

AGENDA ITEM SUMMARY

July 2, 2019

City Council

STAFF

Jason Licon, Airport Director
Judy Schmidt, Legal

SUBJECT

Second Reading of Ordinance No. 079, 2019, Authorizing Execution of a Deed of Dedication to the City of Loveland for the Extension of Rockwell Avenue Across Jointly Owned City and City of Loveland Property at the Northern Colorado Regional Airport.

EXECUTIVE SUMMARY

The purpose of this item is to dedicate to the City of Loveland the right-of-way for extension of Rockwell Avenue across jointly owned Airport property. In connection with development of real property adjacent to the Airport, the City of Loveland wishes to extend Rockwell Avenue from its current terminus over and across a portion of the jointly owned Airport property, requiring dedication of approximately 1.3 acres for right-of-way purposes. The cost of constructing approximately 700 feet of the anticipated future extension will be borne by the developer of the adjacent property, with no financial contribution by the Airport.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

ATTACHMENTS

1. First Reading Agenda Item Summary, June 4, 2019 (w/o attachments) (PDF)
2. Ordinance No. 079, 2019 (PDF)

AGENDA ITEM SUMMARY

City Council

June 4, 2019

STAFF

Jason Licon, Airport Director
Judy Schmidt, Legal

SUBJECT

First Reading of Ordinance No. 079, 2019, Authorizing Execution of a Deed of Dedication to the City of Loveland for the Extension of Rockwell Avenue Across Jointly Owned City and City of Loveland Property at the Northern Colorado Regional Airport.

EXECUTIVE SUMMARY

The purpose of this item is to dedicate to the City of Loveland the right-of-way for extension of Rockwell Avenue across jointly owned Airport property.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

In connection with development of real property adjacent to the Airport, the City of Loveland wishes to extend Rockwell Avenue from its current terminus over and across a portion of the jointly owned Airport property, requiring dedication of approximately 1.3 acres for right-of-way purposes. A map showing the location of the parcel to be dedicated and the adjacent development property is included as **Attachment 1**.

The cost of constructing approximately 700 feet of the anticipated future extension will be borne by the developer of the adjacent property, with no financial contribution by the Airport. The full extension of Rockwell Avenue is reflected on the Council-approved 2007 Airport Master Plan for future aviation needs. This partial extension will benefit the Airport and is consistent with the Federal Aviation Administration's (FAA) regulations and the Airport's grant assurances to the FAA. After this initial extension, the remaining portion of Rockwell Avenue will, when completed in the future, provide access to a part of the Airport planned for future aviation development.

This dedication by the City without compensation serves a bona fide public purpose by providing a portion of the planned expanded access to the Airport, which will enable further development of Airport property jointly owned by the City and satisfies the criteria in City Code Section 23-111 for disposition of a property interest without payment of fair market value because it will:

- (1) promote the health, safety or general welfare and benefits a significant segment of the citizens of Fort Collins by enhancing the accessibility, developability and value of the Airport owned and operated jointly by the City;
- (2) support one (1) or more of the City Council's goals, adopted policies, projects or plans, specifically the 2007 Airport Master Plan that depicts the eventual extension of the roadway to serve future Airport development on jointly- owned property;
- (3) provide financial support that is leveraged with other funding or assistance, specifically, funding of

construction costs by the developer, and maintenance and upkeep by the City of Loveland;

- (4) not result in any direct financial benefit to any private person or entity, except to the extent such benefit is only an incidental consequence and is not substantial relative to the public purpose being served, specifically construction cost for this portion of the extension will be solely borne by the developer while benefiting the jointly-owned Airport property, the developer, the public, and the Cities; and
- (5) not interfere with current City projects or work programs, hinder workload schedules or divert resources needed for primary City functions or responsibilities.

CITY FINANCIAL IMPACTS

There are no financial impacts to the City.

BOARD / COMMISSION RECOMMENDATIONS

At its May 16, 2019 meeting, the Northern Colorado Regional Airport Commission adopted a resolution recommending that the City Council approve this deed of dedication for Airport property to extend Rockwell Avenue. (**Attachment 3**)

ATTACHMENTS

- 1. Airpark North Subdivision Location Map (PDF)
- 2. Northern Colorado Regional Airport Resolution R-1-2019 (PDF)

ORDINANCE NO. 079, 2019
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING EXECUTION OF A DEED OF DEDICATION TO THE CITY
OF LOVELAND FOR THE EXTENSION OF ROCKWELL AVENUE
ACROSS JOINTLY OWNED CITY AND CITY OF LOVELAND PROPERTY
AT THE NORTHERN COLORADO REGIONAL AIRPORT

WHEREAS, in 1963, the City of Fort Collins (“City”) and the City of Loveland (“Loveland”) (collectively, the “Cities”) established a regional general aviation facility and became the joint owners and operators of the Northern Colorado Regional Airport (the “Airport”); and

WHEREAS, the Cities currently operate and maintain the Airport pursuant to that certain Amended and Restated Intergovernmental Agreement for the Joint Operation of the Fort Collins-Loveland Airport dated January 22, 2015, as amended (the “IGA”); and

WHEREAS, in connection with development of real property adjacent to the Airport, the City of Loveland wishes to extend Rockwell Avenue from its current terminus over and across a portion of the jointly owned Airport property and wishes to acquire the City's fee interest in a portion of a jointly owned parcel of land consisting of 1.3 acres in size, more specifically described on Exhibit “A”, attached hereto and incorporated herein by reference (the “Dedication Parcel”) for right-of-way purposes; and

WHEREAS, the Dedication Property will serve as a planned extension of Rockwell Avenue, benefitting the Airport and the City as a joint owner, allowing a secondary access point into the Airport from the north, and reducing the Cities’ future obligations to extend the initial 700 foot portion of the road for access; and

WHEREAS, City Code Section 23-111 provides that the City Council is authorized to sell, convey or otherwise dispose of an interest in real property owned by the City, provided the Council first finds by ordinance that such sale or disposition serves a bona fide public purpose because it meets the five criteria set forth therein; and

WHEREAS, Council determines that conveyance of the City’s fee interest in the Dedication Parcel to Loveland for right-of-way purposes without requiring Loveland pay compensation to the City serves a bona fide public purpose of providing a portion of the planned expanded access to the Airport, which will enable further development of Airport property jointly owned by the City because the initial 700 foot extension of Rockwell Avenue thereon will:

- (1) promote the health, safety or general welfare and benefits a significant segment of the citizens of Fort Collins by enhancing the accessibility, developability and value of the Airport owned and operated jointly by the City;
- (2) support one (1) or more of the City Council's goals, adopted policies, projects or plans, specifically the 2007 Airport Master Plan that depicts the eventual extension of the roadway to serve future Airport development on jointly-owned property;

- (3) provide financial support that is leveraged with other funding or assistance, specifically funding of construction costs by the developer and maintenance and upkeep of the right-of-way by the City of Loveland;
- (4) not result in any direct financial benefit to any private person or entity, except to the extent such benefit is only an incidental consequence and is not substantial relative to the public purpose being served, specifically construction cost for this portion of the extension will be solely borne by the developer while benefiting the jointly-owned Airport property, the developer, the public, and the Cities; and
- (5) not interfere with current City projects or work programs, hinder workload schedules or divert resources needed for primary City functions or responsibilities.

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

Section 1. That City Council hereby makes any and all determinations and findings contained in the recitals set forth, and specifically finds that the conveyance of the Dedication Parcel is in the best interests of the City, serves a bona fide public purpose and meets the requirements of City Code Section 23-111 for the reasons set forth therein.

Section 2. That the City Council hereby authorizes the Mayor to execute such documents of conveyance as are necessary to convey the Dedication Parcel to the City of Loveland upon the terms and conditions described above, and subject to such other terms and conditions as the City Manager, in consultation with the City Attorney, determines are in the best interest of the City.

Introduced, considered favorably on first reading, and ordered published this 4th day of June, A.D. 2019, and to be presented for final passage on the 2nd day of July, A.D. 2019.

Mayor Pro Tem

ATTEST:

City Clerk

Passed and adopted on final reading on the 2nd day of July, A.D. 2019.

Mayor

ATTEST:

City Clerk

EXHIBIT A
LEGAL DESCRIPTION AND DEPICTION OF DEDICATION PARCEL

PROPERTY DESCRIPTION

Public Right-of-Way

Being part of Tract B of Barnstorm 2nd Addition as recorded August 12, 1986 as Reception No. 86044345 of the Records of Larimer County, located in the Southeast Quarter (SE 1/4) of Section Twenty-eight (28), Township Six North (T. 6N.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), City of Loveland, County of Larimer, State of Colorado and being more particularly described as follows:

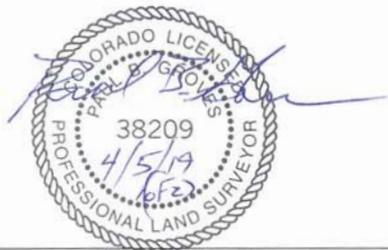
BEGINNING at the East Quarter corner of said Section 28 and assuming the North line of said SE 1/4 as bearing North 87°33'44" West being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2635.84 feet with all other bearings contained herein relative thereto;

THENCE along the east line of said SE 1/4, South 00°07'44" West a distance of 80.06 feet to a line parallel with and 80.00 feet South of, as measured at a right angle to the North line of said SE 1/4;
THENCE along said parallel line, North 87°33'44" West, a distance of 706.10 feet;
THENCE North 02°26'16" East a distance of 80.00 feet to said North line of Section 28;
THENCE along North line, South 87°33'44" East a distance of 802.87 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 56,359 Square Feet or 1.294 Acres, more or less (±), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

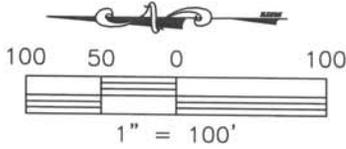
SURVEYORS STATEMENT

I, Paul B. Groves, a Colorado Licensed Professional Land Surveyor do hereby state that this Property Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.



Paul B. Groves - on behalf of King Surveyors
Colorado Licensed Professional
Land Surveyor #38209

KING SURVEYORS
650 East Garden Drive
Windsor, Colorado 80550
(970) 686-5011



LINE TABLE		
LINE	BEARING	LENGTH
L1	S00°07'44"W	80.06'
L2	N02°26'16"E	80.00'

POINT OF BEGINNING
E 1/4 COR.
SEC. 28,
T.6N., R.68W.

80' PUBLIC
RIGHT-OF-WAY
56,359 sq.ft.
1.294 acres

INTERSTATE
LAND HOLDINGS
REC 201110059231

NOTE: This exhibit drawing is not intended to be a monumented land survey. Its sole purpose is as a graphic representation to aid in the visualization of the written property description which it accompanies. The written property description supersedes the exhibit drawing.

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon. (13-80-105 C.R.S. 2012)

(BASIS OF BEARINGS)
N87°33'44"W 2635.84'

S87°33'44"E 702.87'

N87°33'44"W 706.10'

TRACT B
BARNSTORM
2ND ADDITION
REC 86044345

N87°33'44"W 1932.97'

CENTER 1/4
COR.
SEC. 28, T.6N.,
R.68W.



Paul B. Groves - On Behalf Of King Surveyors
Colorado Licensed Professional
Land Surveyor #38209



KING SURVEYORS

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email: contact@KingSurveyors.com

PROJECT NO: 20170864
DATE: 4/5/2019
CLIENT: SANDERSON STEWART
DWG: 20170864 ROW
DRAWN: DRS CHECKED: PBG