

AGENDA ITEM SUMMARY

October 21, 2014

City Council

STAFF

Jason Holland, City Planner

SUBJECT

Items Relating to the Clydesdale Park First and Second Annexations.

EXECUTIVE SUMMARY

- A. Second Reading of Ordinance No. 131, 2014, Annexing Property Known as the Clydesdale Park First Annexation.
- B. Second Reading of Ordinance No. 132, 2014, Amending the Zoning Map and Classifying for Zoning Purposes the Property included in the Clydesdale Park First Annexation.
- C. Second Reading of Ordinance No. 133, 2014, Annexing Property Known as the Clydesdale Park Second Annexation.
- D. Second Reading of Ordinance No. 134, 2014, Amending the Zoning Map and Classifying for Zoning Purposes the Property included in the Clydesdale Park Second Annexation.

These Ordinances, unanimously adopted on First Reading on October 7, 2014, annex and zone the existing Clydesdale Park subdivision located east of Interstate 25, south of the intersection of East Mulberry Street and Carriage Parkway. Clydesdale Park includes 217 single-family residential lots on approximately 75 acres. Residents of the Clydesdale Park neighborhood have requested annexation. The requested zoning for these annexations is the Low Density Mixed-Use Neighborhood District (L-M-N), which is in compliance with the City of Fort Collins *Structure Plan*.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinances on Second Reading.

BACKGROUND / DISCUSSION

Refunding the Public Improvement District #50 (PID) balance to the Clydesdale Park property owners

Ordinance No. 131, 2014 and Ordinance No. 133, 2014, have been revised between first and second reading to include direction to City staff to work with Larimer County staff to accomplish the fair and equitable refunding to the property owners in the property of all funds presently held in the County's Public Improvement District No. 50.

City staff is working with County staff to provide the City with the option of refunding the PID balance to the Clydesdale Park property owners. After discussions with County staff, the County does believe that the City can provide refunds to the owners, once the City automatically becomes the governing body for the P.I.D. upon completion of the annexation.

Once the annexation is final, County staff will then determine the final account balance for the PID and can work with City staff to issue refunds to the 217 lot owners that are part of the PID. The current balance is

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approximately \$85,500.00, but may be adjusted based on final accrued interest and expenses. The refunds could likely be distributed to the owners of record by a mailed refund, with a letter from the City explaining the details of the refund. Some variations in the refund amounts should be expected, as the payments are determined by the assessed value of each property and the mill levy for the PID. Once the PID balance is expended, the City can work with the County to dissolve the PID.

ATTACHMENTS

1. First Reading Agenda Item Summary, October 7, 2014 (w/o attachments) (PDF)

AGENDA ITEM SUMMARY

October 7, 2014

City Council

STAFF

Jason Holland, City Planner

SUBJECT

Items Relating to the Clydesdale Park First and Second Annexations.

EXECUTIVE SUMMARY

- A. Resolution 2014-084 Setting Forth Findings of Fact and Determinations Regarding the Clydesdale Park First Annexation.
- B. Hearing and First Reading of Ordinance No. 131, 2014, Annexing Property Known as the Clydesdale Park First Annexation.
- C. First Reading of Ordinance No. 132, 2014, Amending the Zoning Map and Classifying for Zoning Purposes the Property included in the Clydesdale Park First Annexation.
- D. Resolution 2014-085 Setting Forth Findings of Fact and Determinations Regarding the Clydesdale Park Second Annexation.
- E. Hearing and First Reading of Ordinance No. 133, 2014, Annexing Property Known as the Clydesdale Park Second Annexation.
- F. First Reading of Ordinance No. 134, 2014, Amending the Zoning Map and Classifying for Zoning Purposes the Property included in the Clydesdale Park Second Annexation.

The purpose of this item is to consider the annexation of the existing Clydesdale Park subdivision located east of Interstate 25, south of the intersection of East Mulberry Street and Carriage Parkway. Clydesdale Park includes 217 single-family residential lots on approximately 75 acres. Residents of the Clydesdale Park neighborhood have requested annexation.

Residents are also requesting a 5 year "phase-in" of the storm water utility fee for Clydesdale Park upon annexation. The stormwater fee phase-in request was brought to the Water Board on September 18, 2014 for its consideration. Stormwater utility staff and the Water Board are recommending denial of the request for a "phased-in" stormwater fee.

These annexation requests are in conformance with the State of Colorado Revised Statutes as they relate to annexations, the City of Fort Collins Comprehensive Plan, and the Larimer County and City of Fort Collins Intergovernmental Agreements.

STAFF RECOMMENDATION

Staff recommends adoption of Resolutions and Ordinance on First Reading.

Staff recommends denial of the request for a "phased-in" stormwater fee. Should a "phased-in" approach be proposed, staff recommends that the stormwater fee begin at an annual rate of \$75 per lot and be increased to the full fee over a three year period.

BACKGROUND / DISCUSSION

Annexation and Zoning

The Clydesdale Park development was approved by the Larimer County Board of Commissioners in 2001. In accordance with Larimer County's standard development approval procedures, an annexation agreement was recorded with the original development approval. This Annexation Agreement is typically required during the County development review process to facilitate annexations that may happen sometime in the future that don't have the requisite amount of contiguity to the city limits to meet state requirements. This is the case with Clydesdale Park. When the Clydesdale Park subdivision was planned and approved, it could not be annexed into the city because it did not share a common boundary with the city limits at the time. Now that a common boundary does exist, the City may now initiate the annexation process through the Annexation Agreement.

The approval of the annexations will enable the neighborhood's streets, including Carriage Parkway, to be accepted into the City of Fort Collins' Street Maintenance Program. Clydesdale Park's streets are currently maintained by the residents of Clydesdale Park through their Public Improvement District (PID). The establishment of the PID was necessary because Larimer County does not typically maintain roads that are developed as part of a residential subdivision.

Carriage Parkway currently dead-ends at the southwest corner of the neighborhood and carries traffic predominantly for Clydesdale Park's residents. With the new Fox Grove residential development proposed to the southwest, within the city limits, it now seems imminent that this parkway will be extended and serve as access for additional residents who have no obligation to pay into the Clydesdale Park PID.

Residents have expressed concern that their continued maintenance responsibility for the existing portion of Carriage Parkway is no longer reasonable if the parkway is extended and used by future development to the south. Carriage Parkway is designated as a collector street on the City Master Street Plan, and will eventually be extended south to East Prospect Road. All portions of the future Carriage Parkway extension are within the city limits and will therefore be maintained by the City once constructed and accepted. Because all of Clydesdale Park's streets are currently in good condition, the City Streets and Engineering Departments are in agreement that the streets can be accepted into the City of Fort Collins' Street Maintenance Program, should the annexations be approved.

These annexations are located within the Growth Management Area (GMA). According to policies and agreements contained in the *Larimer County and City of Fort Collins Intergovernmental Agreements*, the City will agree to consider annexation of property in the GMA when the property is eligible for annexation, according to state law.

In order to gain the 1/6 contiguity with a municipal boundary as required by state law, a series of two annexations are needed to annex the Clydesdale Park neighborhood. The Clydesdale Park First Annexation gains the required 1/6 contiguity to existing city limits from a common boundary with the City of Fort Collins through the Fox Grove property to the west, which was annexed in 2005. The Clydesdale Park Second Annexation gains the required 1/6 contiguity to existing city limits from a common boundary with the Clydesdale Park First Annexation, thus satisfying the requirement that no less than one-sixth of the perimeter boundaries be contiguous to the existing city boundary.

The requested zoning for these annexations is the Low Density Mixed-Use Neighborhood District (L-M-N), which is in compliance with the City of Fort Collins *Structure Plan*.

Stormwater Fee Phase-in

The Clydesdale Park Homeowner's Association (HOA) has requested annexation into the City of Fort Collins (City). The HOA is requesting that the City's stormwater service fees be phased-in over 5 years. Review of the development plans and aerial photos confirm that the overall impervious surface area of Clydesdale Park falls within the limits of residential development ("light" category) as outlined in City Code.

Section 26-514 (b) of City Code provides for (but does not require) City Council consideration of a temporary reduction in the stormwater utility fee if justified in order to mitigate the economic impacts to annexed properties in light of relevant circumstances. This could be accomplished through a “phased-in” approach. Staff does not generally support the concept of a “phased-in” stormwater service fee.

The only time this has been used was with the Southwest Area Annexation in 2006. All other annexations (both voluntary and enclaves) have had full fees charged upon annexation. The Clydesdale Park subdivision is one of several within the Fort Collins Growth Management Area (GMA) that have a pre-annexation agreement in place (signed at the time of development) that allows annexation without the current residents’ approval. It helps to have neighborhood support but the annexation is City-initiated and does not require resident approval. In this case, the Clydesdale Park HOA is specifically requesting annexation.

The Clydesdale Park HOA states there will be approximately \$80,000 in the PID fund balance that will be transferred to the City of Fort Collins to use for maintenance of the road rights-of-way in the subdivision. The HOA had requested the reduction in stormwater fees as a way to offset that loss of funding. Staff has informed the Clydesdale Park HOA that Colorado State finance rules prohibit the comingling of taxes and utility service fees.

The Clydesdale Park HOA currently pays approximately \$75 annually per lot to Larimer County for stormwater fees associated with the Boxelder Basin Regional Stormwater Authority (BBRSA). If a phased implementation is approved, the stormwater service fee should start at approximately \$75 or existing ratepayers would in effect be subsidizing this development for a period of time not just for the portion of stormwater fees that go toward maintaining the City-wide infrastructure but more specifically for the fees the City will be paying to the BBRSA. Should the Council approve a phase in of the fees, it is staff’s recommendation that this be over a three year period. Under current City rates, each lot in the subdivision would pay approximately \$210-\$240 annually depending on actual lot size with 2014 stormwater rates.

FINANCIAL / ECONOMIC IMPACTS

Because the neighborhood's streets are in good condition, significant initial financial / economic impacts are not anticipated. The annexations will allow this portion of the City Growth Management Area to be more integrated into the City Master Street Plan. The provision of water and wastewater utility services will not change. Electric service will be transferred from Poudre Valley REA to Fort Collins Light and Power over a period of several years.

Stormwater Fee Phase-in Impacts

There are 217 single-family residences. Based on an average of \$225 per lot, annual stormwater service fees collected by the City of Fort Collins through its stormwater utility will be approximately \$48,825.

3 Year Phase-In (Starting at \$75)

Loss of stormwater service fee revenue of approximately \$61,845

5 Year Phase-In (Starting at \$75)

Loss of stormwater service fee revenue of approximately \$92,225

ENVIRONMENTAL IMPACTS

There are no significant environmental impacts anticipated with these annexations.

BOARD / COMMISSION RECOMMENDATION

The Planning and Zoning Board conducted a public hearing on the annexation and zoning requests on September 11, 2014 and voted 6-0 to recommend approval of the annexation and zoning. The minutes from the September 11, 2014 Planning and Zoning Board Hearing are attached.

The storm water utility fee phase-in request was brought to the Water Board on September 18, 2014 for their consideration. The City Stormwater Utility does not generally support and finds no appropriate justification to recommend a phased-in approach to the stormwater service fees. Staff's recommendation is to deny the request for a phased-in stormwater fee. Should a phased-in approach be proposed, staff recommends that the stormwater fee begin at an annual rate of \$75 per lot and be increased to the full fee over a three year period.

The Water Board made two motions:

First Motion:

The Water Board, having reviewed and discussed the Clydesdale Park HOA annexation request, support the staff recommendation to deny the request for a "phased-in" stormwater fee unless the Stormwater Fund is reimbursed.

Second Motion:

The Water Board recommends City Council consider other means to reimburse the homeowners of the Clydesdale Park HOA for the balance of the PID funds accepted by the City during annexation.

Both motions passed unanimously.

PUBLIC OUTREACH

Planning staff has coordinated with the residents of Clydesdale Park over the past year to explain the annexation process and answer questions about how annexation into the City will affect the neighborhood's taxes, fees, street maintenance and services. A letter from the Clydesdale Park Homeowner's Association in support of annexation is attached (**Attachment 6**). A letter of notification for the Planning and Zoning Board public hearing was mailed to all Affected Property Owners within 800 feet of the property 14 days prior to the September 11, 2014 hearing.

ATTACHMENTS

1. Clydesdale Park First Annexation Vicinity Map (PDF)
2. Clydesdale Park Second Annexation Vicinity Map (PDF)
3. Clydesdale Park Annexations Zoning Map (PDF)
4. Clydesdale Park Annexations Structure Plan Map (PDF)
5. City Master Street Plan (PDF)
6. Letter From Clydesdale Park HOA (PDF)
7. County Letter -- Clydesdale Park Annexations (PDF)
8. Timnath Letter -- Clydesdale Park Annexations (PDF)
9. P&Z Clydesdale Hearing Minutes - September 11, 2014 (PDF)
10. Water Board Meeting Minutes for Clydesdale stormwater fee phase-in (PDF)

ORDINANCE NO. 131, 2014
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ANNEXING THE PROPERTY KNOWN AS THE
CLYDESDALE PARK FIRST ANNEXATION
TO THE CITY OF FORT COLLINS, COLORADO

WHEREAS, Resolution 2014-067 finding substantial compliance and initiating annexation proceedings for the Property (as described below), has heretofore been adopted by the City Council; and

WHEREAS, the City Council hereby has determined that it is in the best interests of the City to annex the Property to the City; and

WHEREAS, the Property is located within the County's Public Improvement District No. 50 (the "PID") which was established for the maintenance of streets in the Property and which presently possesses approximately \$85,000; and

WHEREAS, the City will, upon annexation, accept the streets in the Property for maintenance; and

WHEREAS, the City Council has determined that the funds being held in the PID should, following annexation, be refunded to the property owners in the Property in a fair and equitable manner.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby incorporates the findings of Resolution 2014-084 and further finds that it is in the best interests of the City to annex the Property to the City.

Section 2. That the following described property (the "Property"), to wit:

A TRACT OF LAND LOCATED IN THE NORTH HALF OF SECTION 15, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE SIXTH P.M.; COUNTY OF LARIMER, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER QUARTER CORNER OF SAID SECTION 15, AND CONSIDERING THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 15 TO BEAR N00°07'27"E, SAID LINE BEING MONUMENTED ON ITS SOUTH END BY A 2-1/2" ALUMINUM CAP STAMPED LS 7839, AND ON ITS NORTH END BY A 2-1/2" ALUMINUM CAP STAMPED LS 31169, BASED UPON GPS OBSERVATIONS AND THE CITY OF FORT COLLINS COORDINATE SYSTEM, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE ALONG THE EAST AND NORTH BOUNDARY OF THE STATE HIGHWAY 14 – EAST FRONTAGE ROAD ANNEXATION, THE FOLLOWING TWO (2) COURSES:

1. ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 15, N00°07'27"E, A DISTANCE OF 612.47 FEET;
2. N89°40'35"W, A DISTANCE OF 209.46 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF CARRIAGE PARKWAY;

THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE AS DESCRIBED IN THE DEED OF DEDICATION RECORDED MARCH 21, 2007 AT RECEPTION NO. 20070021108, N62°53'42"E, A DISTANCE OF 235.56 FEET;
THENCE CONTINUING ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE AS SHOWN ON THE PLAT OF CLYDESDALE PARK P.U.D. FIRST FILING THE FOLLOWING TWO (2) COURSES:

1. N62°53'02"E, A DISTANCE OF 516.51 FEET;
2. 337.75 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 507.72 FEET, A CENTRAL ANGLE OF 38°06'53", AND A CHORD WHICH BEARS N46°02'12"E A DISTANCE OF 331.56 FEET TO A POINT ON THE EXTENSION OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF MESSARA DRIVE AS SHOWN ON THE PLAT OF CLYDESDALE PARK P.U.D. SECOND FILING;

THENCE ALONG SAID EXTENSION AND ALONG THE NORTHEASTERLY AND EASTERLY RIGHT-OF-WAY LINE OF MESSARA DRIVE THE FOLLOWING SIX (6) COURSES:

1. S58°06'23"E, A DISTANCE OF 440.40 FEET;
2. 272.04 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 267.00 FEET, A CENTRAL ANGLE OF 58°22'41", AND A CHORD WHICH BEARS S28°55'02"E A DISTANCE OF 260.43 FEET;
3. S00°16'18"W, A DISTANCE OF 342.91 FEET;
4. 70.70 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 213.00 FEET, A CENTRAL ANGLE OF 19°01'03", AND A CHORD WHICH BEARS S09°14'14"E A DISTANCE OF 70.37 FEET;
5. S18°44'45"E, A DISTANCE OF 26.75 FEET;
6. 11.78 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 45°00'00", AND A CHORD WHICH BEARS S03°45'15"W A DISTANCE OF 11.48 FEET TO THE NORTHEAST CORNER OF LOT 62 OF CLYDESDALE PARK P.U.D. SECOND FILING;

THENCE S20°31'45"E, A DISTANCE OF 134.88 FEET TO THE SOUTHEAST CORNER OF SAID LOT 62;

THENCE S19°41'26"E, A DISTANCE OF 166.45 FEET TO THE EAST SIXTEENTH CORNER OF SECTION 15;

THENCE ALONG THE SOUTH LINE OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 15, N89°43'41"W, A DISTANCE OF 1,320.70 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,182,485 SQUARE FEET (27.146 ACRES), MORE OR LESS

is hereby annexed to the City of Fort Collins and made a part of said City, to be known as the Clydesdale Park First Annexation, which annexation shall become effective upon completion of the conditions contained in Section 31-12-113, C.R.S., including, without limitation, all required filings for recording with the Larimer County Clerk and Recorder.

Section 3. That, in annexing the Property to the City, the City does not assume any obligation respecting the construction of water mains, sewer lines, gas mains, electric service lines, streets or any other services or utilities in connection with the Property hereby annexed except as may be provided by ordinances of the City.

Section 4. That the City hereby consents, pursuant to Section 37-45-136(3.6), C.R.S., to the inclusion of the Property into the Municipal Subdistrict, Northern Colorado Water Conservancy District.

Section 5. That City staff is directed to work with the Larimer County staff to accomplish the fair and equitable refunding to the property owners in the Property of all funds presently held in the County's Public Improvement District No. 50.

Introduced, considered favorably on first reading, and ordered published this 7th day of October, A.D. 2014, and to be presented for final passage on the 21st day of October, A.D. 2014.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 21st day of October, A.D. 2014.

Mayor

ATTEST:

City Clerk

ORDINANCE NO. 132, 2014
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE ZONING MAP OF THE CITY OF FORT COLLINS
AND CLASSIFYING FOR ZONING PURPOSES THE PROPERTY INCLUDED
IN THE CLYDESDALE PARK FIRST ANNEXATION TO THE
CITY OF FORT COLLINS, COLORADO

WHEREAS, Division 1.3 of the Land Use Code of the City of Fort Collins establishes the Zoning Map and Zone Districts of the City; and

WHEREAS, Division 2.9 of the Land Use Code of the City of Fort Collins establishes procedures and criteria for reviewing the zoning of land; and

WHEREAS, in accordance with the foregoing, the City Council has considered the zoning of the Property (as described below) and has determined that the Property should be zoned as hereafter provided.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the Zoning Map of the City of Fort Collins adopted pursuant to Section 1.3.2 of the Land Use Code of the City of Fort Collins is hereby changed and amended by including the property known as the Clydesdale Park First Annexation to the City of Fort Collins, Colorado, in the Low Density Mixed-Use Neighborhood (“L-M-N”) Zone District, which property (the “Property”) is more particularly described as:

A TRACT OF LAND LOCATED IN THE NORTH HALF OF SECTION 15, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE SIXTH P.M.; COUNTY OF LARIMER, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER QUARTER CORNER OF SAID SECTION 15, AND CONSIDERING THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 15 TO BEAR N00°07'27"E, SAID LINE BEING MONUMENTED ON ITS SOUTH END BY A 2-1/2" ALUMINUM CAP STAMPED LS 7839, AND ON ITS NORTH END BY A 2-1/2" ALUMINUM CAP STAMPED LS 31169, BASED UPON GPS OBSERVATIONS AND THE CITY OF FORT COLLINS COORDINATE SYSTEM, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE ALONG THE EAST AND NORTH BOUNDARY OF THE STATE HIGHWAY 14 – EAST FRONTAGE ROAD ANNEXATION, THE FOLLOWING TWO (2) COURSES:

1. ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 15, N00°07'27"E, A DISTANCE OF 612.47 FEET;
2. N89°40'35"W, A DISTANCE OF 209.46 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF CARRIAGE PARKWAY;

THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE AS DESCRIBED IN THE DEED OF DEDICATION RECORDED MARCH 21, 2007 AT RECEPTION NO. 20070021108, N62°53'42"E, A DISTANCE OF 235.56 FEET; THENCE CONTINUING ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE AS SHOWN ON THE PLAT OF CLYDESDALE PARK P.U.D. FIRST FILING THE FOLLOWING TWO (2) COURSES:

1. N62°53'02"E, A DISTANCE OF 516.51 FEET;
2. 337.75 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 507.72 FEET, A CENTRAL ANGLE OF 38°06'53", AND A CHORD WHICH BEARS N46°02'12"E A DISTANCE OF 331.56 FEET TO A POINT ON THE EXTENSION OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF MESSARA DRIVE AS SHOWN ON THE PLAT OF CLYDESDALE PARK P.U.D. SECOND FILING;

THENCE ALONG SAID EXTENSION AND ALONG THE NORTHEASTERLY AND EASTERLY RIGHT-OF-WAY LINE OF MESSARA DRIVE THE FOLLOWING SIX (6) COURSES:

1. S58°06'23"E, A DISTANCE OF 440.40 FEET;
2. 272.04 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 267.00 FEET, A CENTRAL ANGLE OF 58°22'41", AND A CHORD WHICH BEARS S28°55'02"E A DISTANCE OF 260.43 FEET;
3. S00°16'18"W, A DISTANCE OF 342.91 FEET;
4. 70.70 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 213.00 FEET, A CENTRAL ANGLE OF 19°01'03", AND A CHORD WHICH BEARS S09°14'14"E A DISTANCE OF 70.37 FEET;
5. S18°44'45"E, A DISTANCE OF 26.75 FEET;
6. 11.78 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 45°00'00", AND A CHORD WHICH BEARS S03°45'15"W A DISTANCE OF 11.48 FEET TO THE NORTHEAST CORNER OF LOT 62 OF CLYDESDALE PARK P.U.D. SECOND FILING;

THENCE S20°31'45"E, A DISTANCE OF 134.88 FEET TO THE SOUTHEAST CORNER OF SAID LOT 62;

THENCE S19°41'26"E, A DISTANCE OF 166.45 FEET TO THE EAST SIXTEENTH CORNER OF SECTION 15;

THENCE ALONG THE SOUTH LINE OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 15, N89°43'41"W, A DISTANCE OF 1,320.70 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,182,485 SQUARE FEET (27.146 ACRES), MORE OR LESS.

Section 2. That the Sign District Map adopted pursuant to Section 3.8.7(E) of the Land Use Code of the City of Fort Collins is hereby changed and amended by showing that the Property is included in the Residential Neighborhood Sign District.

Section 3. That the City Manager is hereby authorized and directed to amend said Zoning Map in accordance with this Ordinance.

Introduced, considered favorably on first reading, and ordered published this 7th day of October, A.D. 2014, and to be presented for final passage on the 21st day of October, A.D. 2014.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 21st day of October, A.D. 2014.

Mayor

ATTEST:

City Clerk

ORDINANCE NO. 133, 2014
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ANNEXING THE PROPERTY KNOWN AS THE
CLYDESDALE PARK SECOND ANNEXATION
TO THE CITY OF FORT COLLINS, COLORADO

WHEREAS, Resolution 2014-068, finding substantial compliance and initiating annexation proceedings for the Property (as described below), has heretofore been adopted by the City Council; and

WHEREAS, the City Council has determined that it is in the best interests of the City to annex the Property to the City; and

WHEREAS, the Property is located within the County's Public Improvement District No. 50 (the "PID") which was established for the maintenance of streets in the Property and which presently possesses approximately \$85,000; and

WHEREAS, the City will, upon annexation, accept the streets in the Property for maintenance; and

WHEREAS, the City Council has determined that the funds being held in the PID should, following annexation, be refunded to the property owners in the Property in a fair and equitable manner.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby incorporates the findings of Resolution 2014-085 and further finds that it is in the best interests of the City to annex the Property to the City.

Section 2. That the following described property (the "Property"), to wit:

A TRACT OF LAND LOCATED IN THE NORTH HALF OF SECTION 15 AND IN THE SOUTH HALF OF SECTION 10, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE SIXTH P.M.; COUNTY OF LARIMER, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 15, AND CONSIDERING THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 15 TO BEAR N00°07'27"E, SAID LINE BEING MONUMENTED ON ITS SOUTH END BY A 2-1/2" ALUMINUM CAP STAMPED LS 7839, AND ON ITS NORTH END BY A 2-1/2" ALUMINUM CAP STAMPED LS 31169, BASED UPON GPS OBSERVATIONS AND THE CITY OF FORT COLLINS COORDINATE SYSTEM, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE ALONG SAID WEST LINE OF THE NORTHEAST QUARTER OF SECTION 15, N00°07'27"E, A DISTANCE OF 720.98 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID WEST LINE, N00°07'27"E, A DISTANCE OF 1,706.44 FEET TO THE SOUTHWEST CORNER OF THAT PARCEL DESCRIBED IN THE WARRANTY DEED RECORDED IN BOOK 2236, PAGE 2533 IN THE OFFICE OF THE LARIMER COUNTY CLERK AND RECORDER;

THENCE ALONG THE SOUTH LINE OF SAID PARCEL, S89°11'19"E, A DISTANCE OF 83.00 FEET;

THENCE ALONG THE EAST LINE OF SAID PARCEL, N00°07'27"E, A DISTANCE OF 129.99 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY 14;

THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE THE FOLLOWING FIVE (5) COURSES:

1. N89°10'59"W, A DISTANCE OF 58.00 FEET;
2. N00°07'27"E, A DISTANCE OF 10.00 FEET;
3. N89°10'59"W, A DISTANCE OF 25.00 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 15;
4. ALONG SAID WEST LINE, S00°07'27"W, A DISTANCE OF 10.00 FEET;
5. N89°10'59"W, A DISTANCE OF 313.06 FEET TO A POINT ON THE EAST LINE OF THE INTERCHANGE BUSINESS PARK SECOND ANNEXATION TO THE CITY OF FORT COLLINS;

THENCE ALONG SAID EAST LINE THE FOLLOWING TWO (2) COURSES:

1. N00°37'00"E, A DISTANCE OF 109.15 FEET;
2. N00°48'59"E, A DISTANCE OF 40.85 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID STATE HIGHWAY 14;

THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE, S89°10'59"E, A DISTANCE OF 1,238.09 FEET TO A POINT ON THE NORTHERLY EXTENSION OF THE EAST LINE OF CLYDESDALE PARK P.U.D. SECOND FILING;

THENCE ALONG SAID NORTHERLY EXTENSION AND ALONG THE EAST LINE OF CLYDESDALE PARK P.U.D. SECOND FILING, S00°08'19"W, A DISTANCE OF 383.37 FEET;

THENCE ALONG THE NORTH LINE OF CLYDESDALE PARK P.U.D. SECOND FILING, S89°23'18"E, A DISTANCE OF 395.00 FEET TO A POINT ON THE EAST LINE OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 15;

THENCE ALONG SAID EAST LINE, S00°08'19"W, A DISTANCE OF 2,312.90 FEET TO THE EAST SIXTEENTH CORNER OF SECTION 15;

THENCE N19°41'26"W, A DISTANCE OF 166.45 FEET TO THE SOUTHEAST CORNER OF LOT 62, CLYDESDALE PARK P.U.D. SECOND FILING;

THENCE N20°31'45"W, A DISTANCE OF 134.88 FEET TO THE NORTHEAST CORNER OF SAID LOT 62;

THENCE ALONG THE EASTERLY AND NORTHEASTERLY RIGHT-OF-WAY LINE OF MESSARA DRIVE AND ALONG ITS NORTHWESTERLY EXTENSION, THE FOLLOWING SIX (6) COURSES:

1. 11.78 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 45°00'00", AND A CHORD WHICH BEARS N03°45'15"E A DISTANCE OF 11.48 FEET;
2. N18°44'45"W, A DISTANCE OF 26.75 FEET;
3. 70.70 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 213.00 FEET, A CENTRAL ANGLE OF 19°01'03", AND A CHORD WHICH BEARS N09°14'14"W A DISTANCE OF 70.37 FEET;
4. N00°16'18"E, A DISTANCE OF 342.91 FEET;
5. 272.04 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 267.00 FEET, A CENTRAL ANGLE OF 58°22'41", AND A CHORD WHICH BEARS N28°55'02"W A DISTANCE OF 260.43 FEET;
6. N58°06'23"W, A DISTANCE OF 440.40 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF CARRIAGE PARKWAY; THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:
 1. 337.75 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 507.72 FEET, A CENTRAL ANGLE OF 38°06'53", AND A CHORD WHICH BEARS S46°02'12"W A DISTANCE OF 331.56 FEET;
 2. S62°53'02"W, A DISTANCE OF 516.51 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,281,869 SQUARE FEET (52.385 ACRES), MORE OR LESS

is hereby annexed to the City of Fort Collins and made a part of said City, to be known as the Clydesdale Park Second Annexation, which annexation shall become effective upon completion of the conditions contained in Section 31-12-113, C.R.S., including, without limitation, all required filings for recording with the Larimer County Clerk and Recorder.

Section 3. That, in annexing the Property to the City, the City does not assume any obligation respecting the construction of water mains, sewer lines, gas mains, electric service lines, streets or any other services or utilities in connection with the Property hereby annexed except as may be provided by ordinances of the City.

Section 4. That the City hereby consents, pursuant to Section 37-45-136(3.6), C.R.S., to the inclusion of the Property into the Municipal Subdistrict, Northern Colorado Water Conservancy District.

Section 5. That City staff is directed to work with the Larimer County staff to accomplish the fair and equitable refunding to the property owners in the Property of all funds presently held in the County's Public Improvement District No. 50.

Introduced, considered favorably on first reading, and ordered published this 7th day of October, A.D. 2014, and to be presented for final passage on the 21st day of October, A.D. 2014.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 21st day of October, A.D. 2014.

Mayor

ATTEST:

City Clerk

ORDINANCE NO. 134, 2014
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE ZONING MAP OF THE CITY OF FORT COLLINS
AND CLASSIFYING FOR ZONING PURPOSES THE PROPERTY INCLUDED
IN THE CLYDESDALE PARK SECOND ANNEXATION TO THE
CITY OF FORT COLLINS, COLORADO

WHEREAS, Division 1.3 of the Land Use Code of the City of Fort Collins establishes the Zoning Map and Zone Districts of the City; and

WHEREAS, Division 2.9 of the Land Use Code of the City of Fort Collins establishes procedures and criteria for reviewing the zoning of land; and

WHEREAS, in accordance with the foregoing, the City Council has considered the zoning of the Property (as described below) and has determined that the Property should be zoned as hereafter provided.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the Zoning Map of the City of Fort Collins adopted pursuant to Section 1.3.2 of the Land Use Code of the City of Fort Collins is hereby changed and amended by including the property known as the Clydesdale Park Second Annexation to the City of Fort Collins, Colorado, in the Low Density Mixed-Use Neighborhood (“L-M-N”) Zone District, which property (the “Property”) is more particularly described as:

A TRACT OF LAND LOCATED IN THE NORTH HALF OF SECTION 15 AND IN THE SOUTH HALF OF SECTION 10, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE SIXTH P.M.; COUNTY OF LARIMER, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 15, AND CONSIDERING THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 15 TO BEAR N00°07'27"E, SAID LINE BEING MONUMENTED ON ITS SOUTH END BY A 2-1/2" ALUMINUM CAP STAMPED LS 7839, AND ON ITS NORTH END BY A 2-1/2" ALUMINUM CAP STAMPED LS 31169, BASED UPON GPS OBSERVATIONS AND THE CITY OF FORT COLLINS COORDINATE SYSTEM, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE ALONG SAID WEST LINE OF THE NORTHEAST QUARTER OF SECTION 15, N00°07'27"E, A DISTANCE OF 720.98 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID WEST LINE, N00°07'27"E, A DISTANCE OF 1,706.44 FEET TO THE SOUTHWEST CORNER OF THAT PARCEL

DESCRIBED IN THE WARRANTY DEED RECORDED IN BOOK 2236, PAGE 2533 IN THE OFFICE OF THE LARIMER COUNTY CLERK AND RECORDER;

THENCE ALONG THE SOUTH LINE OF SAID PARCEL, S89°11'19"E, A DISTANCE OF 83.00 FEET;

THENCE ALONG THE EAST LINE OF SAID PARCEL, N00°07'27"E, A DISTANCE OF 129.99 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY 14;

THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE THE FOLLOWING FIVE (5) COURSES:

1. N89°10'59"W, A DISTANCE OF 58.00 FEET;
2. N00°07'27"E, A DISTANCE OF 10.00 FEET;
3. N89°10'59"W, A DISTANCE OF 25.00 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 15;
4. ALONG SAID WEST LINE, S00°07'27"W, A DISTANCE OF 10.00 FEET;
5. N89°10'59"W, A DISTANCE OF 313.06 FEET TO A POINT ON THE EAST LINE OF THE INTERCHANGE BUSINESS PARK SECOND ANNEXATION TO THE CITY OF FORT COLLINS;

THENCE ALONG SAID EAST LINE THE FOLLOWING TWO (2) COURSES:

1. N00°37'00"E, A DISTANCE OF 109.15 FEET;
2. N00°48'59"E, A DISTANCE OF 40.85 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID STATE HIGHWAY 14;

THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE, S89°10'59"E, A DISTANCE OF 1,238.09 FEET TO A POINT ON THE NORTHERLY EXTENSION OF THE EAST LINE OF CLYDESDALE PARK P.U.D. SECOND FILING;

THENCE ALONG SAID NORTHERLY EXTENSION AND ALONG THE EAST LINE OF CLYDESDALE PARK P.U.D. SECOND FILING, S00°08'19"W, A DISTANCE OF 383.37 FEET;

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THENCE ALONG SAID EAST LINE, S00°08'19"W, A DISTANCE OF 2,312.90 FEET TO THE EAST SIXTEENTH CORNER OF SECTION 15;

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RADIUS OF 213.00 FEET, A CENTRAL ANGLE OF 19°01'03", AND A CHORD WHICH BEARS N09°14'14"W A DISTANCE OF 70.37 FEET;

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6. N58°06'23"W, A DISTANCE OF 440.40 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF CARRIAGE PARKWAY;
THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

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2. S62°53'02"W, A DISTANCE OF 516.51 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,281,869 SQUARE FEET (52.385 ACRES), MORE OR LESS.

Section 2. That the Sign District Map adopted pursuant to Section 3.8.7(E) of the Land Use Code of the City of Fort Collins is hereby changed and amended by showing that the Property is included in the Residential Neighborhood Sign District.

Section 3. That the City Manager is hereby authorized and directed to amend said Zoning Map in accordance with this Ordinance.

Introduced, considered favorably on first reading, and ordered published this 7th day of October, A.D. 2014, and to be presented for final passage on the 21st day of October, A.D. 2014.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 21st day of October, A.D. 2014.

Mayor

ATTEST:

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