

# AGENDA ITEM SUMMARY

## FORT COLLINS CITY COUNCIL

ITEM NUMBER: 15

DATE: January 6, 2004

STAFF: Mark Sears/  
Patricia Dennis

### SUBJECT

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First Reading of Ordinance No. 007, 2004, Authorizing the Exchange of a City Property for a Parcel of Land Adjacent to Kingfisher Natural Area and Appropriating the Value of the Partial Donation of the Property to Be Acquired.

### RECOMMENDATION

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Staff and the Natural Resources Advisory Board recommend adoption of the Ordinance on First Reading.

### FINANCIAL IMPACT

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In this exchange the City will receive land from the Stockovers that is 2.468 acres (107,506 square feet) in size. The appraisal value of this parcel is \$322,518. The Stockovers will also convey to the City a permanent access easement of 0.028 acres (1,230 square feet) in size with a value of \$1,845. The total value of the property interests conveyed to the City is \$324,363. The City will convey land (to be encumbered by a City access easement) to the Stockovers approximately 0.621 acres (27,051 square feet) in size valued at \$121,730 (taking into account the City's easement). The Stockovers are donating the excess value of \$200,000.

### EXECUTIVE SUMMARY

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The proposed land exchange with William C. and Maureen D. Stockover will result in a conveyance to the City of approximately 2.468 acres of excess land to the south of the Stockover's business at 1833 East Mulberry Street, which is on the Poudre River Corridor and adjacent to the Kingfisher Natural Area, in exchange for a conveyance to the Stockovers, subject to a City easement, of approximately 0.621 acres of City owned land adjacent to the Stockover Property.

The Stockovers own an approximately 18,000 square foot retail/distribution improvement on a 5.499 acre tract. The tract contains two legal parcels. The building is currently leased to the Stanley Steamer, Inc.

The rear portion of the property is within the City's Flood Plain Product Corridor and includes a portion of the Poudre River Corridor. The Stockovers have proposed to exchange this approximately 2.468 acres that comprise the south portion of their property for a parcel that the City of Fort Collins owns adjacent and west of the site. They propose to expand parking in this area and will grant an access and maintenance easement on this property to the City for monitoring purposes. Natural Resources had tried unsuccessfully several times over the last four years to acquire this parcel from the previous owners.

ORDINANCE NO. 007, 2004  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING THE EXCHANGE  
OF A CITY PROPERTY FOR A PARCEL OF LAND ADJACENT TO  
KINGFISHER NATURAL AREA AND APPROPRIATING THE VALUE OF  
THE PARTIAL DONATION OF THE PROPERTY TO BE ACQUIRED

WHEREAS, the owner, William C. and Maureen D. Stockover (the "Stockovers") own property legally described as a 2.468 acre tract of land located in the Northeast ¼ of Section 18, Township 7 North, Range 68 West of the 6th P.M.. County of Larimer, State of Colorado, more specifically described on Exhibit "A" attached hereto and incorporated herein by this reference ("Parcel A"); and

WHEREAS, the City owns a 0.621 acre parcel approximately 60' wide adjacent to and west of the Stockover property more specifically described on Exhibit "B" attached hereto and incorporated herein by this reference ("Parcel B") the value of which has been determined by City staff to be \$121,730; and

WHEREAS, as part of a proposed exchange of these properties, the Stockovers have agreed to also convey to the City a permanent access easement across Parcel B, after Parcel B has been conveyed to them, and across an additional 1,230 square foot ("SF") portion of the Stockover's adjacent property more particularly described on Exhibit "C" attached hereto and incorporated herein by this reference (the "Easement Area"); and

WHEREAS, the fair market value of Parcel A has been determined by City staff to be \$3.00/SF or \$322,518 for the 2.468 acre tract, and the 1,230 SF portion of the Easement Area has been valued at \$1,845 for a total value of property to be conveyed to the City of \$324,363; and

WHEREAS, staff has determined that the property from the Stockovers will be of significant importance to the people of Fort Collins and the State of Colorado and will enhance Kingfisher Natural Area; and

WHEREAS, Section 23-111 of the City Code 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 any sale or disposition of that real property interest will be for the benefit of the City's citizens, and will be in the best interests of the City; and

WHEREAS, Article V, Section 9 of the Charter of the City of Fort Collins permits the City Council to make supplemental appropriations by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriations, in combination with all previous appropriations for that fiscal year does not exceed the then current estimate of actual and anticipated revenues to be received during the fiscal year; and

WHEREAS, City staff has determined that the appropriation of the donated value of the exchanged property, as described herein, will not cause the total amount appropriated in the relevant funds to exceed the current estimate of actual and anticipated revenues to be received in that fund during the fiscal year; and

WHEREAS, it is the desire of the Council to authorize the conveyance of Parcel B to the Stockovers in exchange for the Stockovers' conveyance of Parcel A and the easement across the Easement Area to the City, and to appropriate the value of the partial donation of Parcel A in the Natural Areas Fund.

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

Section 1. That the City Council hereby finds that the above-described exchange and conveyance of Parcel B will be for the benefit of the City's citizens and is in the best interest of the City.

Section 2. That the Mayor is hereby authorized to execute such deeds and other documents of conveyance as may be necessary to carry out the terms of the above-described exchange.

Section 3. That there is hereby appropriated for expenditure from unanticipated revenue in the Natural Areas Fund the sum of Two Hundred Thousand Dollars (\$200,000) for Natural Areas Fund purposes.

Introduced, considered favorably on first reading, and ordered published this 6th day of January, A.D. 2004, and presented for final passage on the 20th day of January, A.D. 2004.

\_\_\_\_\_  
Mayor

ATTEST:

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

Passed and adopted on final reading this 20th day of January, A.D. 2004.

\_\_\_\_\_  
Mayor

ATTEST:

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

DESCRIPTION OF A PORTION OF THE STOCKOVER PROPERTY TO BE DEEDED TO  
THE CITY OF FORT COLLINS

A tract of land located in the Northeast Quarter of Section 18, Township 7 North, Range 68 West of the Sixth Principal Meridian, Larimer County, Colorado, the said tract is a portion of Tract "B" of the Douglas Valley Boundary Line Adjustment Plat, recorded May 16, 2000 at Reception No. 2000031797, records of the Clerk and Recorder of the said Larimer County, more particularly described as follows;

Considering the East Line of the said Northeast Quarter of Section 18 as bearing South 00 degrees 07 minutes 29 seconds West from a found PLS 17497 Aluminum Cap Monument at the Northeast Corner of Section 18 to a found PLS 17497 Aluminum Cap Monument at the East Quarter Corner of the said Section 18 based upon GPS observation, and with all bearings contained herein relative thereto;

Commencing at the said Northeast Corner of Section 18;

THENCE along the said East Line of the Northeast Quarter, South 00 degrees 07 minutes 29 seconds West for a distance of 950.86 feet to the south boundary of the Amended Plat of Lots 1 & 2 of Summers Subdivision, as recorded June 29, 1999 at Reception No. 99057472 records of the said Clerk and Recorder;

THENCE along the said south boundary the following seven (7) courses and distances, (1) South 77 degrees 58 minutes 59 seconds West for a distance of 184.84 feet;

(2) South 49 degrees 46 minutes 19 seconds West for a distance of 236.14 feet;

(3) South 29 degrees 02 minutes 44 seconds West for a distance of 66.26 feet;

(4) South 46 degrees 18 minutes 59 seconds West for a distance of 203.20 feet;

(5) South 70 degrees 26 minutes 19 seconds West for a distance of 212.77 feet;

(6) North 71 degrees 42 minutes 11 seconds West for a distance of 201.72 feet;

(7) North 55 degrees 44 minutes 36 seconds West for a distance of 30.71 feet to the southeast corner of the said Tract B of the Douglas Valley Boundary Line Adjustment, and to the TRUE POINT OF BEGINNING of this description;

THENCE along the east line of the said Tract B, North 00 degrees 07 minutes 29 seconds East for a distance of 460.63 feet;

THENCE leaving the said east line, North 89 degrees 52 minutes 31 seconds West for a distance of 299.31 feet to the west line of the said Tract B;

THENCE along the said west line, South 00 degrees 07 minutes 29 seconds West for a distance of 257.74 feet to the south line of the said Tract B;

THENCE along the said south line, South 55 degrees 44 minutes 36 seconds East for a distance of 361.60 feet to the Point of

Beginning. Containing 2.468 Acres More Less.

Exhibit A

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The above described tract is subject to all easements and rights of ways now existing or of record.

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.

WALLACE C. MUSCOTT COLORADO P.L.S. 17497  
P.O. BOX 580 FORT COLLINS, CO 80522

## DESCRIPTION OF A PORTION OF THE CITY OF FORT COLLINS PROPERTY TO BE DEEDED TO STOCKOVER

A tract of land located in the Northeast Quarter of Section 18, Township 7 North, Range 68 West of the Sixth Principal Meridian, Larimer County, Colorado, the said tract is a portion of Tract "A" of the Douglas Valley Boundary Line Adjustment Plat, recorded May 16, 2000 at Reception No. 2000031797, records of the Clerk and Recorder of the said Larimer County, more particularly described as follows;

Considering the East Line of the said Northeast Quarter of Section 18 as bearing South 00 degrees 07 minutes 29 seconds West from a found PLS 17497 Aluminum Cap Monument at the Northeast Corner of Section 18 to a found PLS 17497 Aluminum Cap Monument at the East Quarter Corner of the said Section 18 based upon GPS observation, and with all bearings contained herein relative thereto;

Commencing at the said Northeast Corner of Section 18;

THENCE along the said East Line of the Northeast Quarter, South 00 degrees 07 minutes 29 seconds West for a distance of 950.86 feet to the south boundary of the Amended Plat of Lots 1 & 2 of Summers Subdivision, as recorded June 29, 1999 at Reception No. 99057472 records of the said Clerk and Recorder;

THENCE along the said south boundary the following seven (7) courses and distances, (1) South 77 degrees 58 minutes 59 seconds West for a distance of 184.84 feet;

(2) South 49 degrees 46 minutes 19 seconds West for a distance of 236.14 feet;

(3) South 29 degrees 02 minutes 44 seconds West for a distance of 66.26 feet;

(4) South 46 degrees 18 minutes 59 seconds West for a distance of 203.20 feet;

(5) South 70 degrees 26 minutes 19 seconds West for a distance of 212.77 feet;

(6) North 71 degrees 42 minutes 11 seconds West for a distance of 201.72 feet;

(7) North 55 degrees 44 minutes 36 seconds West for a distance of 30.71 feet to the southeast corner of Tract B of the said Douglas Valley Boundary Line Adjustment;

THENCE along the east line of the said Tract B, North 00 degrees 07 minutes 29 seconds East for a distance of 460.63 feet;

THENCE leaving the said east line, North 89 degrees 52 minutes 31 seconds West for a distance of 299.31 feet to the east line of the said Tract A of the Douglas Valley Boundary Line Adjustment and to the TRUE POINT OF BEGINNING of this description;

THENCE North 89 degrees 52 minutes 31 seconds West for a distance of 59.86 feet to the southerly extension of a portion of the west line of the said Tract A;

THENCE along the said southerly extension and along the said west line, North 00 degrees 07 minutes 29 seconds East for a

distance of 453.92 feet to the south right of way of East Mulberry (State Highway 14) as shown on the Colorado Department of Highways Right Of Way Plan No. F004-1(6);

THENCE along the said south right of way, South 86 degrees 07 minutes 39 seconds East for a distance of 59.99 feet to the said east line of Tract A;

THENCE along the said east line, South 00 degrees 07 minutes 29 seconds West for a distance of 450.00 feet to the Point of Beginning. Containing 0.621 Acres More Less.

The above described tract is subject to all easements and rights of ways now existing or of record.

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.

WALLACE C. MUSCOTT COLORADO P.L.S. 17497  
P.O. BOX 580 FORT COLLINS, CO 80522



DESCRIPTION OF AN ACCESS EASEMENT LOCATED ON THE STOCKOVER PROPERTY  
TO BE DEDICATED TO THE CITY OF FORT COLLINS

An Access Easement land located in the Northeast Quarter of Section 18, Township 7 North, Range 68 West of the Sixth Principal Meridian, Larimer County, Colorado, the said easement is a portion of Tract "C" of the Stockover Boundary Line Adjustment Plat, recorded with the Clerk and Recorder of the said Larimer County, more particularly described as follows;

Considering the East Line of the said Northeast Quarter of Section 18 as bearing South 00 degrees 07 minutes 29 seconds West from a found PLS 17497 Aluminum Cap Monument at the Northeast Corner of Section 18 to a found PLS 17497 Aluminum Cap Monument at the East Quarter Corner of the said Section 18 based upon GPS observation, and with all bearings contained herein relative thereto;

Commencing at the said Northeast Corner of Section 18;

THENCE along the said East Line of the Northeast Quarter, South 00 degrees 07 minutes 29 seconds West for a distance of 950.86 feet to the south boundary of the Amended Plat of Lots 1 & 2 of Summers Subdivision, as recorded June 29, 1999 at Reception No. 99057472 records of the said Clerk and Recorder;

THENCE along the said south boundary the following seven (7) courses and distances, (1) South 77 degrees 58 minutes 59 seconds West for a distance of 184.84 feet;

(2) South 49 degrees 46 minutes 19 seconds West for a distance of 236.14 feet;

(3) South 29 degrees 02 minutes 44 seconds West for a distance of 66.26 feet;

(4) South 46 degrees 18 minutes 59 seconds West for a distance of 203.20 feet;

(5) South 70 degrees 26 minutes 19 seconds West for a distance of 212.77 feet;

(6) North 71 degrees 42 minutes 11 seconds West for a distance of 201.72 feet;

(7) North 55 degrees 44 minutes 36 seconds West for a distance of 30.71 feet to the southeast corner of Tract A of the said Stockover Boundary Line Adjustment;

THENCE along the east line of the said Tract A, and along the east lines of the said Tracts B and C, North 00 degrees 07 minutes 29 seconds East for a distance of 891.03 feet to the north line of the said Tract C;

THENCE along the north line of the said Tract C, North 86 degrees 07 minutes 39 seconds West for a distance of 274.90 feet to the TRUE POINT OF BEGINNING of this description;

THENCE continuing along the said north line, North 86 degrees 07 minutes 39 seconds West for a distance of 25.05 feet;

THENCE leaving the said north line, South 00 degrees 07 minutes 29 seconds West for a distance of 50.00 feet;

THENCE South 89 degrees 52 minutes 31 seconds East for a

distance of 25.00 feet;

THENCE North 00 degrees 07 minutes 29 seconds East for a distance of 48.36 feet to the Point of Beginning. Containing 0.028 Acres (1230 square feet) More Less.

The above described tract is subject to all easements and rights of ways now existing or of record.

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.

WALLACE C. MUSCOTT COLORADO P.L.S. 17497  
P.O. BOX 580 FORT COLLINS, CO 80522

DESCRIPTION OF AN ACCESS EASEMENT LOCATED ON THE STOCKOVER PROPERTY  
TO BE DEDICATED TO THE CITY OF FORT COLLINS

An Access Easement land located in the Northeast Quarter of Section 18, Township 7 North, Range 68 West of the Sixth Principal Meridian, Larimer County, Colorado, the said easement is a portion of Tracts "B" and "C" of the Stockover Boundary Line Adjustment Plat, recorded with the Clerk and Recorder of the said Larimer County, more particularly described as follows;

Considering the East Line of the said Northeast Quarter of Section 18 as bearing South 00 degrees 07 minutes 29 seconds West from a found PLS 17497 Aluminum Cap Monument at the Northeast Corner of Section 18 to a found PLS 17497 Aluminum Cap Monument at the East Quarter Corner of the said Section 18 based upon GPS observation, and with all bearings contained herein relative thereto;

Commencing at the said Northeast Corner of Section 18;

THENCE along the said East Line of the Northeast Quarter, South 00 degrees 07 minutes 29 seconds West for a distance of 950.86 feet to the south boundary of the Amended Plat of Lots 1 & 2 of Summers Subdivision, as recorded June 29, 1999 at Reception No. 99057472 records of the said Clerk and Recorder;

THENCE along the said south boundary the following seven (7) courses and distances, (1) South 77 degrees 58 minutes 59 seconds West for a distance of 184.84 feet;

(2) South 49 degrees 46 minutes 19 seconds West for a distance of 236.14 feet;

(3) South 29 degrees 02 minutes 44 seconds West for a distance of 66.26 feet;

(4) South 46 degrees 18 minutes 59 seconds West for a distance of 203.20 feet;

(5) South 70 degrees 26 minutes 19 seconds West for a distance of 212.77 feet;

(6) North 71 degrees 42 minutes 11 seconds West for a distance of 201.72 feet;

(7) North 55 degrees 44 minutes 36 seconds West for a distance of 30.71 feet to the southeast corner of Tract A of the said Stockover Boundary Line Adjustment;

THENCE along the east line of the said Tract A, North 00 degrees 07 minutes 29 seconds East for a distance of 460.63 feet;

THENCE along the north line of the said Tract A, North 89 degrees 52 minutes 31 seconds West for a distance of 299.31 feet to the TRUE POINT OF BEGINNING of this description;

THENCE continuing along the said north line, North 89 degrees 52 minutes 31 seconds West for a distance of 59.86 feet to the said east line of Tract A;

THENCE along the said east line and along the west line of the said Tracts B and C, North 00 degrees 07 minutes 29 seconds East for a distance of 453.92 feet to north line of the said Tract C;

THENCE along the said north line of Tract C, South 86 degrees 07 minutes 39 seconds East for a distance of 59.99 feet;

THENCE leaving the said north line, South 00 degrees 07 minutes 29 seconds West for a distance of 450.00 feet to the Point of Beginning. Containing 0.621 Acres More Less.

The above described tract is subject to all easements and rights of ways now existing or of record.

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.

WALLACE C. MUSCOTT COLORADO P.L.S. 17497  
P.O. BOX 580 FORT COLLINS, CO 80522