

DATE: July 20, 2010
STAFF: Lindsay Kuntz

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

14

SUBJECT

Second Reading of Ordinance No. 087, 2010, Authorizing the Conveyance of Two Parcels of Real Property on North College Avenue to the Colorado Department of Transportation by Warranty Deed.

EXECUTIVE SUMMARY

In June 2007, Council adopted Ordinance No. 068, 2007, authorizing the conveyance of two parcels on North College Avenue to the Colorado Department of Transportation (CDOT) via quitclaim deed. The City constructed Phase I of the North College Improvements Project in 2003. For this project, the City and CDOT agreed that all property interests acquired for the Project would be deeded to the City. At the time of the Ordinance in 2007, the City had completed a number of transactions with CDOT using a quitclaim deed and City staff believed CDOT would complete this transaction with this same form of conveyance document. CDOT has since requested the City convey the property interests via warranty deed instead. This Ordinance, unanimously adopted on First Reading on July 6, 2010, specifies the City will convey the property interests using a warranty deed.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

ATTACHMENTS

1. Copy of First Reading Agenda Item Summary - July 6, 2010
(w/o attachments)

DATE: July 6, 2010
STAFF: Lindsay Kuntz

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

20

SUBJECT

First Reading of Ordinance No. 087, 2010, Authorizing the Conveyance of Two Parcels of Real Property on North College Avenue to the Colorado Department of Transportation by Warranty Deed.

EXECUTIVE SUMMARY

In June 2007, Council adopted Ordinance No. 068, 2007, authorizing the conveyance of two parcels on North College Avenue to the Colorado Department of Transportation (CDOT) via quitclaim deed. The City constructed Phase I of the North College Improvements Project in 2003. For this project, the City and CDOT agreed that all property interests acquired for the Project would be deeded to the City. At the time of the Ordinance in 2007, the City had completed a number of transactions with CDOT using a quitclaim deed and City staff believed CDOT would complete this transaction with this same form of conveyance document. CDOT has since requested the City convey the property interests via warranty deed instead. Since Ordinance No. 068, 2007, specifically stated the City would use a quitclaim deed for the conveyance, City staff is requesting adoption of a new ordinance specifying the City will convey the property interests using a warranty deed.

BACKGROUND / DISCUSSION

In 2003, the City completed Phase I of the North College Improvements Project. The Building Community Choices Capital Improvement Program, Transportation Services Fund, and the Colorado Department of Transportation (CDOT) funded the Project. As with all CDOT projects, the City agreed to convey the areas of right-of-way to CDOT upon completion of the project. City staff had recently completed transactions with CDOT using quitclaim deeds and believed this conveyance would be handled in the same fashion. Not until City staff presented the deed to CDOT was City staff informed that CDOT preferred the conveyance be completed using a warranty deed. Since the Ordinance passed in 2007 specified that a quitclaim would be used to complete the transaction, it is necessary to pass another Ordinance to amend the terms of the conveyance to include the use of a warranty deed.

FINANCIAL / ECONOMIC IMPACTS

The City agreed to convey the right-of-way area to CDOT for a nominal amount of \$10.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

ATTACHMENTS

1. Location map

ORDINANCE NO. 087, 2010
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF TWO PARCELS OF REAL
PROPERTY ON NORTH COLLEGE AVENUE TO THE COLORADO
DEPARTMENT OF TRANSPORTATION BY WARRANTY DEED

WHEREAS, the City is the owner of various properties acquired as part of the North College Avenue Improvements Project (the "Project") completed in 2003; and

WHEREAS, the Project was funded from the Building Community Choices Capital Improvement Program, Transportation Services Fund, and the Colorado Department of Transportation ("CDOT"); and

WHEREAS, the City and CDOT agreed that all property interests acquired for the Project would be deeded to the City; and

WHEREAS, it was further agreed that at the conclusion of the Project, all property acquired that is now in the new street right of way for North College Avenue, commencing at the back edge of the new curb and gutter, would be conveyed to CDOT; and

WHEREAS, City staff has identified two parcels of land adjacent to each other on North College Avenue, more particularly described on Exhibit "A", attached and incorporated herein by this reference (the "Property") that should be conveyed to CDOT; and

WHEREAS, such conveyance will be by warranty deed; and

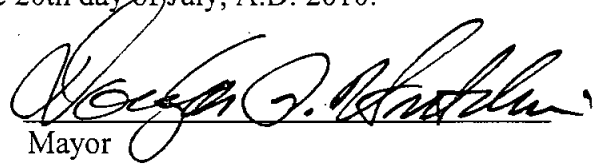
WHEREAS, Section 23-111(a) of the City Code provides that the City Council is authorized to sell, convey, or otherwise dispose of any and all interests in real property owned in the name of the City, provided that the City Council first finds, by ordinance, that such sale or other disposition is in the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

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

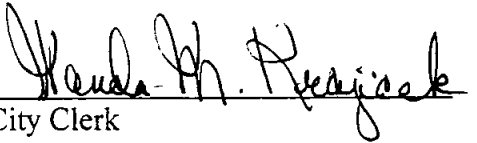
Section 1. That the conveyance of the Property to the Colorado Department of Transportation as provided herein is in the best interests of the City.

Section 2. That the Mayor is hereby authorized to execute such documents as are necessary to convey the Property to the Colorado Department of Transportation on terms and conditions consistent with this Ordinance, together with such additional terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City, including, but not limited to, any necessary changes to the legal description of the Property, as long as such changes do not materially increase the size or change the character of the Property.

Introduced, considered favorably on first reading, and ordered published this 6th day of July, A.D. 2010, and to be presented for final passage on the 20th day of July, A.D. 2010.


Mayor

ATTEST:


City Clerk

Passed and adopted on final reading on the 20th day of July, A.D. 2010.

Mayor

ATTEST:

City Clerk