

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 16

DATE: April 21, 2009

STAFF: Brian Pederson

SUBJECT

First Reading of Ordinance No. 040, 2009, Declaring Certain City-Acquired Property as Hickory Street Right-of-Way.

RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

EXECUTIVE SUMMARY

The City acquired a 7,673 square foot parcel of real property in 1994 for the purpose of constructing public road and sidewalk improvements on Hickory Street. Although it was never dedicated as public right-of-way, it has been used as such since that time. In order to clearly delineate the boundaries of the public right-of-way for Hickory Street, staff is recommending that the property be dedicated as public right-of-way.

BACKGROUND

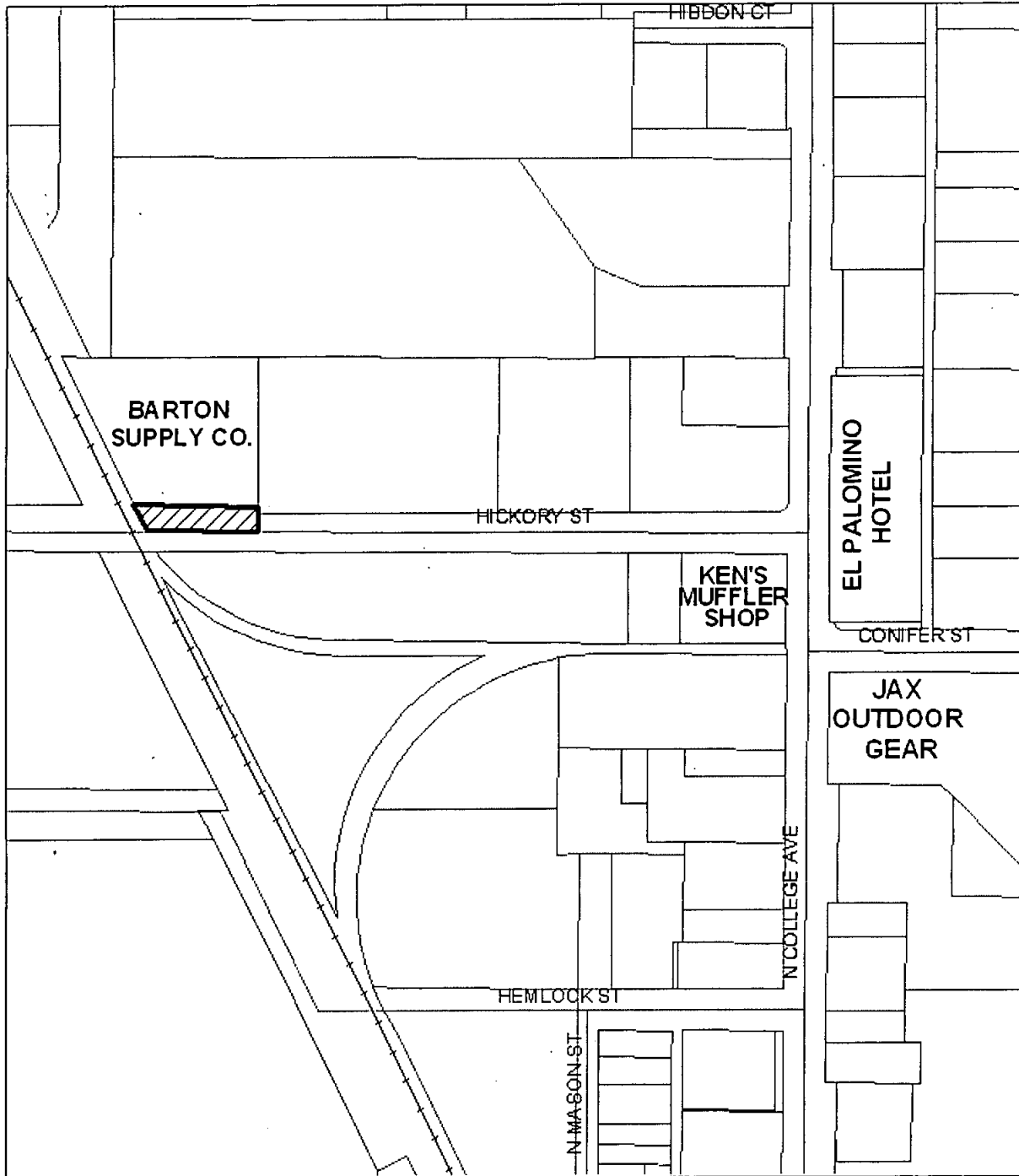
The City acquired a 7,673 square foot parcel of real property in 1994 from L & W Supply Corporation for the purpose of constructing public road and sidewalk improvements on Hickory Street. Since the property was purchased in fee simple title, public records do not expressly indicate the property is intended to be public right-of-way. The lack of such designation of the property as public right-of-way could potentially raise issues about the proper procedures for granting utility easements and other uses on the property in the future.


In order to establish a public record that the property is intended for use by the City as right-of-way and related improvements, including without limitation, vehicular transport, bicycle access, landscaping, utilities, and such other purposes which may now or in the future be determined appropriate in City right-of-way, staff recommends Council formally dedicate the property as public right-of-way.

ATTACHMENTS

1. Location Map.

HICKORY STREET RIGHT-OF-WAY DEDICATION LOCATION MAP



 Right-of-Way Dedication location



ORDINANCE NO. 040, 2009
OF THE COUNCIL OF THE CITY OF FORT COLLINS
DECLARING CERTAIN CITY-ACQUIRED PROPERTY AS
HICKORY STREET RIGHT-OF-WAY

WHEREAS, the City owns that certain real property described in Exhibit "A", attached and incorporated herein by this reference (the "Property"); and

WHEREAS, the Property has been used as public right-of-way for Hickory Street and related improvements since the City acquired it in 1994; and

WHEREAS, the public records do not indicate that the Property was formally dedicated as right-of-way after the City acquired it; and

WHEREAS, the lack of right-of-way designation for the Property could potentially raise issues about proper procedures for granting access for utilities and other additional uses on the Property in the future; and

WHEREAS, it would benefit the residents of the City to clearly delineate the boundaries of the right-of-way for Hickory Street; and

WHEREAS, in order to establish a public record that the City intends to use the Property for right-of-way and related improvements, staff recommends that Council declare the Property to be right-of-way; and

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

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

Section 1. That the City Council hereby declares that the real property described in Exhibit "A" shall constitute right-of-way for Hickory Street and related improvements, including, without limitation, public utilities, vehicular, pedestrian, transit and bicycle access and improvements, landscaping, and such related purposes as may now or in the future be determined appropriate, and hereby finds that such declaration is in the best interests of the City.

Section 2. That the City Clerk shall cause this Ordinance to be recorded in the real property records of the Larimer County Clerk and Recorder's Office upon final adoption.

Introduced, considered favorably on first reading, and ordered published this 21st day of April, A.D. 2009, and to be presented for final passage on the 5th day of May, A.D. 2009.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 5th day of May, A.D. 2009.

Mayor

ATTEST:

City Clerk

EXHIBIT "A"

DESCRIPTION OF THE L & W SUPPLY CORP. FEE SIMPLE

A tract of land located in the Northeast Quarter of Section 2, Township 7 North, Range 69 West of the Sixth Principal Meridian, City of Fort Collins, Larimer County, Colorado, the said tract is a portion of that certain tract of land described in a Warranty Deed dated February 26, 1980 and recorded on May 15, 1980 in Book 2043 Page 745 records of the Clerk and Recorder of the said Larimer County, more particularly described as follows;

Commencing at the East Quarter Corner of the said Section 2;

THENCE along the south line of the said northeast quarter, North 89 degrees 57 minutes 45 seconds West for a distance of 1044.92 feet to the east line of the said tract described in Book 2043 Page 745 and to the TRUE POINT OF BEGINNING of this description;

THENCE continuing along the said south line, North 89 degrees 57 minutes 45 seconds West for a distance of 210.34 feet to the west line of the said tract described in Book 2043 Page 745;

THENCE along the said west line, North 26 degrees 53 minutes 34 seconds West for a distance of 39.26 feet to a line which is 35.00 feet (measured at right angles) north of and parallel with the said south line of the northeast quarter;

THENCE along the said parallel line South 89 degrees 57 minutes 45 seconds East for a distance of 228.10 feet to the said east line of the tract described in Book 2043 Page 745;

THENCE along the said east line, South 00 degrees 00 minutes 00 seconds East for a distance of 35.00 feet to the point of beginning. Containing 7673 square feet more or less.

The above described tract is subject to all easements and rights of ways now existing or of record.

I hereby state that the above description was prepared by me and is true and correct to the best of my professional knowledge, belief and opinion. The description and areas are based upon previously recorded plats and deeds and not upon a actual field survey.

WALLACE C. MUSCOTT COLORADO P.L.S. 17497
P.O. BOX 580 FORT COLLINS, CO 80522

WALLACE CRAIG MUSCOTT
REGISTERED
17497
W.C. Muscott
LAND SURVEYOR
STATE OF COLORADO
AUG 22, 1994

EXHIBIT "A"

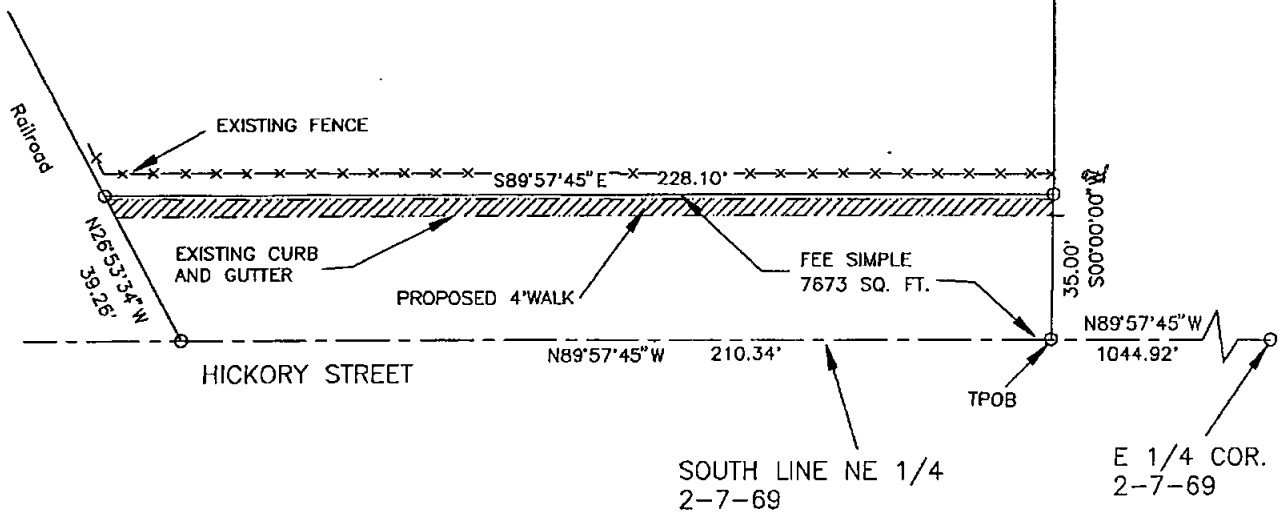
LOCATION SKETCH - L&W SUPPLY CORP.



SEPTEMBER 8, 1994

NOTE:
 THIS SKETCH AND THE AREAS
 SHOWN DEPICT THE ATTACHED
 PROPERTY DESCRIPTION ONLY,
 AND DO NOT REPRESENT A
 MONUMENTED BOUNDARY SURVEY.

PARCEL DESCRIBED AT
 BOOK 2043 AT PAGE 745



LW.DWG