

AGENDA ITEM SUMMARY

December 3, 2013

City Council

STAFF

Marc Virata, Civil Engineer

SUBJECT

First Reading of Ordinance No. 174, 2013, Vacating Foothills Parkway Right-of-Way Between College Avenue and Mathews Street, and Vacating a Portion of Mathews Street.

EXECUTIVE SUMMARY

The proposed Ordinance vacates the right-of-way for the remaining public street portion of Foothills Parkway from College Avenue to Mathews Street, along with a portion of the west side of Mathews Street intersecting Foothills Parkway. This would make Foothills Parkway a private drive from College Avenue to Stanford Road (as the portion of Foothills Parkway from Mathews Street to Stanford Road was previously vacated in 1988). Easements for access, emergency access, drainage, utilities, and transit will be retained in order to allow these uses within the vacated right-of-way in conjunction with the redevelopment of the Foothills Mall.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Foothills Parkway was originally built and dedicated as a public street from College Avenue to Stanford Road with the development of the Foothills Fashion Mall (now known as Foothills Mall). In 1988, an expansion to Foothills Mall for Foley's (now Macy's) resulted in the vacation of Foothills Parkway right-of-way from Mathews Street to Stanford Road as approved in Ordinance No. 116, 1987 adopted by City Council on May 17, 1988.

The owner of Foothills Mall has requested that the remaining public portion of Foothills Parkway from College Avenue to Mathews Street be vacated. Additionally, a portion of right-of-way along the west side of Mathews Street would be vacated due to the owner realigning a portion of Mathews Street intersecting Foothills Parkway, resulting in excess right-of-way. The owner received approval by the Planning and Zoning Board on February 7, 2013 of the Foothills Mall Redevelopment Project Development Plan and a condition of approval of the plan was made requiring this portion of Foothills Parkway be vacated.

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, easements for access, emergency access, drainage, utilities, and transit would be retained, preserving rights to utilize the vacated portion for these purposes.

FINANCIAL / ECONOMIC IMPACT

If Foothills Parkway and a portion of Mathews Street are vacated, the City will no longer be responsible for the maintenance, and as such, the roadways can be eliminated from the City's street maintenance program. 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 utility providers, potentially impacted departments, and adjacent property owners.

ORDINANCE NO. 174, 2013
OF THE COUNCIL OF THE CITY OF FORT COLLINS
VACATING FOOTHILLS PARKWAY RIGHT-OF-WAY BETWEEN COLLEGE AVENUE
AND MATHEWS STREET, AND VACATING A PORTION OF MATHEWS STREET

WHEREAS, Walton Foothills Holdings VI LLC, has requested that the City vacate the right-of-way for the remaining public street portion of Foothills Parkway from College Avenue to Mathews Street, along with a portion of the west side of Mathews Street intersecting Foothills Parkway; and

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

WHEREAS, pertinent City agencies and private utility companies have been contacted and have reported no objection to the proposed vacation, provided that an access, emergency access, drainage, utility, and transit 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; and

WHEREAS, the City shall have no duty to maintain the existing roadways after the Ordinance becomes effective.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Foothills Parkway and a portion of Mathews Street right-of-way, more particularly described on Exhibits "A" and "B" attached hereto and incorporated herein by this reference, are hereby vacated, abated and abolished, reserving the same unto the City as an access, emergency access, drainage, utility, and transit easements.

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

FOOTHILLS PARKWAY RIGHT-OF-WAY AND A PORTION OF MATHEWS STREET RIGHT-OF-WAY
TO BE VACATED FOR THE FOOTHILLS MALL REDEVELOPMENT SUBDIVISION

A TRACT OF LAND, BEING A PORTION OF FOOTHILLS PARKWAY AND A PORTION OF MATHEWS STREET AS DEDICATED IN THE SOUTHMOOR VILLAGE FIFTH FILING AS RECORDED AT BOOK 1495, PAGE 172 IN THE LARIMER COUNTY CLERK AND RECORDER'S OFFICE AND A PARCEL OF LAND CONVEYED TO THE CITY OF FORT COLLINS IN THE DEED OF DEDICATION RECORDED AT RECEPTION NUMBER 89017208 IN SAID 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 LOT 1 OF THE REPLAT OF TRACTS F, G, AND J, AND VACATED SERVICE ROAD, SOUTHMOOR VILLAGE FIFTH FILING, AS RECORDED AT BOOK 1582, PAGE 416 IN THE LARIMER COUNTY CLERK AND RECORDER'S OFFICE:

THENCE ALONG THE WEST LINE OF MATHEWS STREET AS DEDICATED IN THE PLAT OF SOUTHMOOR VILLAGE FIFTH FILING, AS RECORDED AT BOOK 1495, PAGE 172 IN SAID OFFICE S00°07'22"E, 105.36 FEET TO THE **POINT OF BEGINNING**;

THENCE CONTINUING S00°07'22"E, 109.95 FEET;

THENCE N89°53'27"E, 100.00 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 75.79 FEET AND TO THE WEST LINE OF TRACT 7 OF FOOTHILLS FASHION MALL EXPANSION AS RECORDED AT RECEPTION NO. 88042995 IN SAID OFFICE;

THENCE ALONG THE WESTERLY, NORTHWESTERLY AND NORTHERLY LINES OF TRACTS 1, 7 AND 8 OF SAID FOOTHILLS FASHION MALL EXPANSION AND TRACT D OF SAID SOUTHMOOR VILLAGE FIFTH FILING THE FOLLOWING FOUR COURSES:

SOUTHWESTERLY, THROUGH A CENTRAL ANGLE OF 44°36'01", ALONG THE ARC OF SAID CURVE 59.00 FEET, SAID CURVE HAVING A CHORD THAT BEARS S22°10'37"W, 57.52 FEET;

S44°28'37"W, 577.95 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 359.23 FEET;

SOUTHWESTERLY, THROUGH A CENTRAL ANGLE OF 45°36'15", ALONG THE ARC OF SAID CURVE 285.93 FEET, SAID CURVE HAVING A CHORD THAT BEARS S67°16'45"W, 278.44 FEET;

N89°55'08"W, 155.27 FEET;

THENCE N00°04'52"E, 100.00 FEET TO THE SOUTH LINE OF SAID LOT 1;

THENCE ALONG THE SOUTHERLY AND SOUTHEASTERLY LINES OF SAID LOT 1 THE FOLLOWING FOUR COURSES:

S89°55'08"E, 155.28 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 259.23 FEET;

NORTHEASTERLY, THROUGH A CENTRAL ANGLE OF 45°36'15", ALONG THE ARC OF SAID CURVE 206.33 FEET, SAID CURVE HAVING A CHORD THAT BEARS N67°16'45"E, 200.93 FEET;

N44°28'37"E, 468.04 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 243.83 FEET;

CONTINUED FROM PREVIOUS PAGE

NORTHEASTERLY, THROUGH A CENTRAL ANGLE OF $44^{\circ}36'00''$, ALONG THE ARC OF SAID CURVE 189.80 FEET, SAID CURVE HAVING A CHORD THAT BEARS $N22^{\circ}10'37''E$, 185.04 FEET TO THE POINT OF BEGINNING, CONTAINING 101,173 SQUARE FEET (2.323 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

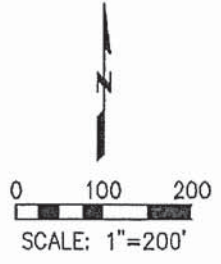
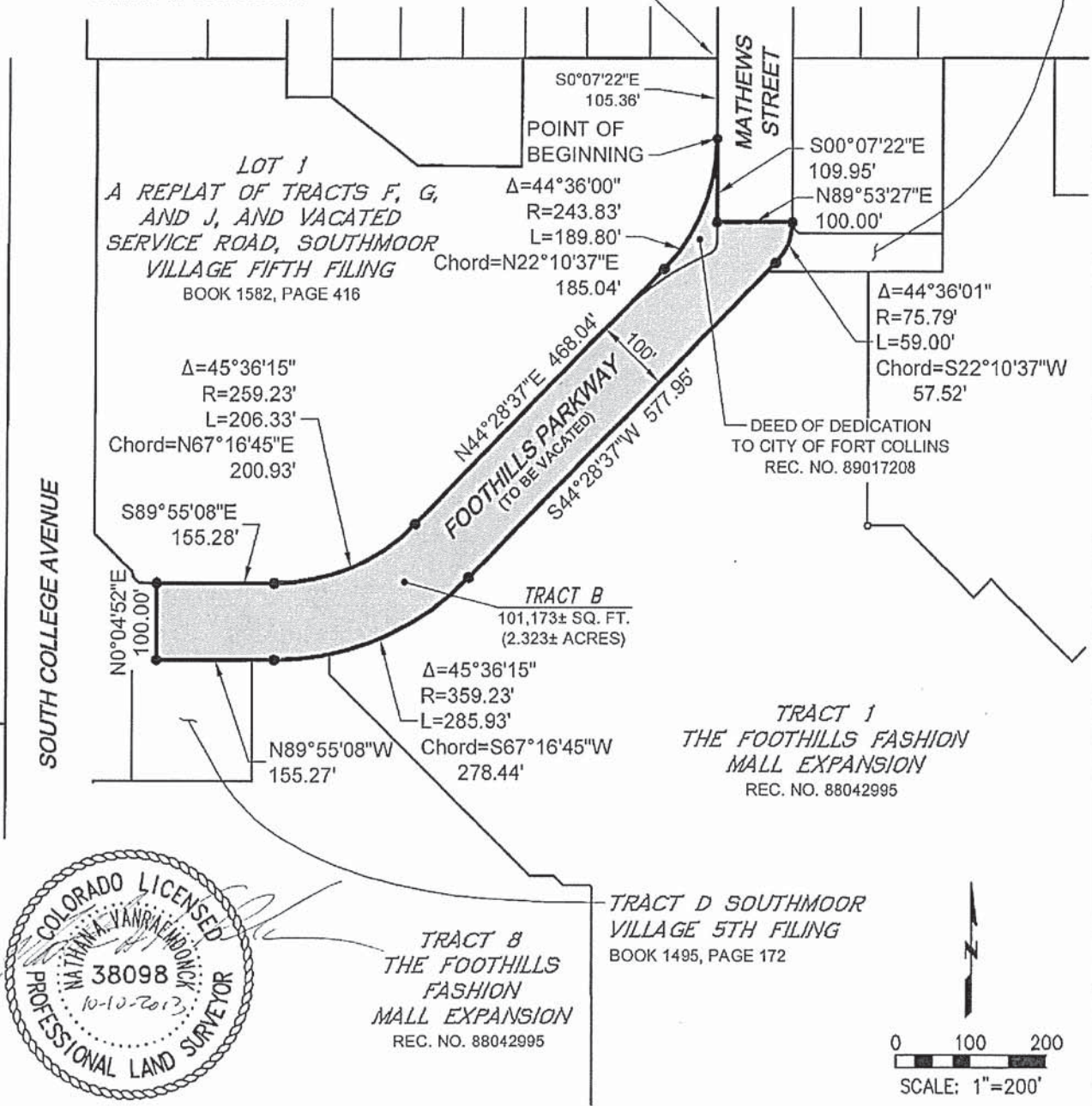


THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.

● = CHANGE IN COURSE ONLY

POINT OF COMMENCEMENT

TRACT 7
THE FOOTHILLS FASHION MALL EXPANSION
REC. NO. 88042995

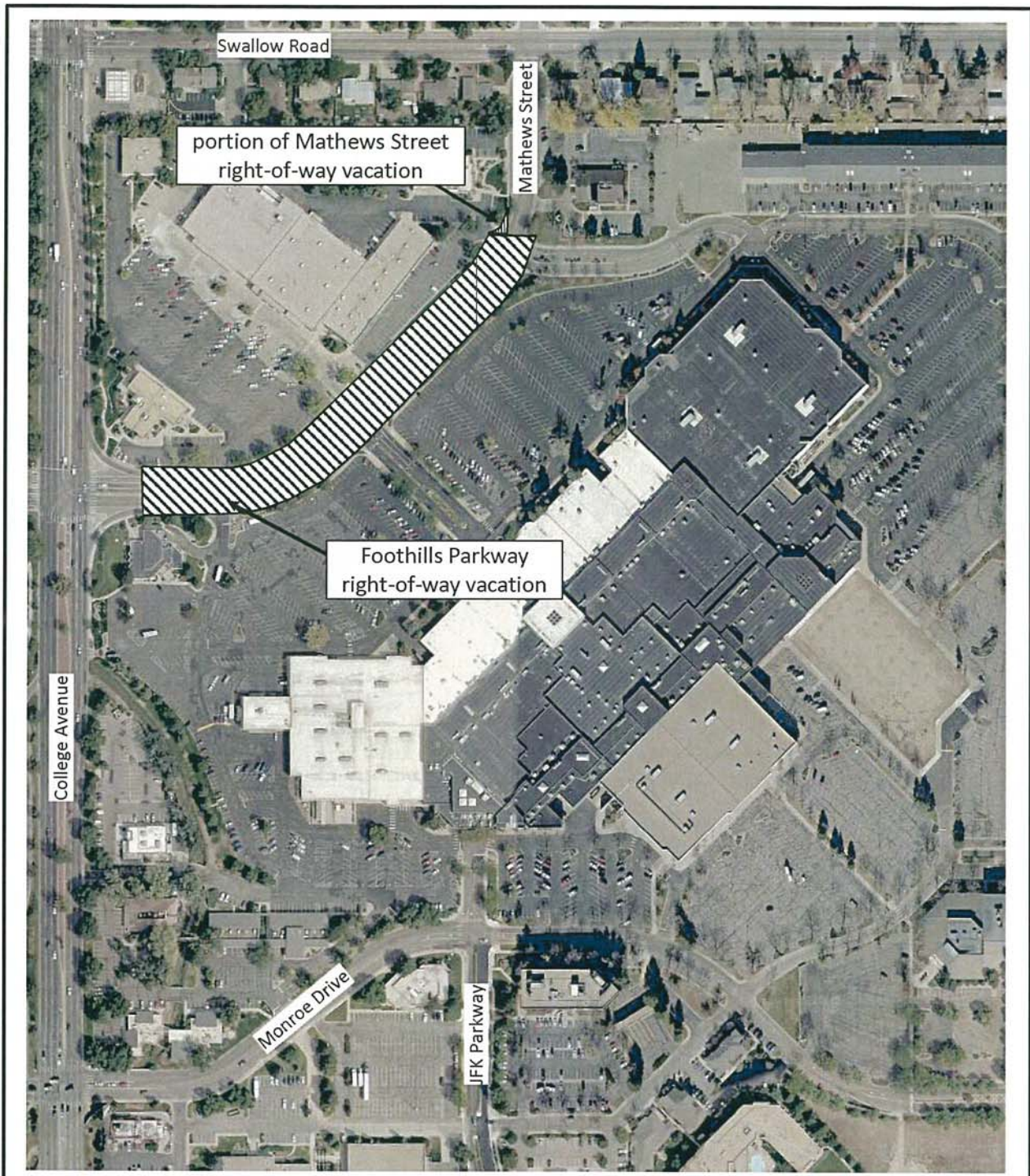


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Farnsworth GROUP
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FOOTHILLS MALL REDEVELOPMENT SUBDIVISION
FORT COLLINS, COLORADO
FOOTHILLS PARKWAY
TO BE VACATED
SW 1/4 SEC. 25, T7N, R69W, 6TH. P.M.

Project No: 0120302.00
Drawn by: TWL
Approved: NAV
Date: 4/24/2013
Revised:



Foothills Parkway right-of-way and a portion of Mathews Street right-of-way vacation

