

DATE: September 4, 2012
STAFF: Helen Matson

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

12

SUBJECT

Second Reading of Ordinance No. 081, 2012, Declaring Certain City-Acquired Property as Strauss Cabin Road and East Harmony Road Right-of-Way.

EXECUTIVE SUMMARY

A land survey identified a strip of land that is improved as a road was not included in the road dedication grant from the property owner. As a result, this strip of land was never in the Larimer County Road Book and Larimer County had never identified this as a County Road. Most of this strip, which is 750 feet long, is in the western half of Strauss Cabin Road and a small portion is in East Harmony Road. City staff has now acquired all the property rights for this strip from LaFarge West, Inc., the current owner of the adjacent property. The City acquired the property, but it was not designated as right-of-way. This Ordinance, unanimously adopted on First Reading on August 21, 2012, dedicates this strip as right-of-way.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

ATTACHMENTS

1. Copy of First Reading Agenda Item Summary - August 21, 2012
(w/o attachments)

DATE: August 21, 2012
STAFF: Helen Matson

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

21

SUBJECT

Items Relating to Strauss Cabin Road and East Harmony Road.

- A. First Reading of Ordinance No. 081, 2012, Declaring Certain City-Acquired Property as Strauss Cabin Road and East Harmony Road Right-of-Way.
- B. Resolution 2012-069 Authorizing a Revocable Permit for Redline Pipeline LLC to Excavate a Portion of Strauss Cabin Road to Install an Irrigation Pipeline.

EXECUTIVE SUMMARY

A land survey identified a strip of land that is improved as a road was not included in the road dedication grant from the property owner. As a result, this strip of land was never in the Larimer County Road Book and Larimer County had never identified this as a County Road. Most of this strip, which is 750 feet long, is in the western half of Strauss Cabin Road and a small portion is in East Harmony Road. City staff has now acquired all the property rights for this strip from the current owner of the adjacent property, LaFarge West, Inc. The City acquired the property, but it was not designated as right-of-way. This Ordinance will dedicate this strip as right-of-way.

The City has received a request to install a private utility in a right-of-way from Redline Pipeline LLC, a private company that represents the owner of Harmony Gardens. Resolution 2012-069 will authorize both an excavation permit and an encroachment permit.

BACKGROUND / DISCUSSION

It is preferable to have this property dedicated as right-of-way for a variety of reasons. In the past, title companies have raised title insurance issues for adjacent property owners because areas located adjacent to the roadway and the property line were not clearly delineated as part of the right-of-way. In addition, the City generally does not issue encroachment or excavation permits for the placement of public utilities on City property other than in the right-of-way. Adoption of this Ordinance will declare that the area depicted on Exhibit "A" to the Ordinance is right-of-way for Strauss Cabin Road and East Harmony Road and related improvements, and that this Ordinance be recorded in order to establish a public record of the existence of such right-of-way.

In order to install public utilities in a right-of-way, excavation permits must be obtained from the City. In order to install a private utility in a right-of-way, both an excavation permit and an encroachment permit must be obtained from the City. The City generally requires that an easement be approved by the City Council in order to authorize installation of a public or private utility line on non-right-of-way real property owned by the City.

The City received a request from Redline Pipeline LLC, a private company that represents the owner of Harmony Gardens. Its request is in connection with Harmony Gardens' project to improve its water delivery system from the Boxelder Ditch to its irrigation pond. Harmony Gardens plans to install a pipe under the northern end of Strauss Cabin Road near East Harmony Road. The pipeline would be privately owned. If the location of the proposed pipe was entirely in road right-of-way, Redline would only need the permits described above. However, when Redline's request was being processed, City staff noticed that in this area of Strauss Cabin Road, only the eastern 30 feet is right-of-way. This issue was not discovered when an earlier excavation permit was issued to Fort Collins-Loveland Water District to excavate Strauss Cabin Road in the same area.

It is preferable to limit street excavations and the extra fees that are charged for cutting newly installed road improvements. The road was temporarily patched after the work by Fort Collins Loveland Water District was completed. Staff is requesting that City Council authorize a Revocable Permit to Redline so that Redline can start its work as soon as possible and re-excavate the road before the permanent patch is applied to the road, rather than having to wait until the right-of-way Ordinance goes into effect. In addition to obtaining this Revocable Permit, Redline

will also be required to obtain the necessary excavation and encroachment permits that cover the remainder of Strauss Cabin Road, pay the appropriate fees, and comply with the conditions set forth in such permits.

FINANCIAL / ECONOMIC IMPACTS

All costs to perform excavation work and the street patchwork will be paid by Redline.

ENVIRONMENTAL IMPACTS

Staff has not identified any environmental impacts to the dedication of the right-of-way or the approval of the Revocable Permit.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading and the Resolution.

ATTACHMENTS

1. Location map.

COPY

COPY

COPY

ORDINANCE NO. 081, 2012
OF THE COUNCIL OF THE CITY OF FORT COLLINS
DECLARING CERTAIN CITY-ACQUIRED PROPERTY AS
STRAUSS CABIN ROAD AND EAST HARMONY ROAD RIGHT-OF-WAY

WHEREAS, the City is the owner of a piece of real property described on Exhibit “A”, attached and incorporated herein by reference (the “Property”); and

WHEREAS, the Property, which covers approximately 22,500 square feet, is located in the western half of Strauss Cabin Road and in East Harmony Road; and

WHEREAS, the City acquired the Property by quit claim deed from the adjacent property owner, Lafarge West, Inc., in 2010, after a survey identified the Property as not having been included in a previous dedication of property to Larimer County for road right-of-way; and

WHEREAS, the Property has been used for public road purposes for many years, although it was never dedicated as right-of-way and is not shown in public real property records as being for use by the City as right-of-way; and

WHEREAS, the lack of right-of-way designation for the Property raises issues about the proper procedures for granting access to the Property for utilities seeking to locate facilities within the road right-of-way or for other future uses; and

WHEREAS, in order to establish a public record that the City intends to use the property for right-of-way and related improvements, including without limitation public utilities, pedestrian, transit and bicycle access and improvements, landscaping, and such other related purposes as may now or in the future be determined appropriate, City staff recommends that the Council so declare by this Ordinance; and

WHEREAS, Section 23-111(a) of the City Code provides that the City Council is authorized to sell, convey or otherwise dispose of 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.

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 on Exhibit “A” shall constitute right-of-way for Strauss Cabin Road and East Harmony Road and related improvements, including without limitation public utilities, vehicular, pedestrian, transit and bicycle access and improvements, landscaping, and such other related purposes as may now or in the future be determined appropriate, and hereby finds that such declaration is in the best interest 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 upon final adoption.

Introduced, considered favorably on first reading, and ordered published this 21st day of August, A.D. 2012, and to be presented for final passage on the 4th day of September, A.D. 2012.

Mayor Pro Tem

ATTEST:

City Clerk

Passed and adopted on final reading on the 4th day of September, A.D. 2012.

Mayor

ATTEST:

City Clerk