

**DATE:** September 20, 2011  
**STAFF:** Jon Haukaas  
Helen Matson

**AGENDA ITEM SUMMARY**  
FORT COLLINS CITY COUNCIL

**12**

**SUBJECT**

Second Reading of Ordinance No. 121, 2011, Authorizing the Conveyance of a Portion of a Tract of Stormwater Utility Property to Kevin P. Caffrey and Julia J. Caffrey.

**EXECUTIVE SUMMARY**

In 1992, the final plat of Clarendon Hills Fifth Filing dedicated Tract E to the City of Fort Collins for the purposes of storm drainage, flood plain management and Department of Parks and Recreation use. The intended purpose of the Parks and Recreation use was for a bike trail. In 1998, the location of the bike trail was changed to be adjacent to Shields Street. To accommodate this change, the City acquired Tracts A, B, and D of Clarendon Hills Fifth Filing for the bike trail that has been constructed and is now in use. Due to the City's change of use for Tract E, the adjacent property owners, Kevin and Julia Caffrey, have expressed an interest to obtain the portion of Tract E that abuts their property at 5424 Hilldale Court. This Ordinance, unanimously adopted on First Reading on September 6, 2011, authorizes the conveyance to the Caffreys of two small triangular areas in Tract E, totaling 547 square feet in area, that are outside the erosion buffer limits, the City's floodway, and therefore are not required for flood plain management or for storm drainage by the City.

**STAFF RECOMMENDATION**

Staff recommends adoption of the Ordinance on Second Reading.

**ATTACHMENTS**

1. Copy of First Reading Agenda Item Summary - September 6, 2011  
(w/o attachments)

**DATE:** September 6, 2011  
**STAFF:** Jon Haukaas  
Helen Matson

**AGENDA ITEM SUMMARY**  
FORT COLLINS CITY COUNCIL

**21**

**SUBJECT**

First Reading of Ordinance No. 121, 2011, Authorizing the Conveyance of a Portion of a Tract of Stormwater Utility Property to Kevin P. Caffrey and Julia J. Caffrey.

**EXECUTIVE SUMMARY**

In 1992, the final plat of Clarendon Hills Fifth Filing dedicated Tract E to the City of Fort Collins for the purposes of storm drainage, flood plain management and Department of Parks and Recreation use. The intended purpose of the Parks and Recreation use was for a bike trail. In 1998, the location of the bike trail was changed to be adjacent to Shields Street. To accommodate this change, the City acquired Tracts A, B, and D of Clarendon Hills Fifth Filing for the bike trail that has been constructed and is now in use. Due to the City's change of use for Tract E, the adjacent property owners, Kevin and Julia Caffrey, have expressed an interest to obtain the portion of Tract E that abuts their property at 5424 Hilldale Court.

**BACKGROUND / DISCUSSION**

Tract E of Clarendon Hills Fifth Filing is adjacent to Burns Tributary. While the City does not need to use any portion of Tract E for a bike trail, the City's needs remain for storm drainage and flood plain management. With the City needs for Tract E, City staff told the Caffreys that their request to obtain Tract E adjacent to their property was not possible. In ongoing discussions with the Caffreys, staff did identify two small triangular areas that were outside the erosion buffer limits, the City's floodway, and therefore are not required for flood plain management or for storm drainage by the City. These areas total 547 square feet and are shown on the attached City Flood Risk Map. City staff presented this option to the Caffreys and they have requested to obtain the identified property containing 547 square feet.

The original design of Fossil Creek Trail placed the trail through a Shields Street underpass and followed the Burns Tributary through Tract E to Fossil Creek. Detailed review of this route indicated very limited space existed for the trail next to the Burns Tributary; the trail would cross a local street at grade, and would have required a trail bridge over Fossil Creek. The Burns Tributary takes a circular route from the underpass area, ending a few hundred feet east of Shields Street when it joins Fossil Creek. This route's impact to the Burns Tributary and ending point just east of Shields Street were factors resulting in this route not being selected for the trail. City staff decided to direct trail traffic to the east sidewalk along Shields Street from the Burns Tributary south to Fossil Creek Drive where the trail follows road right-of-way east toward College Avenue.

**FINANCIAL / ECONOMIC IMPACTS**

The Caffreys have agreed to compensate the City \$1,000 for the purchase of the property. The value of the subject property is minimized due to its current use and its location. The property can only be used by the City or by the adjacent property owner. The future use of the property is restricted due to the area zoning of RL – low density residential. With this zoning, the Caffreys' use of the new property will be limited to landscape improvements. They will also assume the maintenance responsibilities.

**ENVIRONMENTAL IMPACTS**

Staff has not identified any environmental impacts for this proposed conveyance since the subject property is outside of the City's Floodway (100-year floodplain).

**STAFF RECOMMENDATION**

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Staff recommends adoption of the Ordinance on First Reading.

**ATTACHMENTS**

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1. Location map
2. City Flood Risk Map

COPY

COPY

COPY

COPY

ORDINANCE NO. 121, 2011  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING THE CONVEYANCE OF A PORTION OF A TRACT  
OF STORMWATER UTILITY PROPERTY  
TO KEVIN P. CAFFREY AND JULIA J. CAFFREY

WHEREAS, the City is the owner of Tract E, Clarendon Hills Fifth Filing, located along Burns Tributary; and

WHEREAS, Tract E was dedicated to the City for storm drainage, flood plain management, and Department of Parks and Recreation use with the final plat of Clarendon Hills Fifth Filing in 1992; and

WHEREAS, the City changed Fossil Creek Trail's location to Shields Street and Parks and Recreation has no further need for any portion of Tract E; and

WHEREAS, the City still uses the majority of Tract E for storm drainage and flood plain management; and

WHEREAS, City staff has identified two triangular areas totaling 547 square feet ("Remnant Parcels") that are no longer needed because these areas are outside the erosion buffer and the City's floodway; and

WHEREAS, Kevin P. Caffrey and Julia J. Caffrey ("Caffreys") have requested that the City convey the Remnant Parcels to them for use with their adjacent residential lot; and

WHEREAS, City staff has not identified any negative impacts to the City resulting from the conveyance of the Remnant parcels described herein; and

WHEREAS, although the statutory provisions establishing the disposition of dedicated rights-of-way upon vacation do not apply in this instance, the proposed conveyance is consistent with the principle embodied in that statute of returning the dedicated land to the parcel from which it was dedicated; and

WHEREAS, due to the small area of the Remnant Parcels, the value of the land is nominal, and the Caffreys have agreed to compensate the City \$1,000 for the Remnant Parcels; and

WHEREAS, Section 23-111 of the City Code provides that the City Council is authorized to sell, convey, or otherwise dispose of real property owned by a City Utility, provided the Council first finds by ordinance that such sale or other disposition will not materially impair the viability of the affected utility system as a whole and that it will be for the benefit of the citizens and 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 Remnant Parcels to the Caffreys as provided herein will not materially impair the viability of the affected utility system as a whole and will be for the benefit of the citizens of the City and is in the best interest of the City.

Section 2. That the Mayor is hereby authorized to execute such documents as are necessary to convey the Remnant Parcels to Kevin P. Caffrey and Julia J. Caffrey, 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 Remnant Property, as long as such changes do not materially increase the size or change the character of the Remnant Property.

Introduced, considered favorably on first reading, and ordered published this 6th day of September, A.D. 2011, and to be presented for final passage on the 20th day of September, A.D. 2011.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading on the 20th day of September, A.D. 2011.

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Mayor

ATTEST:

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Chief Deputy City Clerk

EXHIBIT "A"

DESCRIPTION OF A PORTION OF THE CITY OF FORT COLLINS PROPERTY TO BE DEEDED TO CAFFREY

Two Tracts of land located in the West half of Section 2, Township 6 North, Range 69 West of the Sixth Principal Meridian, Larimer County, Colorado, the said Tracts are also a portion of Tract "E" of Clarendon Hills Fifth Filing, a plat of record with the Clerk and Recorder of the said Larimer County, being more particularly described as follows;

Considering the Northeasterly line of Lot 3 of Clarendon Hills Fifth Filing First Replat as bearing North 48 degrees 08 minutes 56 seconds West from a found PLS 12374 plastic cap on no.4 rebar at the Southeasterly end and PLS 12374 plastic cap on no.4 rebar at the Northwesterly end of said line, based upon GPS observation and the City of Fort Collins coordinate base, and with all bearings contained herein relative thereto;

Commencing at the said southeasterly end of the northeasterly line of Lot 3;

THENCE along the northeasterly line of said Lot 3, North 48 degrees 08 minutes 56 second West for a distance of 47.15 feet to the TRUE POINT OF BEGINNING of this description of Tract 1;

THENCE along the boundary line of Lot 3 South 46 degrees 40 minutes 40 seconds West for a distance of 52.07 feet;

THENCE continuing along the said boundary line of Lot 3, North 62 degrees 43 minutes 23 seconds West for a distance of 38.27 feet to a point where the City of Fort Collins EROSION BUFFER LIMIT intersects the said boundary line of lot 3;

THENCE leaving the said boundary line and along the said EROSION BUFFER LIMIT along a curve to the left non-tangent from the previous line having a radius of 57.67 feet a central angle of 35 degrees 21 minutes 31 seconds and an arc length of 35.59 feet, being subtended by a chord of South 88 degrees 08 minutes 37 seconds East for a distance of 35.03 feet;

THENCE continuing along said EROSION BUFFER LIMIT along a non-tangent curve to the left having a radius of 170.56 feet a central angle of 14 degrees 01 minutes 20 seconds and an arc length of 41.74 feet, being subtended by a chord of North 62 degrees 20 minutes 58 seconds East for a distance of 41.64 feet to the point of beginning of Tract 1. Containing 481 square feet more or less.

TOGETHER WITH:

With the above described basis of bearing;

Commencing at the said southeasterly end of the northeasterly line of Lot 3;

THENCE along the easterly boundary line of said Lot 3 South 20 degrees 25 minutes 00 seconds West for a distance of 17.59 feet to the TRUE POINT OF BEGINNING of this description of Tract 2;

THENCE continuing along the easterly boundary line of said Lot 3, South 20 degrees 25 minutes 00 seconds West for a distance of 25.93 feet;

THENCE continuing along the said easterly boundary line of Lot 3, South 35 degrees 20 minutes 03 seconds East for a distance of 8.89 feet to a point where the said EROSION BUFFER LIMIT intersects the said easterly boundary line of Lot 3;

**EXHIBIT "A"**

THENCE leaving the said easterly bounday line of Lot 3 and along the said EROSION BUFFER LIMT North 02 degrees 15 minutes 36 seconds West for a distance of 11.24 feet;

THENCE continuing along said EROSION BUFFER LIMIT North 12 degrees 03 minutes 50 seconds East for a distance of 20.78 feet to the point of beginning of Tract 2. Containing 66 square feet more or less.

The above described Tracts contain a total of 547 square feet more or less and are subject to all easements and rights of way 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.

ROBERT W. HINTZ COLORADO P.L.S. 38260  
P.O. BOX 580 FORT COLLINS, CO. 80522



# LOCATION SKETCH CAFFREY PROPERTY

TRACT E  
CLARENDON HILLS FIFTH FILING

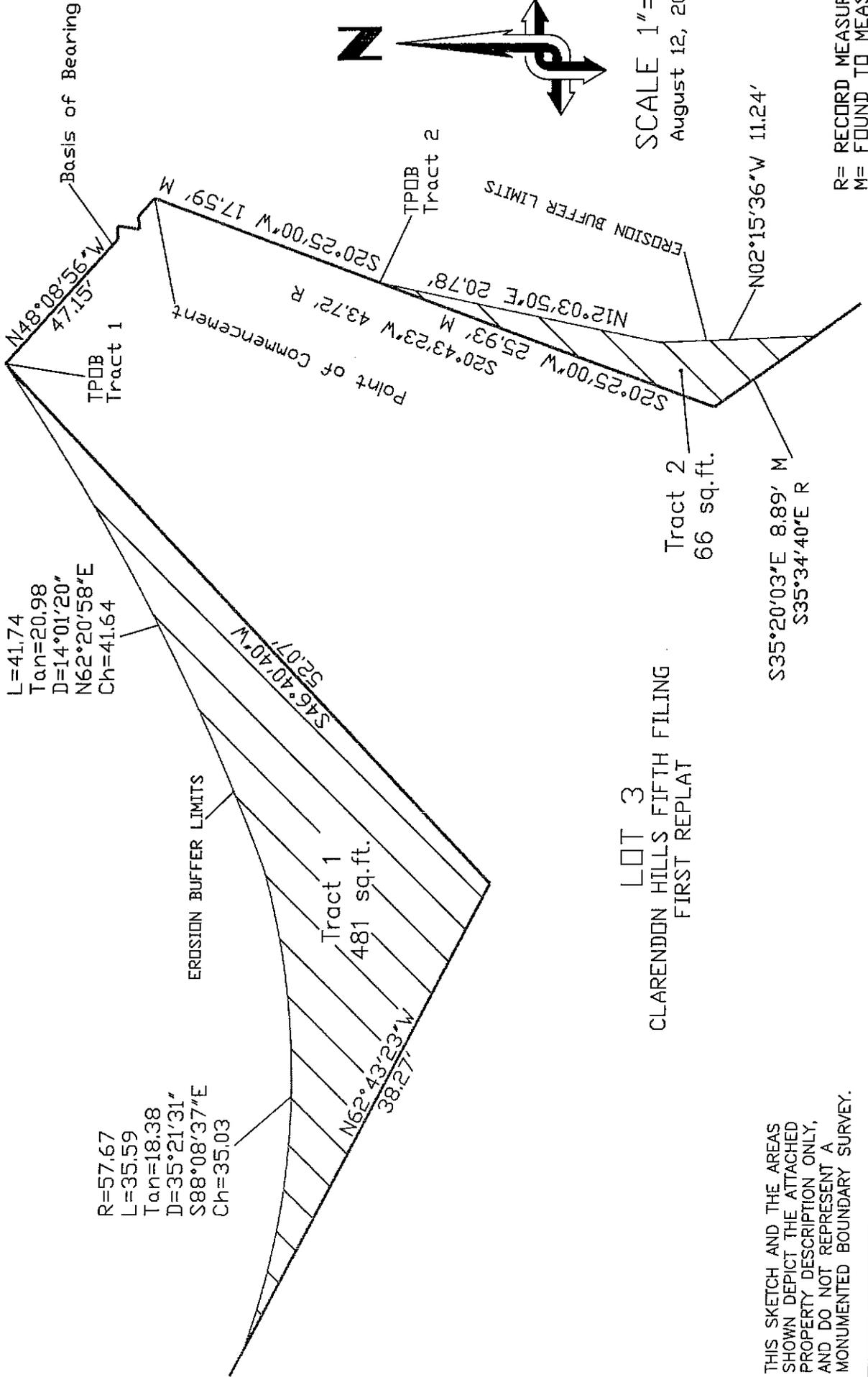
R=170.56  
L=41.74  
Tan=20.98  
D=14°01'20"  
N62°20'58"E  
Ch=41.64

R=57.67  
L=35.59  
Tan=18.38  
D=35°21'31"  
S88°08'37"E  
Ch=35.03

Tract 1  
481 sq.ft.

Tract 2  
66 sq.ft.

S35°20'03"E 8.89' M  
S35°34'40"E R



LOT 3  
CLARENDON HILLS FIFTH FILING  
FIRST REPLAT

SCALE 1"=10'  
August 12, 2011

R= RECORD MEASUREMENT  
M= FOUND TO MEASURE

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