

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 22

DATE: October 7, 2008

STAFF: Darin Atteberry

SUBJECT

Resolution 2008-091 Authorizing the Initiation of Exclusion Proceedings of Annexed Properties Within the Territory of the Poudre Valley Fire Protection District.

RECOMMENDATION

Staff recommends adoption of the Resolution.

EXECUTIVE SUMMARY

This resolution authorizes the City Attorney to file a Petition in Larimer County District Court to exclude properties annexed into the City in 2007 from the Poudre Valley Fire Protection District in accordance with state law and to allow for the provision of fire protection services to such properties by the Poudre Fire Authority.

BACKGROUND

State law (CRS § 32-1-502 et seq) requires that Council adopt a resolution agreeing to provide the fire service to the newly annexed areas that was previously provided by the Fire Protection District.

In 2007, the City annexed numerous areas within the territory of the Poudre Valley Fire Protection District, the legal descriptions of which are described in Exhibit "A" attached to the Resolution.

Prior to annexation, the residents within the properties described on Exhibit "A" have paid ad valorem property taxes to the Poudre Valley Fire Protection District for fire protection services. Subsequent to annexation, the annexed properties are subject to ad valorem property taxes to the City of Fort Collins for City services, including fire protection. From the date of such annexations, the City has provided municipal services to said properties, including police and fire services.

This Resolution sets forth the City's agreement to continue to provide fire protection services to the previously annexed properties and allows the City Attorney to begin the process for an order of exclusion.

RESOLUTION 2008-091
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE INITIATION OF EXCLUSION PROCEEDINGS
OF ANNEXED PROPERTIES WITHIN THE TERRITORY
OF THE POUFRE VALLEY FIRE PROTECTION DISTRICT

WHEREAS, in 2007, the City annexed numerous properties within the territory of the Poudre Valley Fire Protection District; and

WHEREAS, C.R.S. Section 32-1-502 requires an order of exclusion from the district court to remove annexed properties from special district territories; and

WHEREAS, under the provisions of C.R.S. Section 32-1-502(2)(a), any order excluding property from the boundaries of a special district requires the governing body of the annexing municipality to agree, by resolution, to provide the services previously provided by the special district to the area described in the petition for exclusion from and after the effective date of the exclusion order; and

WHEREAS, from the date of such annexations, the City has provided municipal services to said properties, including police and fire services; and

WHEREAS, the residents within the properties described on Exhibit "A" attached hereto and incorporated herein by this reference (the "Annexed Properties") have paid ad valorem property taxes to the Poudre Valley Fire Protection District for fire protection services prior to annexation and, subsequent to annexation, will instead pay ad valorem property taxes to the City of Fort Collins for city services, including fire protection; and

WHEREAS, it is the desire and intent of the City Council to reflect by this Resolution its willingness to provide fire protection services to the Annexed Properties and to exclude all such properties from the Poudre Valley Fire Protection District; and

WHEREAS, the City Council wishes to properly exclude the Annexed Properties from the Fire District in accordance with law and to allow for the provision of fire protection services to such properties by the Poudre Fire Authority, which is an independent entity providing fire protection services to both the Poudre Valley Fire Protection District and the City pursuant to an intergovernmental agreement.

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

Section 1. That the Council hereby agrees that the Annexed Properties should be excluded from the Poudre Valley Fire Protection District.

Section 2. That the Council hereby authorizes the City Attorney to file a petition in the Larimer County District Court pursuant to CRS Section 32-1-502 for an order to exclude the Annexed Properties, the boundaries of which are described on Exhibit "A".

Section 3. That the Council hereby agrees to provide fire protection service, through the Poudre Fire Authority, to the Annexed Properties.

Section 4. That the Council hereby finds that a plan for the disposition of assets or continuation of service is unnecessary as the Poudre Fire Authority has in the past served, and continues to serve, both the Poudre Valley Fire Protection District and the City.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 7th day of October A.D. 2008.

Mayor

ATTEST:

Chief Deputy City Clerk

EXHIBIT "A"

KINARD JUNIOR HIGH ANEXATION

KNOW ALL MEN BY THESE PRESENTS THAT POUUDRE SCHOOL DISTRICT, BEING THE OWNER OF THAT PART OF THE NORTHEAST 1/4 OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 68 WEST, LARIMER COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

CONSIDERING THE EAST LINE OF SAID NORTHEAST QUARTER OF SECTION 8 AS BEARING NORTH 00°00'02" EAST ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 8 BETWEEN A FOUND 3 1/4" ALUMINUM CAP, STAMPED "2001, JONES LS 22098" AT THE NORTHEAST CORNER OF SAID SECTION 8, AND A #6 REBAR WITH 3 1/4" ALUMINUM CAP STAMPED "2000, JONES LS 22098", AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 8, WITH ALL BEARINGS HEREIN RELATIVE THERETO.

COMMENCING AT THE NORTH 1/16 CORNER OF SAID SECTION 8 AND SECTION 9 TOWNSHIP 6 NORTH, RANGE 68 WEST; THENCE SOUTH 89°22'57" WEST ALONG THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 8, A DISTANCE OF 30.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF ZIEGLER ROAD (COUNTY ROAD 9), SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 8, SAID LINE ALSO BEING THE SOUTH LINE OF THE HOMESTEAD P.U.D., RECORDED WITH THE RECORDS OF LARIMER COUNTY AT RECEPTION NO. 93074452, SOUTH 89°22'57" WEST, A DISTANCE OF 503.80 FEET; THENCE 216.94 FEET ALONG A NONTANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 60.50 FEET AND AN INCLUDED ANGLE OF 205°26'53" SUBTENDED BY A CHORD BEARING SOUTH 89°22'57" WEST, A DISTANCE OF 118.03 FEET TO A POINT ON SAID SOUTH LINE; THENCE ALONG SAID SOUTH LINE SOUTH 89°22'57" WEST A DISTANCE OF 618.25 FEET; THENCE LEAVING SAID SOUTH LINE SOUTH 00°00'23" WEST, A DISTANCE OF 627.68 FEET TO A POINT OF CURVATURE; THENCE 557.97 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 520.00 FEET AND AN INCLUDED ANGLE OF 61°28'46" SUBTENDED BY A CHORD BEARING SOUTH 30°44'00" EAST, A DISTANCE OF 531.59 FEET; THENCE SOUTH 59°54'19" EAST, A DISTANCE OF 149.72 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF PROPOSED TRILBY ROAD, SAID POINT ALSO BEING A POINT OF CURVATURE; THENCE ALONG SAID SOUTH RIGHT-

OF-WAY LINE THE FOLLOWING FOUR COURSES AND DISTANCES, 456.98 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 567.00 FEET AND AN INCLUDED ANGLE OF 46°10'40" SUBTENDED BY A CHORD BEARING NORTH 51°11'43" EAST, A DISTANCE OF 444.71 FEET TO A POINT OF COMPOUND CURVATURE; THENCE 178.14 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS IF 387.00 FEET AND AN INCLUDED ANGLE OF 26°22'23" SUBTENDED BY A CHORD BEARING NORTH 87°28'14" EAST, A DISTANCE OF 176.57 FEET TO A POINT OF REVERSE CURVATURE; THENCE 84.81 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 431.00 FEET AND AN INCLUDED ANGLE OF 11°16'29" SUBTENDED BY A CHORD BEARING SOUTH 84°58'48" EAST, A DISTANCE OF 84.68 FEET; THENCE NORTH 89°22'57" EAST, A DISTANCE OF 231.59 FEET TO A POINT ON SAID WESTERLY RIGHT-OF-WAY LINE OF ZIEGLER ROAD (COUNTY ROAD 9); THENCE ALONG SAID WESTERLY RIGHT-OF-WAY AND PARALLEL WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 8, NORTH 00°00'02" EAST, A DISTANCE OF 891.48 FEET TO THE POINT OF BEGINNING; CONTAINING 1,176,400 SQUARE FEET, OR 27.01 ACRES, MORE OR LESS;

LIBERTY FARMS ANNEXATION

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE WEST LINE OF SAID SOUTHEAST QUARTER OF SECTION 5 AS BEARING NORTH 00°16'52" EAST AND WITH ALL BEARINGS HEREIN RELATIVE THERETO.

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 5,
THENCE ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, NORTH 00°16'52" EAST A DISTANCE OF 1595.00 FEET TO THE SOUTHWEST CORNER OF THE DIX AMENDED PLAT AS RECORDED AT THE CLERK AND RECORDERS OFFICE OF LARIMER COUNTY AT RECEPTION NUMBER 2002030339, AND THE **POINT OF BEGINNING**;
THENCE CONTINUING ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, AND THE WEST LINE OF SAID DIX AMENDED PLAT, NORTH 00°16'52" EAST A DISTANCE OF 513.60 FEET TO THE NORTHWEST CORNER OF SAID DIX AMENDED PLAT;
THENCE CONTINUING ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 5,
NORTH 00°16'52" EAST A DISTANCE OF 95.63 FEET TO THE SOUTHERLY LINE OF THE EAST VINE DRIVE 7TH ANNEXATION TO THE CITY OF FORT COLLINS AS RECORDED AT THE CLERK AND RECORDERS OFFICE OF LARIMER COUNTY, AND NORTH RIGHT OF WAY LINE OF THE LARIMER & WELD CANAL AS SHOWN ON SAID EAST VINE DRIVE 7TH ANNEXATION TO THE CITY OF FORT COLLINS;
THENCE CONTINUING ALONG SAID NORTH RIGHT OF WAY LINE, AND SAID SOUTHERLY ANNEXATION BOUNDARY LINE THE FOLLOWING EIGHT (8) COURSES:

- 1) NORTH 77°13'37" EAST A DISTANCE OF 227.68 FEET; THENCE
- 2) NORTH 83°15'38" EAST A DISTANCE OF 256.49 FEET; THENCE
- 3) SOUTH 87°16'09" EAST A DISTANCE OF 54.42 FEET; THENCE
- 4) NORTH 79°36'26" EAST A DISTANCE OF 86.45 FEET; THENCE
- 5) SOUTH 61°24'38" EAST A DISTANCE OF 386.54 FEET; THENCE
- 6) SOUTH 53°48'20" EAST A DISTANCE OF 154.47 FEET; THENCE
- 7) SOUTH 62°07'43" EAST A DISTANCE OF 117.20 FEET; THENCE
- 8) SOUTH 69°29'26" EAST A DISTANCE OF 176.12 FEET;

THENCE DEPARTING SAID SOUTHERLY PARCEL LINE SOUTH 26°58'09" WEST A DISTANCE OF 77.59 FEET TO THE NORTHEAST CORNER OF SAID DIX AMENDED PLAT;

THENCE ALONG THE EAST LINE OF SAID DIX AMENDED PLAT SOUTH 26°58'09" WEST A DISTANCE OF 702.53 FEET;

THENCE CONTINUING ALONG THE SOUTH LINE OF SAID DIX AMENDED PLAT THE FOLLOWING FOUR (4) COURSES:

- 1) NORTH 58°16'08" WEST A DISTANCE OF 140.30 FEET; THENCE
- 2) NORTH 67°42'08" WEST A DISTANCE OF 234.20 FEET; THENCE
- 3) NORTH 76°51'08" WEST A DISTANCE OF 373.00 FEET; THENCE
- 4) NORTH 65°14'08" WEST A DISTANCE OF 329.00 FEET TO THE **POINT OF BEGINNING.**

THE ABOVE DESCRIBED TRACT CONTAINS 22.32 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD OR EXISTING.

MCCLELLAND'S CREEK PD & PLD SECOND FILING

A parcel of land located in the Northeast 1/4 of Section 9, the Southeast 1/4 of Section 4, the Southwest 1/4 of Section 3 and the Northwest 1/4 of Section 10, all in Township 6 North, Range 68 West of the 6th Principal Meridian, County of Larimer, State of Colorado, and being more particularly described as follows:

Commencing at the Northeast Corner of said Section 9 and assuming the North line of the NE1/4 of Section 9 to bear South 88°28'48" East, a distance of 2656.31 feet, with all other bearings herein relative thereto;

Thence North 45°17'12" West a distance of 43.83 feet to a point on the North right-of-way line of Kechter Road, said point being the POINT OF BEGINNING; thence North 82°10'01" East a distance of 65.33 feet; thence South 02°51'16" West a distance of 70.06 feet to a point on the East right-of-way line of Strauss Cabin Road; thence South 00°09'07" East along said East right-of-way line a distance of 1286.58 feet; thence North 88°26'41" West a distance of 1248.45 feet; thence North 50°32'59" West a distance of 20.19 feet; thence North 67°58'43" West a distance of 29.85 feet; thence North 79°08'46" West a distance of 29.88 feet; thence North 71°57'32" West a distance of 50.98 feet; thence North 63°11'35" West a distance of 37.02 feet; thence North 57°01'37" West a distance of 62.90 feet; thence North 47°31'56" West a distance of 29.50 feet; thence North 37°16'39" West a distance of 90.91 feet; thence North 33°06'23" West a distance of 105.14 feet; thence North 41°12'39" West a distance of 49.33 feet; thence North 46°57'57" West a distance of 89.74 feet; thence North 58°09'31" West a distance of 67.94 feet; thence North 64°07'21" West a distance of 56.23 feet; thence North 53°51'25" West a distance of 97.43 feet; thence South 90°00'00" East a distance of 113.56 feet; thence along a curve concave to the Northwest having a central angle of 90°04'12" with a radius of 400.00 feet, an arc length of 628.81 feet and the chord of which bears North 44°57'54" East, 566.03 feet; thence North 00°04'12" West a distance of 394.77 feet; thence South 88°28'48" East a distance of 664.39 feet; thence North 01°23'02" West a distance of 60.08 feet to a point on the North right-of-way of Kechter Road; thence South 88°28'48" East, 634.00 feet to the POINT OF BEGINNING.

Said parcel of land contains 44.322 acres, more or less (\pm), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

OLD OAKS ESTATES ANNEXATION

A tract of land located in the Southeast Quarter of Section 4 and the Southwest Quarter of Section 3, Township 6 North, Range 68 West of the 6th Principal Meridian, County of Larimer, State of Colorado being more particularly described as follows:

Considering the East line of the Southeast Quarter of said Section 4 as bearing South 03°37'29" East and with all bearings contained herein relative thereto:

Commencing at the East Quarter Corner of said Section 4; thence, along the East line of the Southeast Quarter of said Section, South 03°37'29" East, 985.16 feet to the POINT OF BEGINNING; thence, North 90°00'00" East, 35.07 feet to the East Right-of-way line of Strauss Cabin Road; thence, along said East Right-of-Way line, South 03°37'29" East, 328.56 feet; thence, North 90°00'00" West, 35.07 feet to a point on the East Line of the Southeast Quarter of said Section; thence, North 90°00'00" West, 662.50 feet; thence, North 03°33'16" West, 328.53 feet; thence, North 90°00'00" East, 662.10 feet to POINT OF BEGINNING.

The above described tract of land contains 228,666 square feet or 5.249 acres more or less.

PLANK PLD & PD

A parcel of land being a portion of the Northwest Quarter (NW1/4) of Section Nine (9), Township Six North (T.6N.), Range Sixty-eight West (R.68W.), Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado and being more particularly described as follows:

COMMENCING at the Northwest Corner of said Section 9 and assuming the North line of the NW1/4 of said Section 9 as bearing South 87°59'40" East, a distance of 2659.41 feet with all other bearings contained herein relative thereto:

THENCE: South 87°59'40" East along the North line of the NW1/4 of said Section 9 a distance of 30.02 feet to the West line of the Webster Farm Annexation, recorded March 6, 2002 as Reception No. 2002024765 of the Records of Larimer County;

THENCE: South 00°00'01" West along the West line of said Webster Farm Annexation a distance of 30.01 feet to the Southwest Corner of said Webster Farm Annexation and the **POINT OF BEGINNING**;

THENCE: South 87°59'40" East along the South line of said Webster Farm Annexation a distance of 1028.87 feet to a Westerly line of the Fossil Lake Annexation No. 2, recorded March 21, 2002 as Reception No. 2002031277 of the Records of Larimer County;

The next Three (3) courses and distances are along Westerly, Northerly and Easterly lines of said Fossil Lake Annexation No. 2:

THENCE: South 02°00'20" West a distance of 743.91 feet;

THENCE: North 87°59'40" West a distance of 1002.78 feet;

THENCE: North 00°00'10" West a distance of 744.37 feet to the Southwest Corner of said Webster Farm Annexation and the **POINT OF BEGINNING**.

Said parcel contains 17.348 acres more or less (±).

REIN ANNEXATION

A tract of land situate in the Southwest 1/4 of Section 2, Township 7 North, Range 69 West of the Sixth P.M., County of Larimer, State of Colorado, which, considering the South line of said Southwest 1/4 as bearing N90°00'00"E and with all bearings contained herein relative thereto is contained within the boundary lines which begin at a point on said South line which bears N90°00'00"E 330.00 feet from the Southwest Corner of said Section 2, and run thence along said South line, N90°00'00"E 189.00 feet; thence departing said South line, N 00°04'00" W 283 feet to a point on the South right-of-way line of the Arthur Ditch; thence along said South right-of-way line, N54°54'07"W 231.19 feet; thence departing said South right-of-way line, S00°04'00"E 415.93 feet to the point of beginning, containing 1.5163 acres, more or less, and being subject to a right-of-way for West Vine Drive over the South 30.00 feet thereof, and also being subject to all easements and rights-of-way which are existing or are of record.

WEINER ENCLAVE ANNEXATION

A TRACT OF LAND SITUATE IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO;

CONSIDERING THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 5 AS BEARING NORTH 01° 28' 38" WEST WITH ALL BEARINGS HEREIN RELATIVE THERETO;

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 5; THENCE, N 01° 28' 38" W 709.38 FEET ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER TO A POINT OF INTERSECTION WITH THE NORTHERLY LINE OF THE HH-36 ANNEXATION; THENCE, N 81° 01' 38" W 30.50 FEET ALONG SAID NORTHERLY LINE TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY OF ZIEGLER ROAD AND THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION;

THENCE, N 01° 28' 38" W 1212.17 FEET ALONG THE WEST RIGHT-OF-WAY LINE OF SAID ZIEGLER ROAD ALSO BEING THE WESTERLY LINE OF THE WEBSTER FARM ANNEXATION TO THE CITY OF FORT COLLINS; THENCE, N 88° 16' 32" W 328.36 FEET ALONG AN EASTERLY PORTION OF THE RUFF ANNEXATION TO THE CITY OF FORT COLLINS; THENCE S 00° 04' 40" W 519.34 FEET ALONG SAID EASTERLY PORTION; THENCE, S 89° 58' 38" E 113.20 FEET ALONG SAID EASTERLY PORTION; THENCE, S 01° 28' 38" E 654.53 FEET ALONG THE EASTERLY PORTION OF SAID RUFF ANNEXATION TO A POINT OF INTERSECTION WITH THE NORTHERLY LINE OF SAID HH-36 ANNEXATION; CONTINUING, S 01° 28' 38" E 15.00 FEET ALONG SAID NORTHERLY LINE, THENCE, S 87° 53' 08" E 27.42 FEET ALONG SAID NORTHERLY LINE; THENCE, S 81° 01' 38" E 204.82 FEET ALONG SAID NORTHERLY LINE TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID ZIEGLER ROAD, THE WESTERLY LINE OF SAID WEBSTER FARM ANNEXATION AND THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION;

CONTAINING 7.553 ACRES MORE OR LESS.