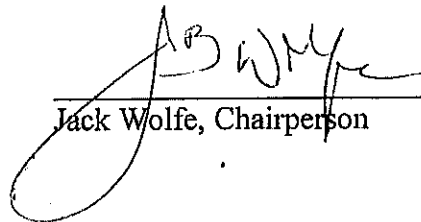
A tract of land situated in the NE  $\frac{1}{4}$  of Section 12, Township 7 North, Range 69 West of the 6<sup>th</sup> P.M., more particularly described as follows: Commencing at a point which bears North 89 degrees 07 minutes West 1342 feet and again North 00 degrees 53 minutes East 70.0 feet from the East  $\frac{1}{4}$  corner of Section 12;  
thence North 00 degrees 53 minutes East 341.40 feet;  
thence South 89 degrees 16 minutes West 518.13 feet;  
thence South 00 degrees 53 minutes West 178.0 feet;  
thence South 89 degrees 07 minutes East 52.0 feet;  
thence South 00 degrees 53 minutes West 151.8 feet;  
thence South 89 degrees 07 minutes East 466.0 feet to the Point of beginning;

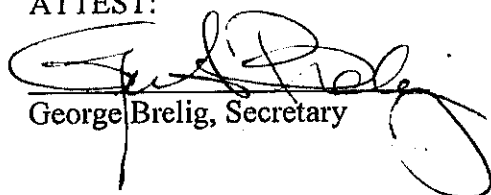
WHEREAS, a copy of the Petition for Inclusion of Property submitted by Odell Investments, LLC and a map depicting the Property are attached hereto as Exhibits "A" and "B", respectively, and are incorporated herein by this reference; and

WHEREAS, the Board has duly considered the Petition for Inclusion of Property and found it to meet the requirements of Section 31-25-822, C.R.S., as amended.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE FORT COLLINS, COLORADO DOWNTOWN DEVELOPMENT AUTHORITY, that it is hereby recommended to the City Council of the City of Fort Collins that it approve the inclusion of the Property described herein within the boundaries of the District.

Passed and adopted at a regular meeting of the Board of Directors of The Fort Collins, Colorado Downtown Development Authority this 8<sup>th</sup> day of May, 2008.

  
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Jack Wolfe, Chairperson

ATTEST:  
  
\_\_\_\_\_  
George Breilig, Secretary



  
**ODELL BREWING CO**  
 FORT COLLINS, COLORADO

**EXHIBIT "A"**  
 To Resolution 2008-05  
 Petition

Chip Steiner  
 Downtown Development Association  
 19 Old Town Square  
 Fort Collins, CO 80524

April 24, 2008

Dear Mr. Steiner:

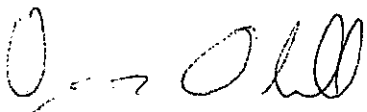
Odell Investments, LLC, a Colorado Limited Liability Company would like to petition the DDA for inclusion of the following described property into the Downtown Development Authority district boundaries:

Lots 1 & 2, Odell Brewing Company, City of Fort Collins, County of Larimer, State of Colorado

A tract of land situated in the NE ¼ of Section 12, Township 7 North, Range 69 West of the 6<sup>th</sup> P.M., more particularly described as follows: Commencing at a point which bears North 89 degrees 07 minutes West 1342 feet and again North 00 degrees 53 minutes East 70.0 feet from the East ¼ corner of said Section 12;  
 thence North 00 degrees 53 minutes East 341.40 feet;  
 thence South 89 degrees 16 minutes West 518.13 feet;  
 thence South 00 degrees 53 minutes West 178.0 feet;  
 thence South 89 degrees 07 minutes East 52.0 feet;  
 thence South 00 degrees 53 minutes West 151.8 feet;  
 thence South 89 degrees 07 minutes East 466.0 feet to the Point of the beginning.

The property described above is owned by Odell Investments, LLC. I previously submitted a copy of the LLC's Operating Agreement. Please let me know if any other information is required.

Thank you for your consideration.

  
 Wynne Odell, Manager

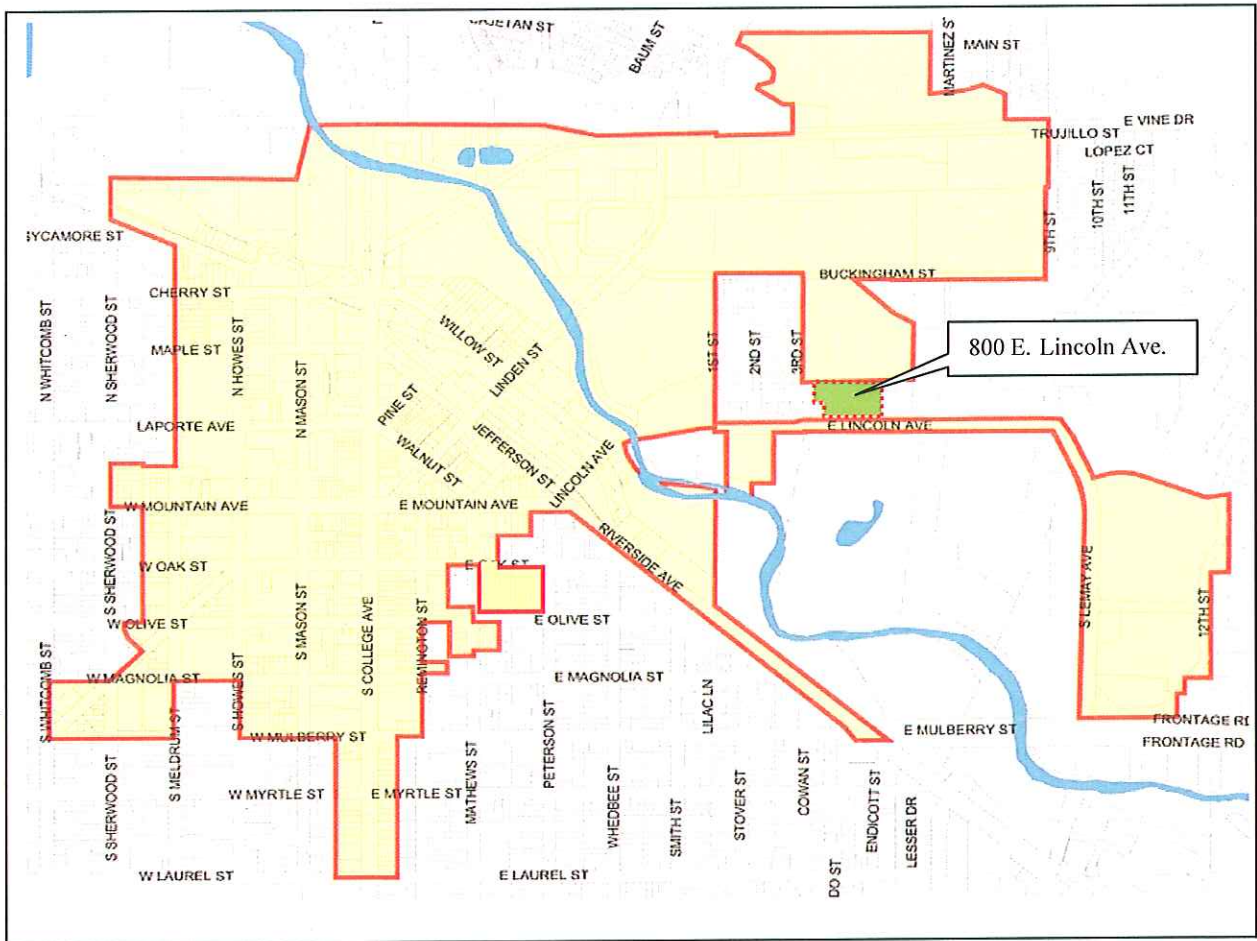
Odell Investments, LLC  
 800 East Lincoln Avenue  
 Fort Collins, CO 80524  
 970/498-9070

wynne@odellbrewing.com


800 E. LINCOLN AVE., FORT COLLINS, CO 80524  
 (970) 498-9070 Fax (970) 498-0706 www.odellbrewing.com

**EXHIBIT "B"**  
To Resolution 2008-05

**LOCATION MAP**  
(4/29/08)



 Existing DDA Boundary Area

 Proposed annexation

ORDINANCE NO. 067, 2008  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
EXPANDING THE BOUNDARIES OF THE FORT COLLINS,  
COLORADO DOWNTOWN DEVELOPMENT AUTHORITY  
AND AMENDING THE PLAN OF DEVELOPMENT OF THE AUTHORITY

WHEREAS, on April 21, 1981, the City Council of the City of Fort Collins, Colorado (“City Council”) adopted Ordinance No. 046, 1981, creating a Downtown Development Authority (the “Authority”) and establishing the boundaries of the Downtown Development District (the “District”); and

WHEREAS, on September 8, 1981, by Resolution 1981-129, the City Council approved the Fort Collins Downtown Development Authority Plan of Development (the “Plan of Development”), which also describes the boundaries of the District; and

WHEREAS, pursuant to Section 31-25-822, C.R.S., subsequent to the organization of a downtown development authority, additional property may be included in the district of the authority, pursuant to a petition signed by the owner or owners in fee of each parcel of land sought to be included; and

WHEREAS, if the board of directors of the authority approves said application, the board of directors is to then submit the application to the governing body of the municipality in which the district is contained and, if the governing body also approves the application, it is to amend the ordinance creating the authority so as to include the additional property as described in the petition; and

WHEREAS, the City Council has, on nine previous occasions, amended Ordinance No. 046, 1981, by the adoption of the following ordinances: Ordinance No. 162, 1981; Ordinance No. 002, 1982; Ordinance No. 002, 1993; Ordinance No. 199, 1998; Ordinance No. 148, 2000; Ordinance No. 038, 2004; Ordinance No. 067, 2004; Ordinance No. 099, 2005; and Ordinance No. 035, 2008 (the “Amending Ordinances”); and

WHEREAS, the Board of Directors of the Authority (the “Board”) has received a petition to include the following property in the boundaries of the District from the fee owner thereof, Odell Investments, LLC:

Lots 1 & 2, Odell Brewing Company, City of Fort Collins, County of Larimer, State of Colorado

A tract of land situated in the NE ¼ of Section 12, Township 7 North, Range 69 West of the 6<sup>th</sup> P.M., more particularly described as follows: Commencing at a point which bears North 89 degrees 07 minutes West 1342 feet and again North 00 degrees 53 minutes East 70.0 feet from the East ¼ corner of Section 12;  
thence North 00 degrees 53 minutes East 341.40 feet;  
thence South 89 degrees 16 minutes West 518.13 feet;

thence South 00 degrees 53 minutes West 178.0 feet;  
thence South 89 degrees 07 minutes East 52.0 feet;  
thence South 00 degrees 53 minutes West 151.8 feet;  
thence South 89 degrees 07 minutes East 466.0 feet to the Point of beginning,

which property is described on Exhibit "A" attached hereto and incorporated herein by this reference (the "Property") and includes the Odell's Brewery; and

WHEREAS, the Board has determined that the addition of the Property would further the objectives and purposes of the District as contained in the Plan of Development and has, by Resolution 2008-05, recommended approval of said annexation petition by the City Council.

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

Section 1. That the City Council hereby approves the inclusion of the following property into the boundaries of the District and finds that such inclusion is in the best interests of the City and will not substantially modify the Plan of Development:

Lots 1 & 2, Odell Brewing Company, City of Fort Collins, County of Larimer, State of Colorado

A tract of land situated in the NE ¼ of Section 12, Township 7 North, Range 69 West of the 6<sup>th</sup> P.M., more particularly described as follows: Commencing at a point which bears North 89 degrees 07 minutes West 1342 feet and again North 00 degrees 53 minutes East 70.0 feet from the East ¼ corner of Section 12;  
thence North 00 degrees 53 minutes East 341.40 feet;  
thence South 89 degrees 16 minutes West 518.13 feet;  
thence South 00 degrees 53 minutes West 178.0 feet;  
thence South 89 degrees 07 minutes East 52.0 feet;  
thence South 00 degrees 53 minutes West 151.8 feet;  
thence South 89 degrees 07 minutes East 466.0 feet to the Point of beginning.

Section 2. That Section 3 of Ordinance No. 046, 1981 (as amended by the Amending Ordinances) be, and hereby is, further amended by deleting the legal description contained therein, which description establishes the boundaries of the District, and by substituting the following therefor:

BEGINNING AT THE CENTER OF INTERSECTION OF COLLEGE AVENUE AND LAUREL STREET; THENCE WESTERLY TO THE INTERSECTION OF THE CENTERLINE OF LAUREL STREET WITH THE CENTERLINE OF THE ALLEY IN BLOCK L16 EXTENDED; THENCE NORTHERLY ALONG THE CENTERLINE OF THE ALLEYS IN BLOCKS 116 AND 115 TO THE CENTER OF MULBERRY STREET; THENCE WESTERLY ALONG SAID CENTERLINE TO THE INTERSECTION OF MULBERRY STREET AND HOWES STREET; THENCE NORTHERLY TO THE INTERSECTION OF HOWES STREET AND MAGNOLIA STREET; THENCE WESTERLY ALONG SAID CENTERLINE TO THE



INTERSECTION OF MAGNOLIA STREET AND MELDRUM STREET; THENCE SOUTHERLY ALONG SAID CENTERLINE TO THE INTERSECTION OF MELDRUM STREET AND MULBERRY STREET; THENCE WESTERLY ALONG SAID CENTERLINE TO THE INTERSECTION OF MULBERRY STREET AND WHITCOMB STREET; THENCE NORTHERLY ALONG SAID CENTERLINE TO THE INTERSECTION OF WHITCOMB STREET AND MAGNOLIA STREET; THENCE EASTERLY ALONG SAID CENTERLINE TO THE INTERSECTION OF MAGNOLIA STREET, SHERWOOD STREET, AND CANYON AVENUE; THENCE NORTHEASTERLY ALONG THE CENTERLINE OF CANYON AVENUE TO THE INTERSECTION OF SAID CENTERLINE AND THE LOT LINE BETWEEN LOT 5 AND LOT 6 OF BLOCK 83 EXTENDED; THENCE NORTHWESTERLY ALONG SAID LOT LINE 123.1 FEET; THENCE NORTHWESTERLY 86 FEET TO A POINT 50 FEET EASTERLY FROM THE NORTHWEST CORNER OF BLOCK 83; THENCE NORTHERLY 50 FEET TO THE CENTERLINE OF OLIVE STREET; THENCE EASTERLY TO THE INTERSECTION OF THE CENTERLINE OF OLIVE STREET, AND THE EXTENSION OF CENTERLINE OF ALLEY IN BLOCK 82; THENCE NORTHERLY ALONG ALLEY CENTERLINES THROUGH BLOCKS 82, 81, TO THE CENTERLINE OF MOUNTAIN AVENUE; THENCE WESTERLY ALONG SAID CENTERLINE TO THE INTERSECTION OF SAID CENTERLINE AND CENTERLINE OF SHERWOOD STREET; THENCE NORTHERLY ALONG SAID CENTERLINE TO THE INTERSECTION OF A LINE 1-1/2 FEET NORTH OF THE NORTH LINE OF LOT 14, BLOCK 51 AND THE CENTERLINE OF SHERWOOD STREET; THENCE EASTERLY ALONG THE SAID LINE 1-1/2 FEET NORTH OF SAID LOT 14 TO THE CENTERLINE OF THE NORTH-SOUTH ALLEY IN BLOCK 51; THENCE SOUTHERLY TO THE INTERSECTION OF ALLEY CENTERLINE AND NORTH LOT LINE OF LOT 5, BLOCK 51 EXTENDED; THENCE EASTERLY ALONG SAID LOT LINE TO THE CENTERLINE OF MELDRUM STREET; THENCE NORTHERLY ALONG SAID CENTERLINE TO THE SOUTHERLY RIGHT-OF-WAY LINE OF THE COLORADO AND SOUTHERN RAILROAD; THENCE NORTHWESTERLY, ALONG SAID RIGHT-OF-WAY LINE, TO THE CENTERLINE OF SHERWOOD STREET; THENCE NORTHERLY ON SAID CENTERLINE TO THE INTERSECTION OF ELM STREET AND SHERWOOD STREET; THENCE EASTERLY ALONG THE NORTH LINE OF BLOCKS 55, 45, AND 35 TO THE NORTHEAST CORNER OF BLOCK 35; THENCE NORTHERLY TO THE NORTHWEST CORNER OF BLOCK 26; THENCE EASTERLY ALONG THE NORTH LINE OF BLOCK 26, TO THE CENTERLINE OF COLLEGE AVENUE; THENCE CONTINUING EASTERLY ALONG THE CENTERLINE OF VINE DRIVE TO A POINT ON THE EAST LINE OF THE WEST 1/2 OF SECTION 12; THENCE NORTHERLY TO THE NORTH 1/4 CORNER OF SECTION 12, T7N, R69W OF THE SIXTH P.M.; THENCE (CONSIDERING THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 1 AS BEARING S89°58'19"E AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO) SOUTHERLY ALONG THE EAST LINE OF THE WEST 1/2 OF SAID SECTION 12, S00°07'56"W 46.77 FEET TO A POINT ON THE EXISTING NORTH RIGHT-OF-WAY LINE OF EAST VINE DRIVE; THENCE ALONG SAID EXISTING NORTH RIGHT-OF-WAY LINE, N88°18'14"E 602.54 FEET TO THE SOUTHEAST CORNER OF LOT 1, LARIMER COUNTY SHOPS MINOR SUBDIVISION; THENCE ALONG THE EASTERLY LINE OF SAID LARIMER COUNTY SHOPS MINOR SUBDIVISION, N01°16'55"W 208.11 FEET, AND AGAIN S85°23'42"W 65.98 FEET, AND AGAIN N55°34'00"W 253.90 FEET, AND AGAIN N18°51'00"E 34.17 FEET, AND AGAIN N73°33'44"E 105.85 FEET, AND AGAIN N12°50'18"E 71.56 FEET, AND AGAIN N10°20'00"W 42.66 FEET, AND AGAIN N41°50'00"W 84.01 FEET, AND AGAIN

N51°15'00"W 193.28 FEET, AND AGAIN N67°26'23"W 74.87 FEET; THENCE N18°50'30"E 108.60 FEET; THENCE N89°59'13"E 1484.20 FEET TO A POINT ON THE WEST LINE OF ALTA VISTA SUBDIVISION; THENCE ALONG SAID WEST LINE, S00°00'00"E 533.86 FEET TO THE SOUTHWEST CORNER OF SAID ALTA VISTA SUBDIVISION; THENCE ALONG THE SOUTH LINE OF SAID ALTA VISTA SUBDIVISION, N86°47'41"E 140.22 FEET, AND AGAIN N80°04'26"E 40.61 FEET, AND AGAIN N87°42'34"E 125.10 FEET, AND AGAIN N70°02'35"E 120.45 FEET TO A POINT ON THE EXISTING WESTERLY RIGHT-OF-WAY OF ALTA VISTA STREET AS RECORDED IN THE LARIMER COUNTY RECORDS IN BOOK 2024 AT PAGE 845; THENCE ALONG SAID EXISTING WESTERLY RIGHT-OF-WAY LINE, S67°39'55"E 180.15 FEET, AND AGAIN S00°01'55"E 244.97 FEET TO A POINT ON THE EXISTING NORTH RIGHT-OF-WAY LINE OF EAST VINE DRIVE; THENCE ALONG SAID EXISTING NORTH RIGHT-OF-WAY LINE, N88°18'14"E 341.16 FEET TO A POINT ON THE EXISTING WEST RIGHT-OF-WAY LINE OF NORTH LEMAY AVENUE; THENCE ALONG SAID EXISTING WEST RIGHT-OF-WAY LINE, S00°01'59"E 581.65 FEET TO THE SOUTHEAST CORNER OF TRACT A, EAST VINE STREETS FACILITY P.U.D.; THENCE ALONG THE SOUTH LINE OF SAID EAST VINE STREETS FACILITY P.U.D., S88°18'24"W 20.03 FEET TO THE NORTHEAST CORNER OF LOT 2, NEW BELGIUM BREWERY THIRD FILING; THENCE ALONG THE EAST LINE OF SAID LOT 2, S00°01'59"E 805.42 FEET TO A POINT ON THE EXISTING SOUTH RIGHT-OF-WAY LINE OF BUCKINGHAM STREET; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE, S89°57'49"W 1197.65 FEET TO THE NORTHWEST CORNER OF LOT 3, VANWORKS SUBDIVISION SECOND FILING; THENCE N00°01'59"W 7.00 FEET TO THE NORTHEAST CORNER OF LOT 23, REPLAT OF NORTH LEMAY SUBDIVISION, SECOND FILING; THENCE ALONG THE NORTH LINE OF SAID LOT 23, S89°57'49"W 304.16 FEET TO THE NORTHWEST CORNER OF SAID LOT 23; THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 23, S47°04'29"E 440.46 FEET; THENCE S60°41'59"E 173.90 FEET TO THE SOUTHEAST CORNER OF LOT 3, VANWORKS SUBDIVISION SECOND FILING; THENCE S00°44'01"W 493.72 FEET TO THE NORTHEAST CORNER OF LOT 2, PATRICK SUBDIVISION FIRST FILING; THENCE S88°37'01"W 875.04 FEET TO A POINT ON THE EXISTING EAST RIGHT-OF-WAY LINE OF THIRD STREET; THENCE ALONG SAID EXISTING EAST RIGHT-OF-WAY LINE, N00°03'59"W 896.57 FEET TO A POINT ON THE EXISTING SOUTH RIGHT-OF-WAY LINE OF BUCKINGHAM STREET; THENCE ALONG SAID EXISTING SOUTH RIGHT-OF-WAY LINE, S89°57'49"W 686.66 FEET TO A POINT ON THE EAST LINE OF THE WEST 1/2 OF SAID SECTION 12; THENCE SOUTHERLY ALONG THE EAST LINE OF THE WEST 1/2 OF SAID SECTION 12 TO THE WESTERLY PROLONGATION OF THE NORTH RIGHT OF WAY OF EAST LINCOLN AVENUE; THENCE ALONG THE SAID NORTH RIGHT OF WAY OF EAST LINCOLN AVENUE, EASTERLY TO THE SOUTHWEST CORNER OF LOT 2, ODELL BREWING COMPANY SUBDIVISION; THENCE NORTHERLY ALONG THE WEST LINE OF SAID LOT 2, TO THE NORTHWEST CORNER OF THE SAID LOT 2; THENCE ALONG THE NORTH LINE OF THE SAID LOT 2 AND ALONG THE NORTH LINE OF LOT 1, ODELL BREWING COMPANY SUBDIVISION, EASTERLY TO THE NORTHEAST CORNER OF THE SAID LOT 1; THENCE ALONG THE EAST LINE OF THE SAID LOT 1, SOUTHERLY TO THE SOUTHEAST CORNER OF THE SAID LOT 1 AND TO THE SAID NORTH RIGHT OF WAY OF EAST LINCOLN AVENUE; THENCE CONTINUING ALONG THE SAID NORTH RIGHT OF WAY OF EAST LINCOLN AVENUE, EASTERLY TO THE NORTHERLY PROLONGATION OF THE EASTERLY RIGHT OF WAY OF SOUTH LEMAY AVENUE;

THENCE ALONG THE SAID EASTERLY RIGHT OF WAY OF SOUTH LEMAY AVENUE, SOUTHERLY TO THE SOUTHWEST CORNER OF THE BUFFALO RUN APARTMENTS P.U.D.; THENCE (CONSIDERING THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 7, AS BEARING NORTH 00 DEGREES 34 MINUTES 55 SECONDS EAST AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO), RUNNING ALONG THE SOUTH LINE OF SAID BUFFALO RUN APARTMENTS P.U.D. THE NEXT FIVE (5) COURSES: 1) NORTH 72 DEGREES 53 MINUTES 48 SECONDS EAST, A DISTANCE OF 93.02 FEET; 2) ALONG THE ARC OF A 465.50 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 38 DEGREES 32 MINUTES 55 SECONDS, AN ARC DISTANCE OF 313.19 FEET HAVING A CHORD BEARING OF SOUTH 87 DEGREES 49 MINUTES 44 SECONDS EAST, A DISTANCE OF 307.32 FEET; 3) SOUTH 68 DEGREES 33 MINUTES 17 SECONDS EAST, A DISTANCE OF 498.09 FEET; 4) ALONG THE ARC OF A 134.50 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 34 DEGREES, 58 MINUTES 05 SECONDS; AN ARC DISTANCE OF 82.09 FEET, HAVING A CHORD BEARING OF SOUTH 86 DEGREES 02 MINUTES 19 SECONDS EAST, A DISTANCE OF 80.82 FEET; 5) NORTH 80 DEGREES 27 MINUTES 41 SECONDS EAST, ALONG SAID SOUTH LINE AND ITS EASTERLY EXTENSION, A DISTANCE OF 114.77 FEET TO THE WEST LINE OF THAT TRACT OF LAND DESCRIBED AT RECEPTION NO. 89022270; THENCE SOUTH 00 DEGREES 38 MINUTES 00 SECONDS WEST ALONG SAID WEST LINE A DISTANCE OF 679.49 FEET; THENCE SOUTH 89 DEGREES 23 MINUTES 00 SECONDS WEST A DISTANCE OF 120.53 FEET; THENCE SOUTH 00 DEGREES 24 MINUTES 00 SECONDS WEST A DISTANCE OF 921.52 FEET; THENCE NORTH 89 DEGREES 38 MINUTES 00 SECONDS WEST A DISTANCE OF 205.59 FEET; THENCE SOUTH 00 DEGREES 22 MINUTES 00 SECONDS WEST A DISTANCE OF 136.39 FEET; THENCE NORTH 89 DEGREES 38 MINUTES 00 SECONDS WEST A DISTANCE OF 60.00 FEET; THENCE SOUTH 00 DEGREES 22 MINUTES 00 SECONDS WEST, A DISTANCE OF 208.73 FEET TO A POINT ON THE NORTH LINE OF COLORADO HIGHWAY 14, AND A POINT ON A NON- TANGENT CURVE TO THE LEFT, THENCE RUNNING ALONG SAID NORTH LINE THE NEXT TWO (2) COURSES; 1) ALONG THE ARC OF A CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 00 DEGREES 04 MINUTES 18 SECONDS HAVING A RADIUS OF 11,585 FEET, AN ARC DISTANCE OF 14.48 FEET, A CHORD BEARING OF NORTH 89 DEGREES 33 MINUTES 00 SECONDS WEST, A DISTANCE OF 14.48 FEET; 2) NORTH 89 DEGREES 38 MINUTES 00 SECONDS WEST A DISTANCE OF 645.85 FEET TO THE INTERSECTION OF SAID NORTH LINE AND THE EAST RIGHT OF WAY LINE OF SOUTH LEMAY AVENUE; THENCE CONTINUING ALONG THE SAID NORTH RIGHT OF WAY OF EAST MULBERRY STREET, WESTERLY TO THE WESTERLY RIGHT OF WAY OF THE SAID SOUTH LEMAY AVENUE; THENCE ALONG THE SAID WESTERLY RIGHT OF WAY OF SOUTH LEMAY AVENUE, NORTHERLY TO THE SOUTH RIGHT OF WAY OF THE SAID EAST LINCOLN AVENUE; THENCE ALONG THE SAID SOUTH RIGHT OF WAY OF EAST LINCOLN AVENUE, WESTERLY TO THE EAST LINE OF THE PLAT OF IN-SITU SUBDIVISION AS RECORDED FEBRUARY 6, 2004 AT RECEPTION NO. 20040011665 RECORDS OF THE CLERK AND RECORDER OF LARIMER COUNTY; THENCE ALONG THE EAST LINE OF THE SAID IN-SITU SUBDIVISION SOUTHERLY, WESTERLY AND SOUTHERLY TO THE SOUTH LINE OF THE SAID IN-SITU SUBDIVISION; THENCE ALONG THE SOUTH LINE OF THE SAID IN-SITU SUBDIVISION TO THE WEST LINE OF THE SAID IN-SITU SUBDIVISION; THENCE ALONG THE SAID

WEST LINE OF THE IN-SITU SUBDIVISION, NORTHERLY TO THE SAID SOUTH RIGHT OF WAY OF EAST LINCOLN AVENUE; THENCE ALONG THE SAID SOUTH RIGHT OF WAY, WESTERLY TO THE SOUTHWESTERLY BANK OF THE CACHE LA POUFRE RIVER; THENCE ALONG THE SAID SOUTHWESTERLY BANK OF THE RIVER, SOUTHEASTERLY TO THE INTERSECTION WITH THE SAID EAST LINE OF WEST 1/2 OF SECTION 12; THENCE ALONG THE SAID EAST LINE OF THE WEST 1/2 OF SECTION 12, SOUTHERLY TO THE NORTHERLY RIGHT-OF-WAY OF RIVERSIDE AVENUE AS ORIGINALLY PLATTED; THENCE SOUTHEASTERLY ALONG SAID NORTHERLY RIGHT OF WAY, TO THE SOUTHERLY RIGHT-OF-WAY OF MULBERRY STREET; THENCE WESTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY TO THE WESTERLY RIGHT-OF-WAY OF RIVERSIDE AVENUE; THENCE NORTHWESTERLY ALONG SAID WESTERLY RIGHT-OF-WAY TO THE SOUTHERLY RIGHT-OF-WAY OF MOUNTAIN AVENUE; THENCE WESTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY TO THE PROPERTY LINE BETWEEN LOTS 3 AND 4 OF BLOCK 141; THENCE SOUTHERLY ALONG SAID LOT LINE TO THE CENTER OF THE ALLEY IN BLOCK 141; THENCE WESTERLY ALONG CENTER OF SAID ALLEY TO A POINT 20 FEET WEST OF THE NORTHEAST CORNER OF LOT 17, BLOCK 141; THENCE SOUTHERLY ALONG A LINE PARALLEL TO AND 20 FEET WESTERLY FROM THE EAST LINE OF SAID LOT 17, AND ITS SOUTHERLY EXTENSION, TO THE SOUTH RIGHT OF WAY OF EAST OAK STREET; THENCE EASTERLY ALONG THE SAID SOUTH RIGHT OF WAY TO THE WEST RIGHT OF WAY OF PETERSON STREET; THENCE SOUTHERLY ALONG THE SAID WEST RIGHT OF WAY TO THE NORTH RIGHT OF WAY OF EAST OLIVE STREET; THENCE WESTERLY ALONG THE SAID NORTH RIGHT OF WAY TO THE EAST RIGHT OF WAY OF MATHEWS STREET; THENCE NORTHERLY ALONG THE SAID EAST RIGHT OF WAY TO THE CENTERLINE OF EAST OAK STREET; THENCE WESTERLY ALONG THE CENTERLINE OF OAK STREET TO THE INTERSECTION OF SAID CENTERLINE AND THE EXTENSION OF THE CENTERLINE OF AN ALLEY IN BLOCK 132; THENCE SOUTHERLY ALONG THE CENTERLINE OF SAID ALLEY TO A POINT OPPOSITE THE NORTH LINE OF LOT 5; THENCE EASTERLY ALONG THE NORTH LINE OF LOT 5 TO THE CENTER OF MATHEWS STREET; THENCE SOUTHERLY ALONG THE CENTER OF MATHEWS STREET TO A POINT OPPOSITE THE SOUTH LINE OF LOT 5; THENCE WESTERLY ALONG THE SOUTH LINE OF LOT 5 TO THE CENTERLINE OF THE NORTH-SOUTH ALLEY IN BLOCK 132; THENCE SOUTHERLY ALONG SAID ALLEY TO A POINT 10 FEET SOUTH OF THE NORTHWEST CORNER OF LOT 2; THENCE EASTERLY AND PARALLEL TO THE NORTH LINE OF LOT 2 TO THE CENTERLINE OF MATHEWS STREET; THENCE SOUTHERLY ALONG THE CENTERLINE OF MATHEWS STREET TO THE CENTERLINE OF OLIVE STREET; THENCE EAST ALONG THE CENTERLINE TO A POINT OPPOSITE THE EAST LINE OF LOT 8, BLOCK 143; THENCE SOUTH TO THE CENTERLINE OF THE EAST WEST ALLEY IN BLOCK 143; THENCE WEST TO THE CENTERLINE OF MATHEWS STREET; THENCE SOUTH TO A POINT OPPOSITE THE SOUTH LINE OF LOT 4, BLOCK 133; THENCE WESTERLY ALONG THE SOUTH LINE OF LOT 4 TO THE CENTERLINE OF THE NORTH-SOUTH ALLEY IN BLOCK 133; THENCE NORTHERLY ALONG SAID ALLEY TO THE CENTERLINE OF EAST OLIVE STREET; THENCE WESTERLY TO THE INTERSECTION OF EAST OLIVE STREET AND REMINGTON STREET; THENCE SOUTHERLY ALONG SAID CENTERLINE TO A POINT OPPOSITE THE NORTH LINE OF LOT 15, BLOCK 133; THENCE EASTERLY ALONG THE NORTH LINE OF LOT 15 TO THE

CENTERLINE OF THE NORTH-SOUTH ALLEY IN BLOCK 133; THENCE SOUTHERLY ALONG SAID ALLEY TO THE CENTERLINE OF EAST MAGNOLIA STREET; THENCE WESTERLY TO THE INTERSECTION OF EAST MAGNOLIA STREET AND REMINGTON STREET; THENCE SOUTHERLY ALONG SAID CENTERLINE TO THE INTERSECTION OF REMINGTON STREET AND MULBERRY STREET; THENCE WESTERLY ALONG THE CENTERLINE OF MULBERRY STREET TO THE INTERSECTION OF THE EXTENSION OF THE CENTERLINE OF THE ALLEY IN BLOCK 125; THENCE SOUTHERLY ON CENTERLINES OF ALLEYS THROUGH BLOCKS 125 AND 126 TO THE CENTERLINE OF LAUREL STREET; THENCE WESTERLY ON SAID CENTERLINE TO THE POINT OF BEGINNING.

Section 3. That the Plan of Development is hereby amended by the City Council so as to delete the legal description for the Downtown Development Authority boundary contained on page 3 thereof, and to substitute therefor the legal description contained in Section 2 of this Ordinance.

Introduced, considered favorably on first reading, and ordered published this 3rd day of June, A.D. 2008, and to be presented for final passage on the 1st day of July, A.D. 2008.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading on the 1st day of July, A.D. 2008.

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Mayor

ATTEST:

\_\_\_\_\_  
City Clerk