

AGENDA ITEM SUMMARY

December 3, 2013

City Council

STAFF

Marc Virata, Civil Engineer
John Von Nieda, Chief Surveyor

SUBJECT

First Reading of Ordinance No. 173, 2013, Vacating a Portion of College Avenue Right-of-Way Between Foothills Parkway and Monroe Drive.

EXECUTIVE SUMMARY

The proposed ordinance vacates a portion of College Avenue right-of-way, correcting an error in Ordinance No. 098, 1973 ("1973 Ordinance"). The proposed ordinance vacates the remaining right-of-way that was intended to be vacated, and reserves an easement for utilities as originally intended in the 1973 Ordinance, whose legal description did not properly describe the intended area of right-of-way vacation for College Avenue.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

In review of the Foothills Mall Redevelopment plans and plat, the City Surveyor discovered an error through research of previous recorded documents. In conjunction with development of the Foothills Mall, the 1973 Ordinance (approved by City Council on November 29, 1973) intended to vacate a portion of College Avenue right-of-way that was no longer needed for roadway purposes due to the elimination of a College Avenue frontage road. The legal description in the language of the 1973 Ordinance did not correctly describe the area to be vacated, and instead described a different area of vacation, offset thirty feet to the west from the intended vacation and did not extend an additional sixty feet to the south of the intended vacation. The approval of this proposed ordinance would vacate right-of-way to correspond with the intent of the 1973 Ordinance.

Vacations of public right-of-way are governed by City Code Section 23-115, which provides for an application and review process prior to submission to the City Council for formal consideration. The process includes review by potentially affected utility agencies, City staff, emergency service providers, and affected property owners in the vicinity of the right-of-way proposed to be vacated. This review process was followed in conjunction with review of the Foothills Mall Redevelopment Project Development Plan, and based on comments received; the Planning Development and Transportation Director recommended that the vacation be approved. With the proposed vacation, an easement for utilities would be retained, which preserves the right to utilize the vacated portion for this purpose, and is consistent with the action by City Council in the 1973 Ordinance. Approval of the plat for Foothills Mall Redevelopment subsequent to approval of this ordinance would vacate the utility easement, but then dedicates easement along College Avenue for access, transit, drainage, and utilities, in conjunction with the improvements outlined in the Foothills Mall Redevelopment plans.

FINANCIAL / ECONOMIC IMPACT

If the portion of College Avenue right-of-way is vacated, the City will no longer be able to utilize the right-of-way for roadway purposes, but roadway purposes were no longer intended when the frontage road was eliminated. Ongoing maintenance of the area being vacated is the responsibility of the abutting property owner; however, with redevelopment of Foothills Mall, a metro district has been established and maintenance of the vacated area would be assigned to the metro district.

PUBLIC OUTREACH

A memorandum requesting input was sent to the abutting property owners, utility providers and potentially impacted departments.

ORDINANCE NO. 173, 2013
OF THE COUNCIL OF THE CITY OF FORT COLLINS
VACATING A PORTION OF COLLEGE AVENUE RIGHT-OF-WAY BETWEEN
FOOTHILLS PARKWAY AND MONROE DRIVE

WHEREAS, Walton Foothills Holdings VI LLC, has requested that the City vacate a portion of College Avenue right-of-way between Foothills Parkway and Monroe Drive; and

WHEREAS, said right-of-way is no longer necessary or desirable to retain for street purposes; and

WHEREAS, said right-of-way was intended to be vacated with Ordinance No. 98, 1973; and

WHEREAS, pertinent land owners, City agencies, and private utility companies have been contacted and have reported no objection to the proposed vacation, provided that a utility easement is reserved by the City; and

WHEREAS, the rights of the residents of the City will not be prejudiced or injured by the vacation of said street rights-of-way.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that a portion of College Avenue right-of-way, more particularly described on Exhibits "A" and "B" attached hereto and incorporated herein by this reference, is hereby vacated, abated and abolished, reserving the same unto the City as a utility easement.

Introduced and considered favorably on first reading and ordered published this 3rd day of December, A.D. 2013, and to be presented for final passage on the 17th day of December, A.D. 2013.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 17th day of December, A.D. 2013.

Mayor

ATTEST:

City Clerk

EXHIBIT "A"

A PORTION OF RIGHT OF WAY TO BE VACATED
FOR THE FOOTHILLS MALL REDEVELOPMENT SUBDIVISION

A PARCEL OF LAND, BEING A PORTION OF RIGHT OF WAY DEDICATED IN THE PLAT OF SOUTHMOOR VILLAGE FIFTH FILING AS RECORDED AT BOOK 1495, PAGE 172 IN THE LARIMER COUNTY CLERK AND RECORDER'S OFFICE, SITUATED IN THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE NORTHEAST CORNER OF TRACT U OF SAID SOUTHMOOR VILLAGE FIFTH FILING,

THENCE S89°51'07"W, ALONG THE NORTH LINE OF SAID TRACT U, 184.52 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING S89°51'07"W, ALONG SAID NORTH LINE OF TRACT U AND ITS WESTERLY EXTENSION, 50.00 FEET TO A POINT ON THE WEST LINE OF SAID PLAT OF SOUTHMOOR VILLAGE FIFTH FILING,

THENCE N00°19'09"W ALONG SAID WEST LINE, 60.00 FEET;

THENCE N89°51'07"E, 50.00 FEET TO THE WEST LINE OF TRACT E OF SAID PLAT;

THENCE S00°19'10"E, 60.00 FEET ALONG SAID WEST LINE OF TRACT E TO THE POINT OF BEGINNING, CONTAINING 3,000 SQUARE FEET (0.069 ACRES) MORE OR LESS.


PREPARED BY NATHAN A. VANRAEMDONCK, PLS 38098
FOR AND ON BEHALF OF FARNSWORTH GROUP, INC.
8055 EAST TUFTS AVENUE, SUITE 850
DENVER, CO 80237

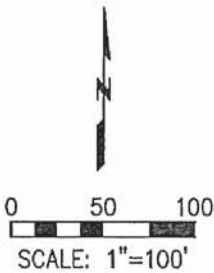
BEARINGS ARE BASED ON THE NORTH LINE OF TRACT U OF SAID PLAT AND IT'S WESTERLY EXTENSION TO THE WEST LINE OF SAID PLAT BEING MONUMENTED ON THE EAST END BY A 1 INCH NAIL AND TAG STAMPED LS 37053 AND ON THE WEST END BY A NAIL AND WASHER STAMPED LS 38098, SAID LINE BEARING S89°51'07"W.



THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.

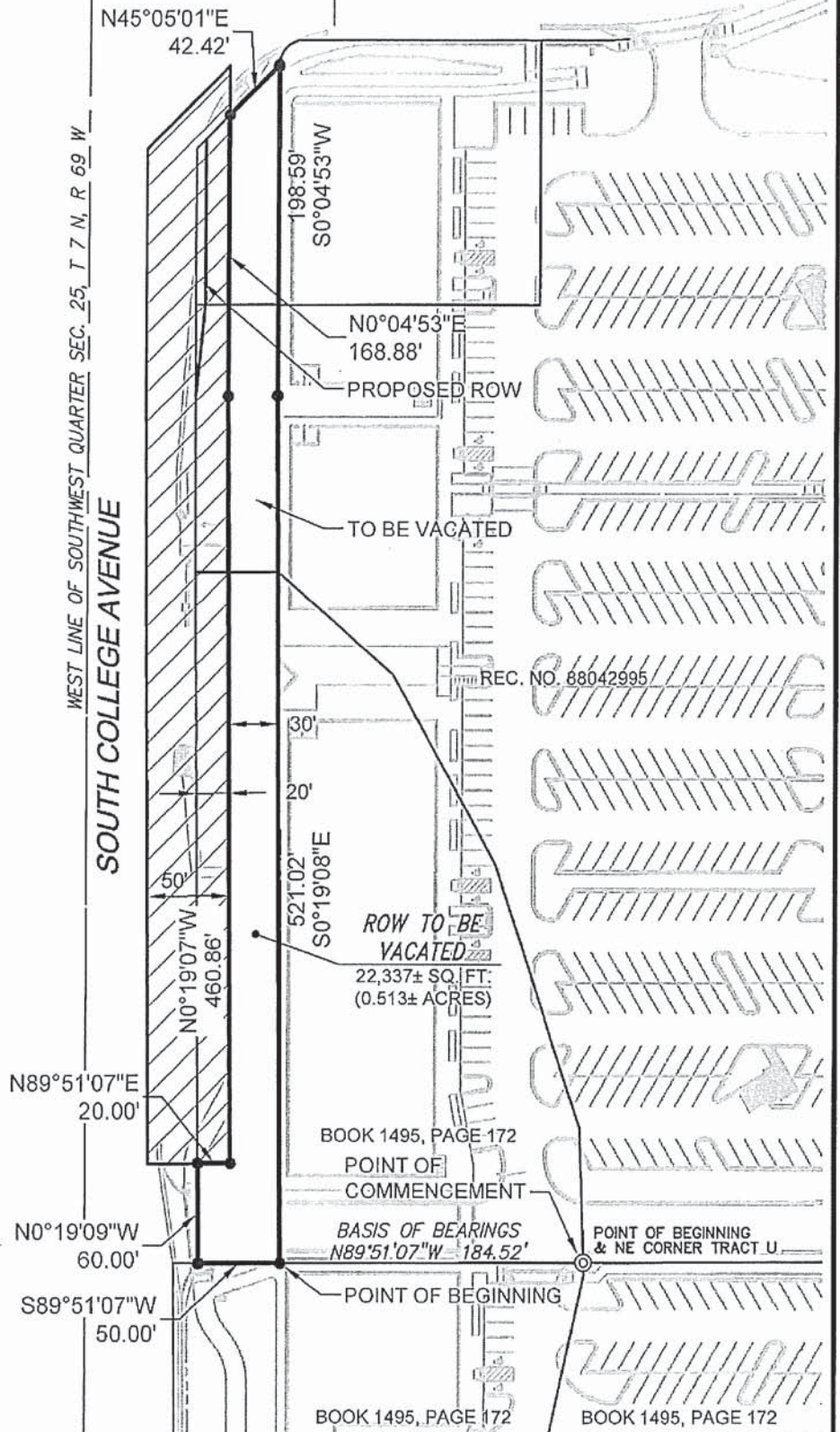
● = CHANGE IN COURSE ONLY

 AREA OF VACATION DESCRIBED IN ORD. 98, 1973



WEST LINE OF SOUTHWEST QUARTER SEC. 25, T 7 N, R 69 W

SOUTH COLLEGE AVENUE

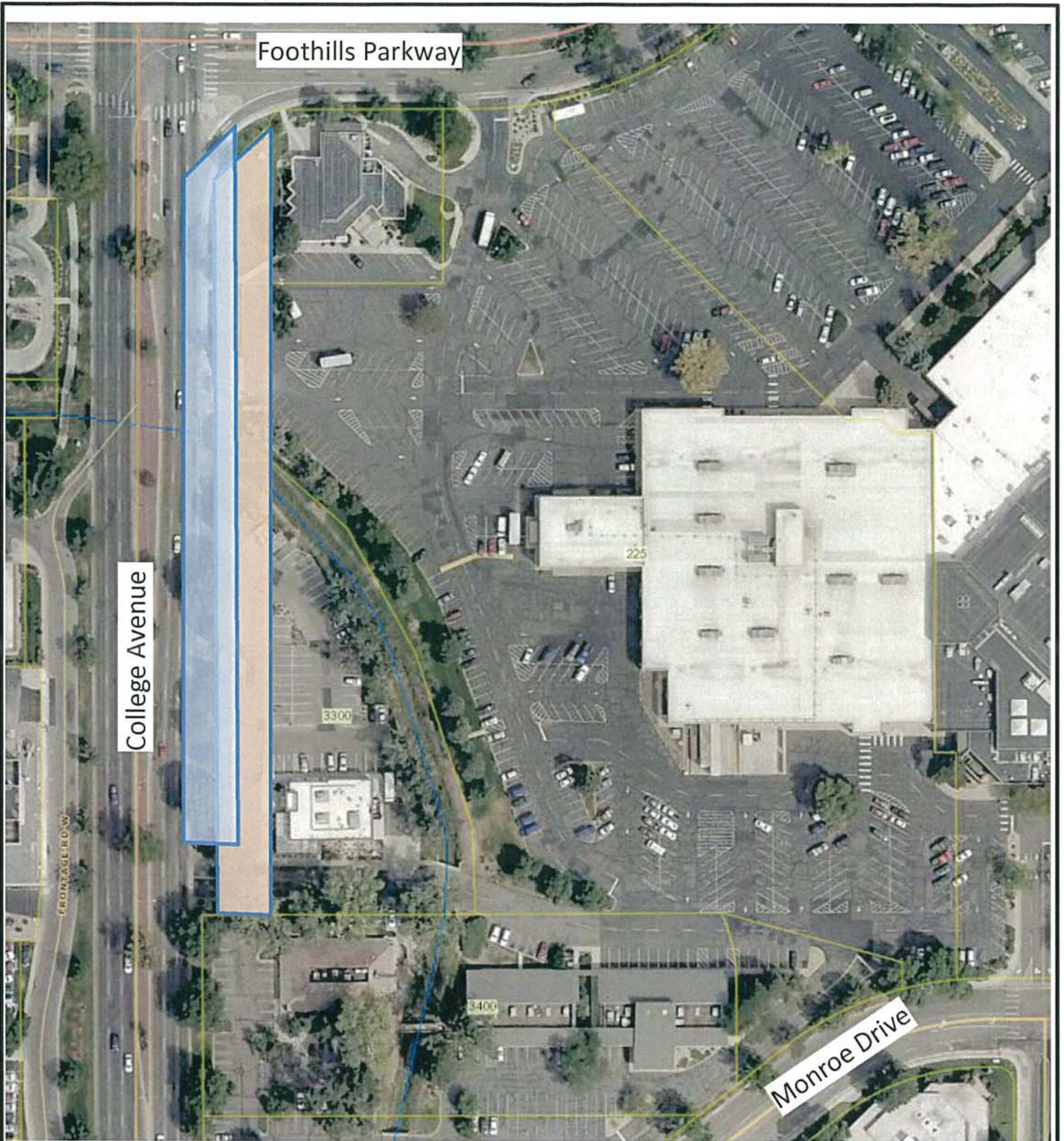


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Farnsworth
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(303) 692-8838 / (303) 692-0470 Fax

FOOTHILLS MALL REDEVELOPMENT SUBDIVISION
FORT COLLINS, COLORADO
RIGHT OF WAY
TO BE VACATED
SW 1/4 SEC. 25, T7N, R69W, 6TH. P.M.

Project No: 0120302.00
Drawn by: TWL
Approved: NAV
Date: 8/14/2013
Revised:



Right-of-way to be vacated



Area vacated described in Ordinance 98, 1973



College Avenue right-of-way vacation