

## AGENDA ITEM SUMMARY

April 15, 2014

City Council

### STAFF

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Helen Matson, Real Estate Services Manager

### SUBJECT

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First Reading of Ordinance No. 062, 2014, Vacating a Portion of Street Right-of-Way Dedicated to the City in 1974 as Part of the Kmart Development.

### EXECUTIVE SUMMARY

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The purpose of this item is to vacate a portion of dedicated street right-of-way that has not been constructed as a street and is no longer needed for public street purposes. The location of this street right of way is located at the rear of the building at 2505 South College Avenue and east of the railroad tracks. The property owners of 2505 S. College Avenue have requested this vacation.

### STAFF RECOMMENDATION

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Staff recommends adoption of the Ordinance on First Reading.

### BACKGROUND / DISCUSSION

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In 1974, a deed recorded in Book 1605 at Page 310 dedicated a street right-of-way. The portion to be vacated is not currently constructed as a street and is no longer needed for public street purposes. With the vacation, the City will retain a utility easement.

The applicant has ownership of the adjacent land. All public and private utilities were notified for the proposed vacation and they report no objections to the vacation request.

### PUBLIC OUTREACH

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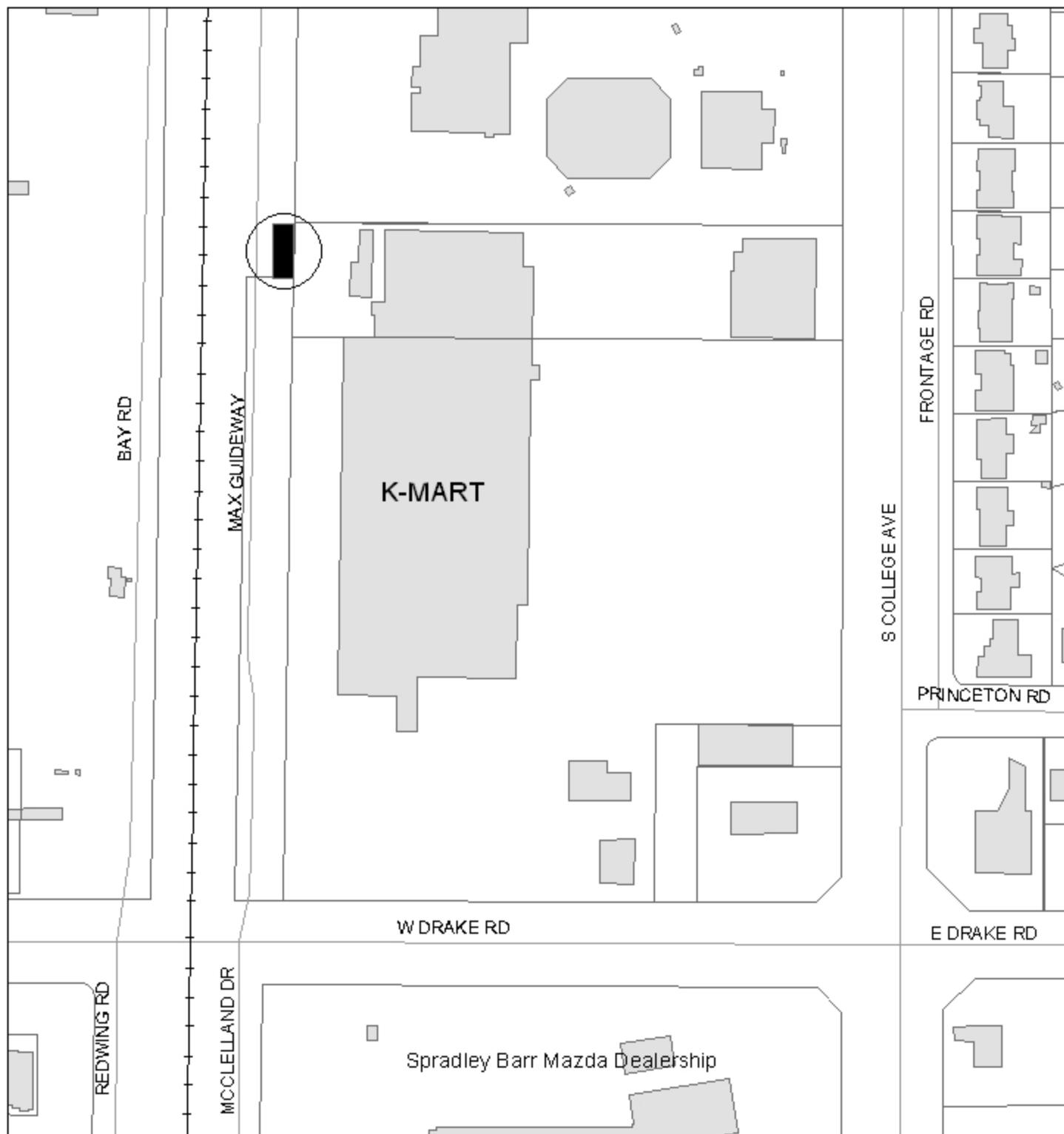
A memorandum requesting input was sent to the utility providers and potentially impacted City departments. The adjacent property owner and the person requesting the vacation are the same, so no letters were sent to adjacent property owners.

### ATTACHMENTS

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1. Location Map (PDF)

# Street Right of Way Location Map



 Right of Way location



ORDINANCE NO. 062, 2014  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
VACATING A PORTION OF STREET RIGHT-OF-WAY DEDICATED  
TO THE CITY IN 1974 AS PART OF THE KMART DEVELOPMENT

WHEREAS, in 1974, a deed recorded in Book 1605 at Page 310 of the Larimer County Records dedicated to the City a street right-of-way located at the rear of the building at 2505 South College Avenue (Kmart store) and east of the Burlington Northern Santa Fe railroad tracks; and

WHEREAS, a portion of that right-of-way is not currently used as a street and is no longer needed for public street purposes; and

WHEREAS, the property owners of 2505 South College Avenue have requested that this portion of the right-of-way be vacated; and

WHEREAS, pertinent land owners, City agencies, and private utility companies have been contacted and have reported no objection to the proposed vacation; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the portion of dedicated street right-of-way located at the rear of the building at 2505 South College Avenue and east of the Burlington Northern Santa Fe railroad tracts, more particularly described on Exhibit "A", 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, considered favorably on first reading, and ordered published this 15th day of April, A.D. 2014, and to be presented for final passage on the 6th day of May, A.D. 2014.

\_\_\_\_\_  
Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading on the 6th day of May, A.D. 2014.

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Mayor

ATTEST:

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City Clerk

**DESCRIPTION OF A TRACT OF LAND TO BE VACATED AS A PUBLIC STREET**

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 7 NORTH RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF FORT COLLINS, LARIMER COUNTY, COLORADO; BEING THE EAST 27.49 FEET OF THAT PORTION OF THAT TRACT DESCRIBED IN THE STREET DEDICATION RECORDED IN BOOK 1605, PAGE 310 WHICH LIES WITHIN TRACT 2 OF THE PLAT OF EXTENTION OF K-MART PLAZA, A PLAT OF RECORD WITH THE CLERK AND RECORDER OF THE SAID LARIMER COUNTY; SAID TRACT ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 23, AND CONSIDERING THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 23 AS BEARING NORTH 89 DEGREES 26 MINUTES 43 SECONDS WEST BETWEEN A 3" ALUMINUM CAP MONUMENT AT THE SOUTHEAST CORNER AND A 3" ALUMINUM CAP MONUMENT AT THE SOUTH QUARTER CORNER OF SECTION 23, BASED UPON G.P.S. OBSERVATIONS AND THE CITY OF FORT COLLINS COORDINATE SYSTEM, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 23, NORTH 89 DEGREES 26 MINUTES 43 SECONDS WEST FOR A DISTANCE OF 788.05 FEET TO THE EASTERLY RIGHT OF WAY OF THE BNSF RAILWAY;  
 THENCE ALONG SAID EASTERLY RIGHT OF WAY, NORTH 01 DEGREES 23 MINUTES 12 SECONDS EAST FOR A DISTANCE OF 785.30 FEET TO THE SOUTHWEST CORNER OF SAID TRACT DESCRIBED IN BOOK 1605, PAGE 310;  
 THENCE ALONG THE SOUTH LINE OF SAID TRACT, SOUTH 89 DEGREES 26 MINUTES 43 SECONDS EAST FOR A DISTANCE OF 28.00 FEET TO THE **POINT OF BEGINNING**;

THENCE N01°23'12"E, A DISTANCE OF 64.29 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT 2, EXTENTION OF K-MART PLAZA;  
 THENCE ALONG SAID NORTH LINE, S89°29'41"E, A DISTANCE OF 27.49 FEET TO A POINT ON THE EAST LINE OF SAID TRACT DESCRIBED IN BOOK 1605, PAGE 310;  
 THENCE S01°23'12"W, A DISTANCE OF 64.32 FEET TO THE SOUTHEAST CORNER OF SAID TRACT;  
 THENCE ALONG THE SOUTH LINE OF SAID TRACT, N89°26'43"W, A DISTANCE OF 27.49 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 1,768 SQUARE FEET (0.041 ACRES), MORE OR LESS, AND BEING SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD OR THAT NOW EXIST ON THE GROUND.

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.



JOHN STEVEN VON NIEDE, COLORADO P.L.S. 31169  
 FOR AND ON BEHALF OF THE CITY OF FORT COLLINS  
 P.O. BOX 580, FORT COLLINS, CO 80522

# EXHIBIT OF TRACT TO BE VACATED AS PUBLIC STREET

PORION OF TRACT  
DEDICATED TO PUBLIC  
IN BOOK 1605 PAGE 310

TRACT 1  
EXTENSION OF K-MART  
PLAZA

PT. OF BEGINNING

TRACT 2  
EXTENSION OF K-MART  
PLAZA

PROPOSED TRACT  
TO BE VACATED  
1,768 Sq. Ft.

TRACT 2  
K-MART PLAZA

LINE TABLE		
LINE	BEARING	Distance
L1	S89°26'43"E	28.00'
L2	N01°23'12"E	64.29'
L3	S89°29'41"E	27.49'
L4	S01°23'12"W	64.32'
L5	N89°26'43"W	27.49'

PROPOSED TRACT  
TO BE DEEDED  
TO DILLON  
COMPANIES INC.:

PROPOSED  
TRACT TO BE  
DEEDED TO CITY



NOVEMBER 20, 2013  
1"=100'

DRAKE ROAD  
(EXISTING 50' ROW)

N89°26'43"W 788.05'

S 1/4 CORNER  
23-7-69

SE CORNER  
23-7-69  
PT. OF COMMENCEM'T



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