

AGENDA ITEM SUMMARY

July 18, 2017

City Council

STAFF

Sheri Langenberger, Development Review Manager

SUBJECT

First Reading of Ordinance No. 097, 2017, Vacating a Portion of Lincoln Avenue Right-of-Way Dedicated on the Fort Collins Original Town Plat Dated January 17, 1873, with the Reservation of a Drainage and Utility Easement.

EXECUTIVE SUMMARY

The purpose of this item is to vacate a portion of Lincoln Avenue that is no longer necessary or desirable to retain for street purposes. During the design process for the Lincoln Corridor Improvements Project - Phase I, it was determined that there was a portion of right-of-way that was no longer necessary to retain. The request to vacate was made by the City of Fort Collins Engineering Department.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

At its June 2, 2015, meeting, City Council appropriated funds for the design and construction of Lincoln Avenue improvements from 1st Street to Lemay Ave, and as a part of the 2017/2018 budget approval approved funds for the Lincoln Avenue bridge. It was determined during the design process that a portion of Lincoln Avenue right-of-way at the northwest corner of Lincoln Avenue and Willow Street will no longer be needed for street purposes.

All street and sidewalk improvements placed within the right-of-way will be retained.

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 and no objections to the vacation were made provided a drainage and utility easement is reserved by the City.

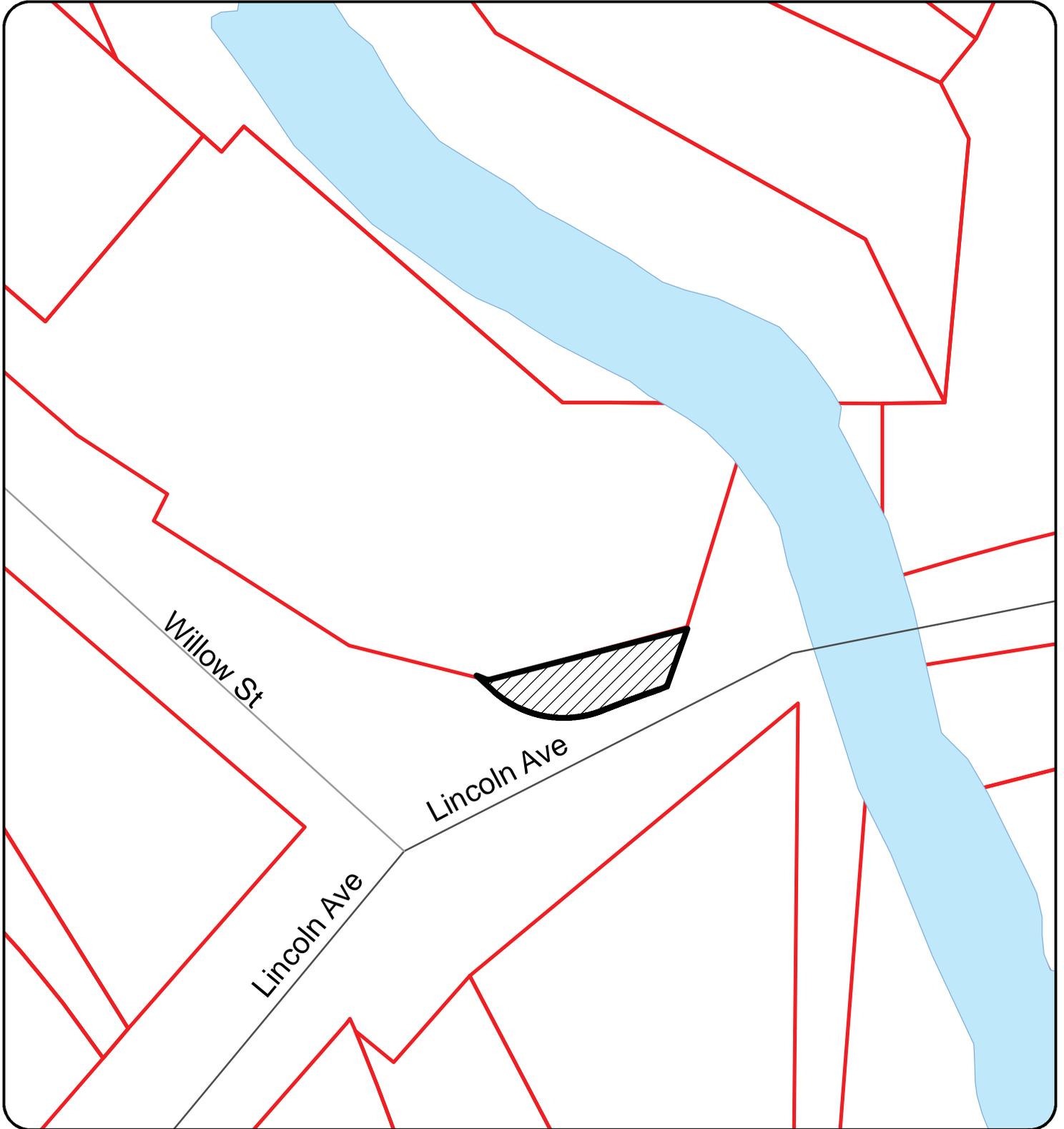
PUBLIC OUTREACH

A memorandum requesting input was sent to the utility providers, potentially impacted City departments and adjacent property owners. No response back was received from the property owners, but based on input by the utility providers and City departments the area will be retained as utility and drainage easement.

ATTACHMENTS

1. Location map (PDF)

Right-of-Way Vacation of ^{ATTACHMENT 1} 546 Willow Street Location Map



 Right-of-Way Vacation Location



Printed: June 29, 2017

ORDINANCE NO. 097, 2017
OF THE COUNCIL OF THE CITY OF FORT COLLINS
VACATING A PORTION OF LINCOLN AVENUE RIGHT-OF-WAY DEDICATED
ON THE FORT COLLINS ORIGINAL TOWN PLAT DATED JANUARY 17, 1873,
WITH THE RESERVATION OF A DRAINAGE AND UTILITY EASEMENT

WHEREAS, the Fort Collins Original Town plat, recorded at Book 1, Page 48, of the Larimer County Clerk and Recorder records, included dedication to the public of right-of-way for Lincoln Avenue; and

WHEREAS, the City Engineering Department has filed an application with the City Engineer in accordance with City Code Section 23-115 requesting that the City vacate a portion of Lincoln Avenue right-of-way more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference; and

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

WHEREAS, the City Engineer has routed the vacation request to potentially affected City agencies, private utility companies, property owners in the vicinity, and emergency service providers and no objection to the proposed vacation has been received, provided that a drainage and utility easement be reserved unto the City; and

WHEREAS, in accordance with City Code Section 23-115, the City Engineer recommended approval of the vacation to the Planning Development and Transportation Director, and the Director recommends to Council that the request for vacation be approved; and

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

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby finds and determines that the right-of-way for a portion of Lincoln Avenue more particularly described on Exhibit "A" is no longer needed for right-of-way purposes, with the exception of an easement across the entire area for drainage and utilities, and that it is in the public interest to vacate the same.

Section 3. That the right-of-way described in Exhibit A is hereby vacated, abated, and abolished, with the exception of the reservation of a drainage and utility easement by the City for public use across the entire area described in Exhibit A, provided that this vacation shall not take effect until this Ordinance is recorded with the Larimer County Clerk and Recorder.

Section 4. That upon recording of this Ordinance with the Larimer County Clerk and Recorder, title to the vacated rights-of-way shall vest in accordance with C.R.S. Section 43-2-302, with the exception of the drainage and utility easement reserved herein.

Introduced and considered favorably on first reading and ordered published this 18th day of July, A.D. 2017, and to be presented for final passage on the 15th day of August, A.D. 2017.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 15th day of August, A.D. 2017.

Mayor

ATTEST:

City Clerk

Exhibit A

DESCRIPTION OF A PORTION OF EXISTING RIGHT OF WAY OF LINCOLN AVENUE TO BE VACATED BY THE CITY OF FORT COLLINS

A TRACT OF LAND, BEING A PORTION OF LINCOLN AVENUE RIGHT OF WAY, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE SIXTH P.M.; CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 12, AND CONSIDERING THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 12 TO BEAR S89°29'04"E, SAID LINE BEING MONUMENTED ON ITS WEST END BY A 2-1/2" ALUMINUM CAP STAMPED LS 37968, AND ON ITS EAST END BY A 2-1/2" ALUMINUM CAP STAMPED LS 17497, BASED UPON GPS OBSERVATIONS AND THE CITY OF FORT COLLINS COORDINATE SYSTEM, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE S80°41'12"W, A DISTANCE OF 729.97 FEET TO THE **POINT OF BEGINNING**, SAID POINT BEING MARKED BY A NO. 4 REBAR WITH A 1" BLUE PLASTIC CAP STAMPED LS 38470 AT THE SOUTHEASTERLY CORNER OF THAT PARCEL OF LAND DESCRIBED IN THE SPECIAL WARRANTY DEED RECORDED JUNE 3, 2016 AT RECEPTION NO. 20160035194, AND AS SHOWN ON THE ALTA/NSPS LAND TITLE SURVEY RECORDED JUNE 2, 2016 AT RECEPTION NO. 20160034904;

THENCE S18°45'59"W, A DISTANCE OF 29.11 FEET;
THENCE S70°31'54"W, A DISTANCE OF 3.52 FEET;
THENCE 28.76 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 594.00 FEET, A CENTRAL ANGLE OF 02°46'27", AND A CHORD WHICH BEARS S69°08'40"W A DISTANCE OF 28.76 FEET;
THENCE 55.62 FEET ALONG THE ARC OF A REVERSE CURVE HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 63°44'13", AND A CHORD WHICH BEARS N80°22'27"W, A DISTANCE OF 52.80 FEET;
THENCE N48°30'20"W, A DISTANCE OF 10.48 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF SAID PARCEL AND THE NORTHERLY RIGHT-OF-WAY LINE OF LINCOLN AVENUE;
THENCE ALONG SAID SOUTHERLY BOUNDARY (AND SAID NORTHERLY RIGHT-OF-WAY LINE), S69°58'18"E, A DISTANCE OF 5.77 FEET TO A POINT MARKED BY A PK NAIL;
THENCE CONTINUING ALONG SAID SOUTHERLY BOUNDARY (AND SAID NORTHERLY RIGHT-OF-WAY LINE), N75°00'50"E, A DISTANCE OF 97.35 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 2,092 SQUARE FEET (0.048 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 NIEDA, COLORADO P.L.S. 31169
FOR AND ON BEHALF OF THE CITY OF FORT COLLINS
P.O. BOX 580, FORT COLLINS, CO 80522

S:\Engineering\Departments\Survey\Projects\Engineering\
Lincoln-Willow to Lemay\Legals\ROW Vac-Ranchway.doc



Exhibit A
sheet 2 of 2

EXHIBIT OF
A PORTION OF EXISTING RIGHT OF WAY OF LINCOLN AVENUE
TO BE VACATED BY THE CITY OF FORT COLLINS



FEBRUARY 8, 2017
1"=40'

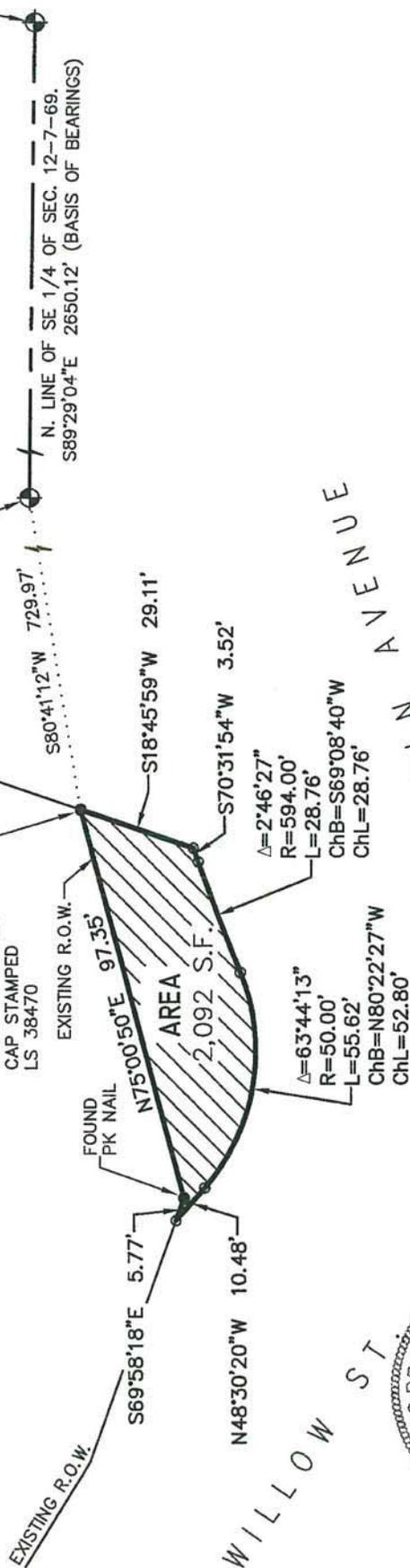


546 WILLOW ST.

RIDLEY USA INC.
REC. NO. 20160035194
(SUBJECT PARCEL OF
ALTA SURVEY, REC. NO.
20160034904)

POINT OF COMMENCEMENT
C 1/4 COR. SEC. 12-7-69
2-1/2" ALUMINUM CAP
STAMPED LS 37968

E 1/4 COR. SEC. 12-7-68
2-1/2" ALUMINUM CAP
STAMPED LS 17497



THIS EXHIBIT'S SOLE INTENT IS TO GRAPHICALLY REPRESENT AND AUGMENT THE ATTACHED PROPERTY DESCRIPTION. IT DOES NOT REPRESENT A MONUMENTED LAND SURVEY AS DEFINED IN C.R.S. 38-51-102. IN THE EVENT OF DISCREPANCIES BETWEEN THIS EXHIBIT AND THE ATTACHED PROPERTY DESCRIPTION, THE INFORMATION CONTAINED WITHIN THE ATTACHED PROPERTY DESCRIPTION SHOULD BE RELIED UPON.