

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 27.5

DATE: February 3, 2004

STAFF: Steve Olt

SUBJECT

Resolution 2004-019 Repealing Resolution 2004-012 and Finding Substantial Compliance and Initiating Annexation Proceedings for Property to be Known as the Adrian Annexation.

RECOMMENDATION

Staff recommends adoption of the Resolution.

EXECUTIVE SUMMARY

The applicant, M. Torgerson Architects, on behalf of the property owners, John and Julie Adrian, has submitted a written petition requesting annexation of 2.18 acres located at the southeast corner of West Vine Drive and Impala Drive. The property is north of Laporte Avenue, west of North Taft Hill Road, and east of North Overland Trail. It is currently being used as an existing single-family residence (with house and horse barn). The requested zoning for this annexation is LMN – Low Density Mixed-Use Neighborhood. The surrounding properties are zoned LMN - Low Density Mixed Use Neighborhood in the City to the north, FA – Farming in Larimer County to the east, FA – Farming in Larimer County to the west, and FA – Farming in Larimer County to the south.

The proposed Resolution makes a finding that the petition substantially complies with the Municipal Annexation Act, determines that a hearing should be established regarding the annexation, and directs that notice be given of the hearing. The hearing will be held at the time of first reading of the annexation and zoning ordinances. Not less than thirty days of prior notice is required by State law.

This annexation was originally initiated by the adoption of Resolution 2004-012, on January 20, 2004. However, an error in publication of the Notice of the hearing on the annexation and zoning ordinances has made it impossible to hold the hearing on March 2.

This Resolution re-initiates the annexation proceedings and sets a new hearing date of March 16, 2004.

The property is located within the Fort Collins Urban Growth Area. According to policies and agreements between the City of Fort Collins and Larimer County contained in the Intergovernmental Agreement for the Fort Collins Urban Growth Area, the City will agree to consider annexation of property in the UGA when the property is eligible for annexation

according to State law. This property gains the required 1/6 contiguity to existing City limits from a common boundary with the Irish Second Annexation (December, 2000) to the north.

Planning and Zoning Board Recommendation:

The Planning and Zoning Board will conduct a public hearing on the annexation and zoning request at its regular monthly meeting on February 19, 2004, and will make its recommendation at that time. The Board's recommendation will be forwarded to the City Council in time for first reading of the annexation and zoning ordinances.

RESOLUTION 2004-019
OF THE COUNCIL OF THE CITY OF FORT COLLINS
REPEALING RESOLUTION 2004-012 AND
FINDING SUBSTANTIAL COMPLIANCE AND
INITIATING ANNEXATION PROCEEDINGS
FOR PROPERTY TO BE KNOWN AS THE ADRIAN ANNEXATION

WHEREAS, a written petition, together with four (4) prints of an annexation map, was heretofore filed with the City Clerk requesting the annexation of certain property to be known as the Adrian Annexation; and

WHEREAS, the Council of the City of Fort Collins desires to initiate annexation proceedings in accordance with law; and

WHEREAS, on January 20, 2004 the City Council adopted Resolution 2004-012 initiating annexation proceedings for such property and approving an attached Notice of the date, time and place when a public hearing will be held regarding the passage of annexation and zoning ordinance pertaining thereto; and

WHEREAS, pursuant to state statute, said Notice is to be first published no less than 30 days prior to the first reading of the annexation ordinance; and

WHEREAS, due to a publication error, the City will be unable to comply with said requirement, so that it is necessary for the Council to authorize a new Notice for such annexation.

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

Section 1. That the Council hereby accepts the annexation petition for the Adrian Annexation, more particularly described as situate in the County of Larimer, State of Colorado, to wit:

A parcel of land being a part of the Northeast Quarter (NE1/4) of Section Nine (9), Township Seven North (T7N), Range Sixty-Nine West (R69W), Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado and being more particularly described as follows:

Commencing at the North Quarter Corner of said Section 9 and assuming the North line of said NE 1/4 as bearing South 89d14'52" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2627.67 feet with all other bearings contained herein relative thereto:

Thence South 89d14'52" East along the North line of the NE 1/4 of said Section 9 a distance of 1051.60 feet to the West Right of Way (ROW) line of Impala Drive as

dedicated in the Replat of the Green Acres Subdivision;
Thence South 00d39'43" West along the said West ROW line of Impala Drive a distance of 30.00 feet to the point of intersection of the West Right of Way (ROW) line of Impala Drive and the South line of the Irish Second Annexation and the True Point of Beginning;
Thence South 89d14'52" East along the South line of the Irish Second Annexation a distance of 244.40 feet to the West line of a parcel of land described in Reception No. 91012605 of the Records of Larimer County;
Thence; South 00d37'49" West along said West line a distance of 404.11 feet to the North line of said parcel of land described in Reception No. 91012605 of the Records of Larimer County;
Thence North 88d06'11" West along said North line a distance of 244.67 feet to the West ROW line of Impala Drive as dedicated in the Replat of the Green Acres Subdivision;
The next Four (4) courses and distances are along the West ROW line of said Impala Drive:
Thence North 00d39'43" East a distance of 44.65 feet to a Point of Curvature;
Thence along the arc of a curve concave to the West a distance of 117.88 feet, said curve has a Radius of 693.16 feet a Delta of 09d44'38" and is subtended by a chord bearing North 04d12'37" West a distance of 117.74 feet to a Point of Reverse Curvature;
Thence along the arc of a curve concave to the East a distance of 117.88 feet, said curve has a Radius of 693.16 feet, a Delta of 09d44'38" and is subtended by a chord bearing North 04d12'37" West a distance of 117.88 feet to a Point of Tangency;
Thence North 00d39'43" East a distance of 120.37 feet to the South line of said Irish Second Annexation and the True Point Of Beginning.

Said Parcel contains 2.180 acres more or less.

Section 2. That the Council hereby finds and determines that the annexation petition and accompanying map are in substantial compliance with the Municipal Annexation Act.

Section 3. That the Notice attached hereto be adopted as a part of this Resolution. Said Notice establishes the date, time and place when a public hearing will be held regarding the passage of annexation and zoning ordinances pertaining to the above described property. The City Clerk is directed to publish a copy of this Resolution and said Notice as provided in the Municipal Annexation Act.

Section 4. That Resolution 2004-012 is hereby repealed and superseded by this Resolution.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins held this 3rd day of February, A.D. 2004.

Mayor

ATTEST:

City Clerk

NOTICE

TO ALL PERSONS INTERESTED:

PLEASE TAKE NOTICE that the City Council of the City of Fort Collins has adopted a Resolution initiating annexation proceedings for the Adrian Annexation, said Annexation being more particularly described in said Resolution, a copy of which precedes this Notice.

That, on March 16, 2004, at the hour of 6:00 p.m., or as soon thereafter as the matter may come on for hearing in the Council Chambers in the City Hall, 300 LaPorte Avenue, Fort Collins, Colorado, the Fort Collins City Council will hold a public hearing upon the annexation petition and zoning request for the purpose of finding and determining whether the property proposed to be annexed meets the applicable requirements of Colorado law and is considered eligible for annexation and for the purpose of determining the appropriate zoning for the property included in the Annexation. At such hearing, any persons may appear and present such evidence as they may desire.

The Petitioner has requested that the Property included in the Annexation be placed in the "LMN" Low Density Mixed Use Neighborhood Zone District.

The City of Fort Collins will make reasonable accommodations for access to City services, programs and activities and will make special communication arrangements for persons with disabilities. Please call 221-6515 (TDD 224-6001) for assistance.

Dated this 8th day of February, A.D. 2004.

City Clerk