

DATE: July 19, 2011
STAFF: Jon Haukaas
Patrick Rowe

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

13

SUBJECT

Second Reading of Ordinance No. 086, 2011, Authorizing the Conveyance to Solitaire Homes, LLC of a Public Trail Easement on City Property.

EXECUTIVE SUMMARY

Solitaire Homes, LLC is planning a 27 acre (approximately) development north and west of Laporte Avenue and Taft Hill Road, opposite the Poudre School District offices. This Ordinance, unanimously adopted on First Reading on July 5, 2011, authorizes a 438 square foot public trail easement from the City across City property managed by the Water Utility to facilitate a planned trail within the development.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

ATTACHMENTS

1. Copy of First Reading Agenda Item Summary - July 5, 2011
(w/o attachments)

DATE: July 5, 2011
STAFF: Jon Haukaas
Patrick Rowe

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

19

SUBJECT

First Reading of Ordinance No. 086, 2011, Authorizing the Conveyance to Solitaire Homes, LLC of a Public Trail Easement on City Property.

EXECUTIVE SUMMARY

Solitaire Homes, LLC (the "Developer") is planning a 27 acre (approximately) development north and west of Laporte Avenue and Taft Hill Road, opposite the Poudre School District offices. To facilitate a planned trail within the development, the Developer requests a 438 square foot public trail easement from the City across City property managed by the Water Utility. The City property is approximately 1,750 square foot. in size and is the site of a Water Utility valve vault.

BACKGROUND / DISCUSSION

Sanctuary West is a proposed development currently in the final stages of planning review. The development will occupy 27 acres and include 112 residential units. The development is located west of Taft Hill Road and north of Laporte Avenue, opposite the Poudre School District offices (Attachment 1). In order to satisfy a planning connectivity requirement, the development will include a public trail to connect the planned Sanctuary West Development to the existing Green Acres subdivision. The proposed alignment of the trail is located entirely on the development with the exception of a small area (438 square foot) that would cross a portion of City property managed by the Water Utility. The requested easement will allow the developer to avoid increased construction and engineering costs that would result from this portion of the trail falling within a drainage channel should the developer have to relocate the proposed trail. As such, the Sanctuary West Development is requesting a 438 square foot public trail easement from the City.

The larger City property that this 438 square foot easement would encumber is approximately 1,750 square foot in size and is the location of a Water Utility valve vault. The valve vault houses gate valves and a control valve on the 27-inch water main that passes through the area. The vault is a typical size and configuration and is secured.

Utilities staff has reviewed the plan for the proposed trail access easement and has identified no negative impacts to the Water Utility property as a result of the new easement.

FINANCIAL / ECONOMIC IMPACTS

Solitaire Homes, LLC will compensate the City of Fort Collins the fair market value of the easement (as determined by the City's Real Estate Services Department) and a \$1,000 processing/administration fee.

Using the "across the fence" value methodology, Real Estate Services has calculated the fair market value of the easement to be a \$500 (the easement size and adjacent land values support a value less than this amount, but \$500 will be utilized as a nominal value).

Although the trail will be open to the public, the trail improvements will be owned and maintained by the Sanctuary West development.

ENVIRONMENTAL IMPACTS

The easement area will be developed consistent with an 8-foot trail, and areas within the easement area disturbed but not improved will be restored to a like or better condition.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BOARD / COMMISSION RECOMMENDATION

At its May 26, 2011 meeting, the Water Board recommended by unanimous vote that Council consider approval of the proposed trail easement requested for the Sanctuary West Development, consistent with staff's recommendation.

ATTACHMENTS

1. Location Map
2. Water Board Meeting Minutes, May 26, 2011
3. Easement Area Plan Sketch and Photo

COPY

COPY

COPY

COPY

ORDINANCE NO. 086, 2011
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE TO SOLITAIRE HOMES, LLC
OF A PUBLIC TRAIL EASEMENT ON CITY PROPERTY

WHEREAS, the City is the owner of a parcel of real property located in the area of LaPorte Avenue and Taft Hill Road in Fort Collins, Colorado, identified in County records as parcel number 97091-03-927 (the “Property”); and

WHEREAS, the Property is approximately 1750 square feet in size and is managed by the Water Utility as the site of a valve vault; and

WHEREAS, Solitaire Homes, LLC (the “Developer”) is planning a 27 acre development adjacent to the Property called Sanctuary West (the “Development”); and

WHEREAS, as a condition of approving the Development, the City is requiring the Developer to provide a trail connecting the Development to another nearby subdivision; and

WHEREAS, the Developer has requested from the City a 438 square foot public trail easement on the Property for the purpose of constructing the trail (the “Easement”); and

WHEREAS, the location of the proposed Easement is described on Exhibit “A”, attached and incorporated herein by reference (the “Easement Area”); and

WHEREAS, the proposed trail would be open to the public but the Developer would own and maintain the trail improvements; and

WHEREAS, the Developer would pay the City \$500 for the value of the Easement Area and \$1,000.00 as an administrative fee to cover the costs of processing the easement request; and

WHEREAS, City Utility staff has identified no negative impacts to the Property resulting from the grant of the proposed Easement; 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 that the Council first finds, by ordinance, that such sale or other disposition is in the best interests of the City; and

WHEREAS, Section 23-111(b) of the City Code states that, with respect to real property which is a part of the City’s water or utility systems, the City Council must also find that the disposition will not materially impair the viability of the particular utility system as a whole and that it will be for the benefit of the citizens 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 Easement on the Property to the Developer as provided herein is in the best interests of the City, will not impair the viability of the City's Water Utility system as a whole, and will be for the benefit of the citizens of the City.

Section 2. That the Mayor is hereby authorized to execute such documents as are necessary to convey the Easement to the Developer 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 Easement, as long as such changes do not materially increase the size or change the character of the Easement.

Introduced, considered favorably on first reading, and ordered published this 5th day of July, A.D. 2011, and to be presented for final passage on the 19th day of July, A.D. 2011.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 19th day of July, A.D. 2011.

Mayor

ATTEST:

City Clerk

EXHIBIT A
PAGE 1 of 2
PROPERTY DESCRIPTION
 Pedestrian Access Easement

A parcel of land for easement purposes, being a part of that parcel of land described in that Warranty Deed recorded March 31, 1955 as Book 990 at Page 383 of the Records of Larimer County, situate in the Northeast Quarter (NE1/4) of Section Nine (9), Township Seven North (T.7N.), Range Sixty-nine West (R.69W.) of the Sixth Principal Meridian (6th P.M.), City of Fort Collins, County of Larimer, State of Colorado and being more particularly described as follows:

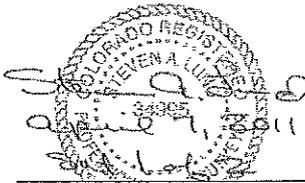
BEGINNING at the Southeast corner of that parcel of land described in Book 990 at Page 383 and assuming the North line of the South Half of the Southwest Quarter of the Northeast Quarter of said Section 9 as bearing North 89°12'28" West being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2007, a distance of 1307.65 feet with all other bearings contained herein relative thereto;

THENCE North 89°12'28" West along the Southerly line of said parcel of land described in Book 990 at Page 383 a distance of 35.00 feet;
 THENCE North 00°47'32" East along the Westerly line of said parcel of land described in Book 990 at Page 383 a distance of 20.00 feet;
 THENCE South 66°00'33" East a distance of 38.08 feet to the Easterly line of said parcel of land described in Book 990 at Page 383;
 THENCE South 00°47'32" West along the Easterly line of said parcel of land described in Book 990 at Page 383 a distance of 5.00 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 438 Square Feet, more or less (±), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

SURVEYORS STATEMENT

I, Steven A. Lund, a Colorado Registered Professional Land Surveyor do hereby state that this Property Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.

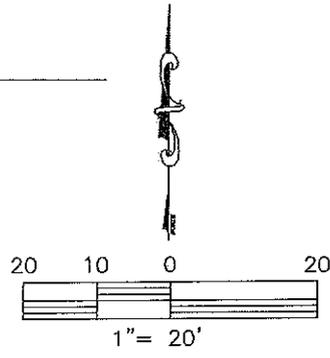
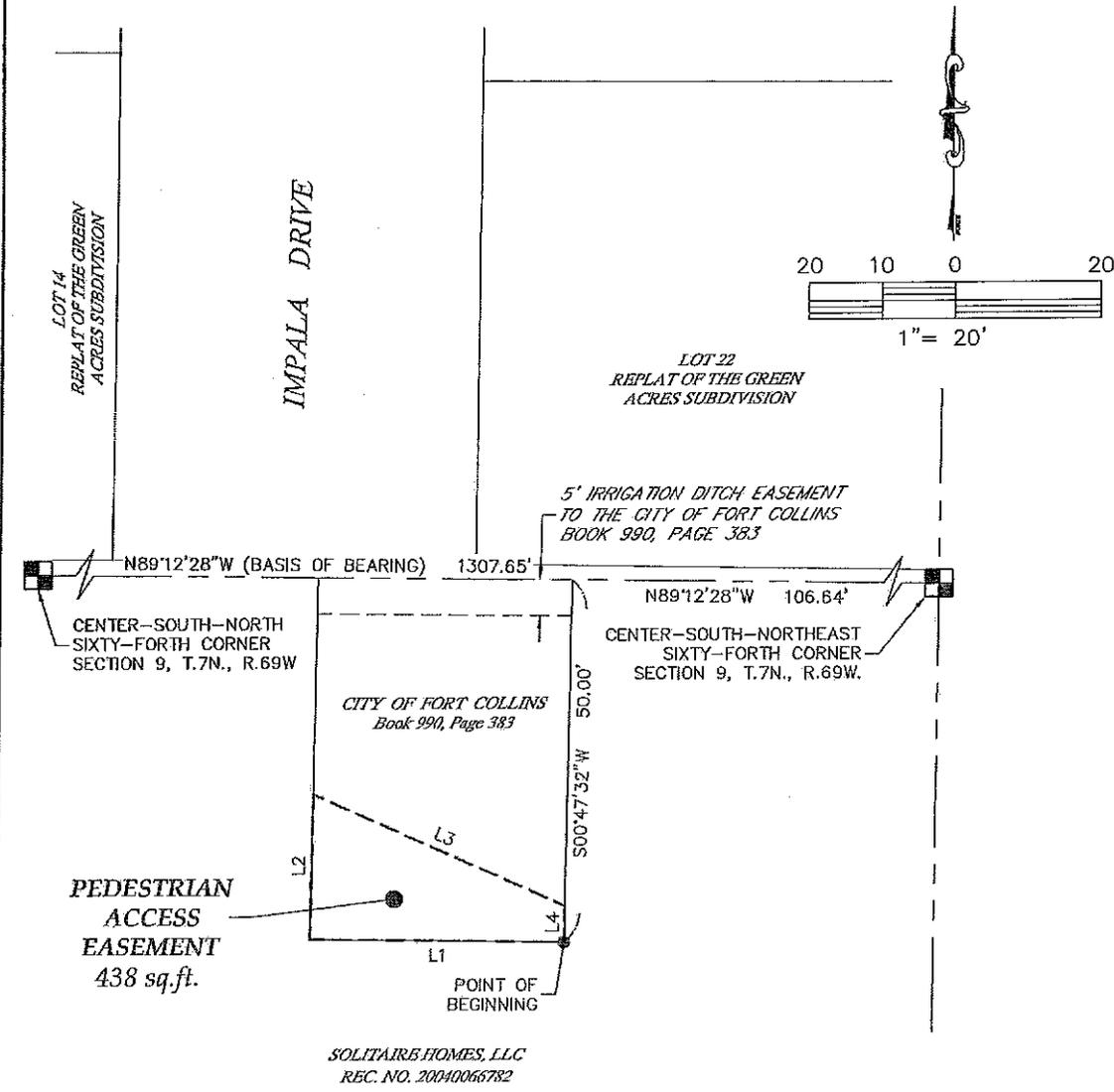


Steven A. Lund on behalf of King Surveyors, Inc.
 Colorado Registered Professional
 Land Surveyor #34995

KING SURVEYORS, INC.
 650 Garden Drive
 Windsor, Colorado 80550
 (970) 686-5011

PEDESTRIAN ACCESS EASEMENT **EXHIBIT A** NORTHEAST QUARTER SECTION 9, T.7N., R.69W.

Sheet 2 of 2



LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°12'28"W	35.00'
L2	N00°47'32"E	20.00'
L3	S66°00'33"E	38.08'
L4	S00°47'32"W	5.00'



Steven A. Lund, on behalf of King Surveyors, Inc.
 Colorado Registered Professional
 Land Surveyor #34995

NOTE: This exhibit drawing is not intended to be a monumented land survey. It's sole purpose is as a graphic representation to aid in the visualization of the written property description which it accompanies. The written property description supersedes the exhibit drawing.



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PROJECT NO: 2007307
 DATE: 1/26/2011
 CLIENT: Solitaire Homes, LLC
 DWG: 2007307EXH
 DRAWN: CSK CHECKED: SAL