

# AGENDA ITEM SUMMARY

August 18, 2015

City Council

## STAFF

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Marc Ragasa, Civil Engineer

## SUBJECT

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Second Reading of Ordinance No. 087, 2015, Vacating Right of Way as Dedicated on the Timbervine Plat.

## EXECUTIVE SUMMARY

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This Ordinance, unanimously adopted on First Reading on July 21, 2015, vacates right-of-way that was dedicated on the Timberline plat located west of Timberline Road and north of International Boulevard. Lager Street, Lambic Street, Bock Street, Macinac Street, Saison Street, Stout Street, Dunkel Street, and Mexico Way right-of-way is no longer necessary or desirable to retain for street purposes. The property is proposed to be replatted as Timbervine Second Filing, which was approved through an Administrative Hearing on June 18, 2015.

## STAFF RECOMMENDATION

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Staff recommends adoption of the Ordinance on Second Reading.

## ATTACHMENTS

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1. First Reading Agenda Item Summary, July 21, 2015 (w/o attachments) (PDF)
2. Ordinance No. 087, 2015 (PDF)

# AGENDA ITEM SUMMARY

City Council

July 21, 2015

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## STAFF

Marc Ragasa, Civil Engineer

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## SUBJECT

First Reading of Ordinance No. 087, 2015, Vacating Right of Way as Dedicated on the Timbervine Plat.

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## EXECUTIVE SUMMARY

The purpose of this item is to vacate right-of-way that was dedicated on the Timberline plat located west of Timberline Road and north of International Boulevard. Lager Street, Lambic Street, Bock Street, Macinac Street, Saison Street, Stout Street, Dunkel Street, and Mexico Way right-of-way is no longer necessary or desirable to retain for street purposes. The property is proposed to be replatted as Timbervine Second Filing, which was approved through an Administrative Hearing on June 18, 2015.

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## STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

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## BACKGROUND / DISCUSSION

In February 2015, the Timbervine plat was filed, which included Lager Street, Lambic Street, Bock Street, Macinac Street, Saison Street, Stout Street, Dunkel Street, and Mexico Way.

After approval of the Timbervine project, the developer requested this vacation because they determined that they wanted to utilize a different housing product that modifies the layout from what was approved with the Timbervine filing. A Major Amendment to the approved project, Timbervine Second Filing, intends to replat Timbervine and was approved through an administrative hearing on June 8, 2015.

Vacating public right-of-way is 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 notification and review of the request by potentially affected utility agencies, City staff, emergency service providers, and affected property owners adjacent to the proposed right-of-way vacation. This review process was followed in conjunction with the review of the Timbervine Second Filing Development Plan.

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## CITY FINANCIAL IMPACTS

There are no financial impacts to the vacation of this portion of right of way.

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## PUBLIC OUTREACH

A memorandum requesting input was sent to the utility providers, potentially impacted City departments and adjacent property owners. The other adjacent property owners and the developer requesting the vacation are one in the same and thus no letters were sent to adjacent property owners.

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## ATTACHMENTS

1. Timbervine ROW location map (PDF)

ORDINANCE NO. 087, 2015  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
VACATING RIGHT-OF-WAY AS DEDICATED  
ON THE TIMBERVINE PLAT

WHEREAS, the plat of Timbervine included dedication to the public of right-of-way for Lager Street, Lambic Street, Bock Street, Macinac Street, Saison Street, Stout Street, Dunkel Street, and Mexico Way; and

WHEREAS, Timbervine Holdings, LLC has requested that the City vacate these right-of-way; 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 reported no objection to the proposed vacation; and

WHEREAS, the right of the residents of the City of Fort Collins 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 as follows:

Section 1. That the City Council hereby finds and determines that the street rights-of-way for Lager Street, Lambic Street, Bock Street, Macinac Street, Saison Street, Stout Street, Dunkel Street, and Mexico Way, more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference (the "Specified Streets") are no longer needed for right-of-way purposes and that it is in the public interest to vacate the same.

Section 2. That the Specified Streets are hereby vacated, abated and abolished, provided, that:

- 1) This vacation shall not take effect until this Ordinance is recorded with the Larimer County Clerk and Recorder.
- 2) This Ordinance shall be recorded concurrently with the subdivision plat for the development known as "Timbervine Second Filing".
- 3) If this Ordinance is not recorded by August 18, 2018, then this Ordinance shall become null and void and of no force and effect.

Introduced and considered favorably on first reading and ordered published this 21st day of July, A.D. 2015, and to be presented for final passage on the 18th day of August, A.D. 2015.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Chief Deputy City Clerk

Passed and adopted on final reading this 18th day of August, A.D. 2015.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**EXHIBIT A****TIMBERVINE RIGHT OF WAY VACATION DESCRIPTION**

A TRACT OF LAND SITUATED IN THE NORTHEAST ¼ OF SECTION 7, AND THE NORTHWEST ¼ OF SECTION 8, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH P.M., CITY OF FORT COLLINS, LARIMER COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL RIGHT OF WAY DEDICATED ON THE PLAT OF TIMBERVINE, RECORDED FEBRUARY 13, 2015 AS RECEPTION NO. 20150008528, SAID RIGHTS OF WAY BEING KNOWN AS LAGER STREET, STOUT STREET, LAMBIC STREET, BOCK STREET, MACINAC STREET, DUNKEL STREET, SAISON STREET, AND MEXICO WAY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTHWEST CORNER OF TIMBERVINE; THENCE S 00°24'08" W ALONG THE WEST LINE OF TIMBERVINE, A DISTANCE OF 894.13' (PLATTED AS 893.91' AND CORRECTED BY AFFIDAVIT OF CORRECTION RECORDED AS RECEPTION NO. 20150032732 TO 894.13') TO THE SOUTHWEST CORNER OF TRACT B, TIMBERVINE, SAID POINT BEING THE **POINT OF BEGINNING**;

THENCE S 87°59'34" E A DISTANCE OF 117.11' TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT; THENCE 14.45' ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 9.00', A CENTRAL ANGLE OF 92°00'26", AND BEING SUBTENDED BY A CHORD WHICH BEARS N 46°00'13" E, A CHORD LENGTH OF 12.95';

THENCE N 00°00'00" W A DISTANCE OF 647.18' TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT; THENCE 48.70' ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 199.00', A CENTRAL ANGLE OF 14°01'17", AND BEING SUBTENDED BY A CHORD WHICH BEARS N 07°00'39" W, A CHORD LENGTH OF 48.58' TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT;

THENCE 143.19' ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 69.50', A CENTRAL ANGLE OF 118°02'35", AND BEING SUBTENDED BY A CHORD WHICH BEARS N 45°00'00" E, A CHORD LENGTH OF 119.17' TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT;

THENCE 48.70' ALONG SAID CURVE HAVING A RADIUS OF 199.00', A CENTRAL ANGLE OF 14°01'17", AND BEING SUBTENDED BY A CHORD WHICH BEARS S 82°59'21" E, A CHORD LENGTH OF 48.58';

THENCE N 90°00'00" E A DISTANCE OF 195.01' TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT; THENCE 186.73' ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 191.50', A CENTRAL ANGLE OF 55°52'03", AND BEING SUBTENDED BY A CHORD WHICH BEARS S 62°03'59" E, A CHORD LENGTH OF 179.42';

THENCE S 34°07'57" E A DISTANCE OF 895.67' TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT; THENCE 48.70' ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 199.00', A CENTRAL ANGLE OF 14°01'17", AND BEING SUBTENDED BY A CHORD WHICH BEARS S 41°08'36" E, A CHORD LENGTH OF 48.58' TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT;

THENCE 148.67' ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 69.50', A CENTRAL ANGLE OF 122°33'42", AND BEING SUBTENDED BY A CHORD WHICH BEARS S 13°07'36" W, A CHORD LENGTH OF 121.90' TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT;

THENCE 48.70' ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 199.00', A CENTRAL ANGLE OF 14°01'17", AND BEING SUBTENDED BY A CHORD WHICH BEARS S 67°23'48" W, A CHORD LENGTH OF 48.58';

THENCE S 60°23'10" W A DISTANCE OF 57.39' TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT; THENCE 217.07' ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 476.50', A CENTRAL ANGLE OF 26°06'05", AND BEING SUBTENDED BY A CHORD WHICH BEARS S 73°26'12" W, A CHORD LENGTH OF 215.20' TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT;

THENCE 17.36' ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 11.50', A CENTRAL ANGLE OF 86°29'14", AND BEING SUBTENDED BY A CHORD WHICH BEARS S 43°14'37" W, A CHORD LENGTH OF 15.76';  
THENCE S 00°00'00" E A DISTANCE OF 230.29' TO THE SOUTH LINE OF TIMBERVINE;  
THENCE N 89°36'47" W, ALONG THE SOUTH LINE OF TIMBERVINE, A DISTANCE OF 72.00';  
THENCE N 00°00'00" W A DISTANCE OF 228.89' TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT;  
THENCE 18.06' ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 11.50', A CENTRAL ANGLE OF 90°00'00", AND BEING SUBTENDED BY A CHORD WHICH BEARS N 45°00'00" W, A CHORD LENGTH OF 16.26';  
THENCE S 90°00'00" W A DISTANCE OF 465.07' (PLATTED AS 470.07' AND CORRECTED BY AFFIDAVIT OF CORRECTION RECORDED AS RECEPTION NO. 20150030549 TO 465.07') TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT;  
THENCE 48.70' ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 199.00', A CENTRAL ANGLE OF 14°01'17", AND BEING SUBTENDED BY A CHORD WHICH BEARS S 82°59'21" W, A CHORD LENGTH OF 48.58' TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT;  
THENCE 143.19' ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 69.50', A CENTRAL ANGLE OF 118°02'35", AND BEING SUBTENDED BY A CHORD WHICH BEARS N 45°00'00" W, A CHORD LENGTH OF 119.17' TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT;  
THENCE 48.70' ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 199.00', A CENTRAL ANGLE OF 14°01'17", AND BEING SUBTENDED BY A CHORD WHICH BEARS N 07°00'39" E, A CHORD LENGTH OF 48.58';  
THENCE N 00°00'00" W A DISTANCE OF 118.67' TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT;  
THENCE 13.82' ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 9.00', A CENTRAL ANGLE OF 87°59'34", AND BEING SUBTENDED BY A CHORD WHICH BEARS N 43°59'47" W, A CHORD LENGTH OF 12.50';  
THENCE N 87°59'34" W A DISTANCE OF 118.12' TO THE WEST LINE OF TIMBERVINE;  
THENCE N 00°24'08" E ALONG THE WEST LINE OF TIMBERVINE A DISTANCE OF 53.02' TO THE **POINT OF BEGINNING.**

**EXCEPTING THEREFROM:**


LOTS 1-14, BLOCK 3,  
LOTS 1-18, BLOCK 4,  
LOTS 1-26, BLOCK 5,  
LOTS 1-8, BLOCK 6,  
LOTS 1-24, BLOCK 7,  
TRACTS C, D, E, F, G, H, AND I,  
TIMBERVINE, ACCORDING TO THE PLAT RECORDED FEBRUARY 13, 2015 AS RECEPTION NO. 20150008528,

CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO.

THE ABOVE DESCRIBED RIGHT OF WAY VACATION CONTAINS AN AREA OF 324,485 SQUARE FEET, 7.449 ACRES, MORE OR LESS.

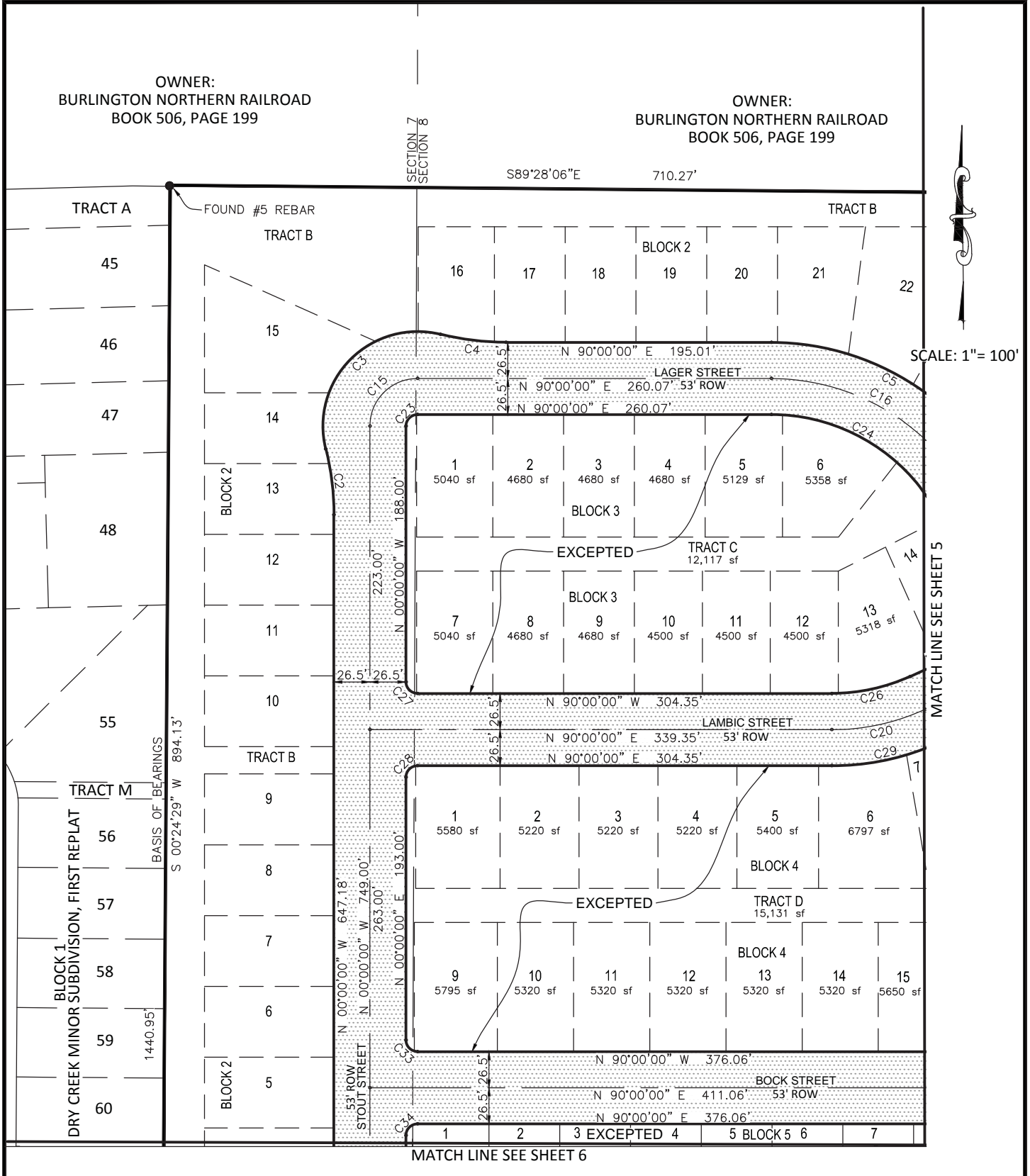
**BASIS OF BEARINGS:** ASSUMED NORTH 00°24'08" EAST ALONG THE WEST LINE OF TRACT B, TIMBERVINE, SAID LINE BEING MONUMENTED AT THE NORTHWEST CORNER BY A #5 REBAR AND BEING MONUMENTED BY A #5 REBAR WITH A RED PLASTIC CAP, L.S. 31159 LOCATED AT THE SOUTHWEST CORNER OF SAID TRACT B.

*Laine A. Landau*  
LAINE A. LANDAU  
COLORADO PROFESSIONAL LAND SURVEYOR 31159  
FOR AND ON BEHALF OF WILLIAM P. SMITH & ASSOCIATES, INC.  
508 W. 66<sup>TH</sup> STREET  
LOVELAND, CO 80538



OWNER:  
BURLINGTON NORTHERN RAILROAD  
BOOK 506, PAGE 199

OWNER:  
BURLINGTON NORTHERN RAILROAD  
BOOK 506, PAGE 199



BLOCK 1  
DRY CREEK MINOR SUBDIVISION, FIRST REPLAT

BASIS OF BEARINGS  
S 00°24'29" W 894.13'

**WILLIAM H. SMITH & ASSOCIATES INC.**  
SURVEYING CONSULTANTS  
508 W. 66TH ST. PHONE: 970-663-4474  
LOVELAND, CO 80538 FAX: 970-663-4474  
www.whsmithpc.com

DRAWN BY: LAL CHECKED BY: LAL  
PROJECT NO: JOB NO: 2014019.003  
REVISIONS:

**LOCATION:**  
TIMBERVINE,  
LOCATED IN THE NE 1/4 OF SECTION 7 & NW 1/4 OF SECTION 8,  
TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH P.M.  
CITY OF FORT COLLINS, COUNTY OF LARIMER,  
STATE OF COLORADO

**EXHIBIT A**  
PAGE 4 OF 7

**RIGHT OF WAY VACATION EXHIBIT**  
SCALE: 1"=100'  
DATE: 6/11/2015





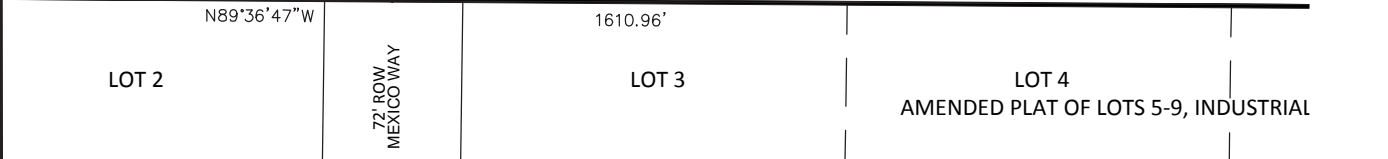


MATCH LINE SEE SHEET 5



MATCH LINE SEE SHEET 6

SCALE: 1" = 100'



**WILLIAM H. SMITH & ASSOCIATES INC.**  
 SURVEYING CONSULTANTS  
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 STATE OF COLORADO

**EXHIBIT A**  
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**RIGHT OF WAY VACATION EXHIBIT**

SCALE: 1"=100'  
 DATE: 6/11/2015