

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 17

DATE: June 1, 2004

STAFF: Steve Olt

SUBJECT

Resolution 2004-067 Finding Substantial Compliance and Initiating Annexation Proceedings for the Mulberry East First Annexation.

RECOMMENDATION

Staff recommends adoption of the Resolution.

EXECUTIVE SUMMARY

This is a voluntary annexation. The area to be annexed is unincorporated municipally-owned land.

In accordance with CRS 31-12-106 *Annexation of Enclaves, Partially Surrounded Land, and Municipally Owned Land*, when the municipality is the sole owner of the area that it desires to annex, which area is eligible for annexation as set out in CRS 31-12-104(1)(a) and CRS 31-12-105, the governing body may by ordinance annex said area to the municipality without complying with:

- CRS 31-12-108 *Setting Hearing Date - Notice Given*; or
- CRS 31-12-109 *Hearing*.

The annexing ordinance shall state that the area proposed to be annexed is owned by the annexing municipality and is not solely a public street or right-of-way.

Applicant: City of Fort Collins

Property Owner: City of Fort Collins

The property is 3.04 acres in size and is located on the south side of East Mulberry Street and west of Timberline Road. The proposed zoning for this annexation is C – Commercial. The surrounding properties are zoned C - Commercial and I - Industrial in Larimer County to the north, C – Commercial and FA - Farming in Larimer County to the east, C – Commercial in the City and Larimer County to the west, and C – Commercial and LMN - Low Density Mixed-Use Neighborhood in the City 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.

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 common boundaries with the Riverbend Annexation (July, 1980) to the south and west and the Riverbend Third Annexation (August, 2000) to the south.

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 June 17, 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 2004-067
OF THE COUNCIL OF THE CITY OF FORT COLLINS
FINDING SUBSTANTIAL COMPLIANCE AND
INITIATING ANNEXATION PROCEEDINGS FOR THE
MULBERRY EAST FIRST 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 Mulberry East First Annexation; and

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

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 Mulberry East First Annexation, more particularly described as situate in the County of Larimer, State of Colorado, to wit:

A TRACT OF LAND SITUATE IN THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO;

CONSIDERING THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17 AS BEARING SOUTH 89° 56' 35" EAST WITH ALL BEARINGS HEREIN RELATIVE THERETO;

BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 17; THENCE, S 56° 03' 02" W 519.41 FEET TO THE NORTHEAST CORNER OF THE PROPERTY DESCRIBED AT RECEPTION NUMBER 85037292; THENCE, S 85° 37' 56" W 369.10 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY OF THE FRONTAGE ROAD WHICH ADJOINS EAST MULBERRY STREET (A.K.A. COLORADO HIGHWAY #14) TO THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION;

CONTINUING, S 85° 37' 56" W 402.28 FEET FOLLOWING ALONG SAID SOUTHERLY LINE OF THE FRONTAGE ROAD; THENCE, S 00° 40' 46" E 40.08 FEET; THENCE, N 85° 37' 56" E 44.58 FEET; THENCE, S 00° 40' 46" E 128.78 FEET; THENCE, TO THE POINT OF A NON TANGENT CURVE CONCAVE TO THE NORTHWEST 214.86 FEET, WITH A RADIUS OF 699.50 FEET, A CENTRAL ANGLE OF 17° 35' 57" AND A CHORD WHICH BEARS S 15° 37' 48" W 214.02 FEET, THENCE, S 00° 11' 26" W 29.20 FEET TO A POINT OF INTERSECTION WITH THE NORTHERLY LINE OF THE RIVERBEND

ANNEXATION TO THE CITY OF FORT COLLINS; THENCE, N 85° 37' 56" E 200.00 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY FOR A FIFTY FOOT ROAD DESCRIBED IN BOOK 1257 PAGE 457; THENCE, S 00° 11' 26" W 419.93 FEET TO A POINT OF INTERSECTION WITH THE NORTHERLY LINE OF THE RIVERBEND THIRD ANNEXATION TO THE CITY OF FORT COLLINS; THENCE, N 85° 48' 34" E 50.00 FEET ALONG SAID NORTHERLY LINE AND TO A POINT OF INTERSECTION WITH THE EASTERLY LINE OF SAID FIFTY FOOT ROAD; THENCE, N 00° 11' 26" E 358.60 FEET ALONG SAID EASTERLY LINE, THENCE, TO THE POINT OF A CURVE CONCAVE TO THE SOUTHEAST 22.36 FEET, WITH A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 85° 25' 37" AND A CHORD WHICH BEARS N 42° 54' 41" W 20.35 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF COUNTRY SIDE DRIVE; THENCE, N 85° 37' 56" E 143.40 FEET ALONG SAID LINE; THENCE, N 00° 11' 26" E 51.16 FEET TO A POINT OF INTERSECTION WITH THE NORTHERLY LINE OF SAID COUNTRY SIDE DRIVE; THENCE, S 85° 37' 56" W 157.25 FEET; THENCE, N 00° 11' 26" E 52.59 FEET; THENCE, N 18° 26' 32" E 134.30 FEET; THENCE, TO THE POINT OF A NON TANGENT CURVE CONCAVE TO THE NORTHWEST 130.80 FEET, WITH A RADIUS OF 937.50 FEET, A CENTRAL ANGLE OF 07° 59' 39" AND A CHORD WHICH BEARS N 03° 19' 03" E 130.69 FEET; THENCE, N 00° 40' 46" E 53.08 FEET; THENCE, N 85° 37' 56" E 116.78 FEET; THENCE, N 04° 22' 04" E 40.00 FEET TO THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION, CONTAINING 3.036 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.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins held this 1st day of June, 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 Mulberry East First Annexation, said Annexation being more particularly described in said Resolution, a copy of which precedes this Notice.

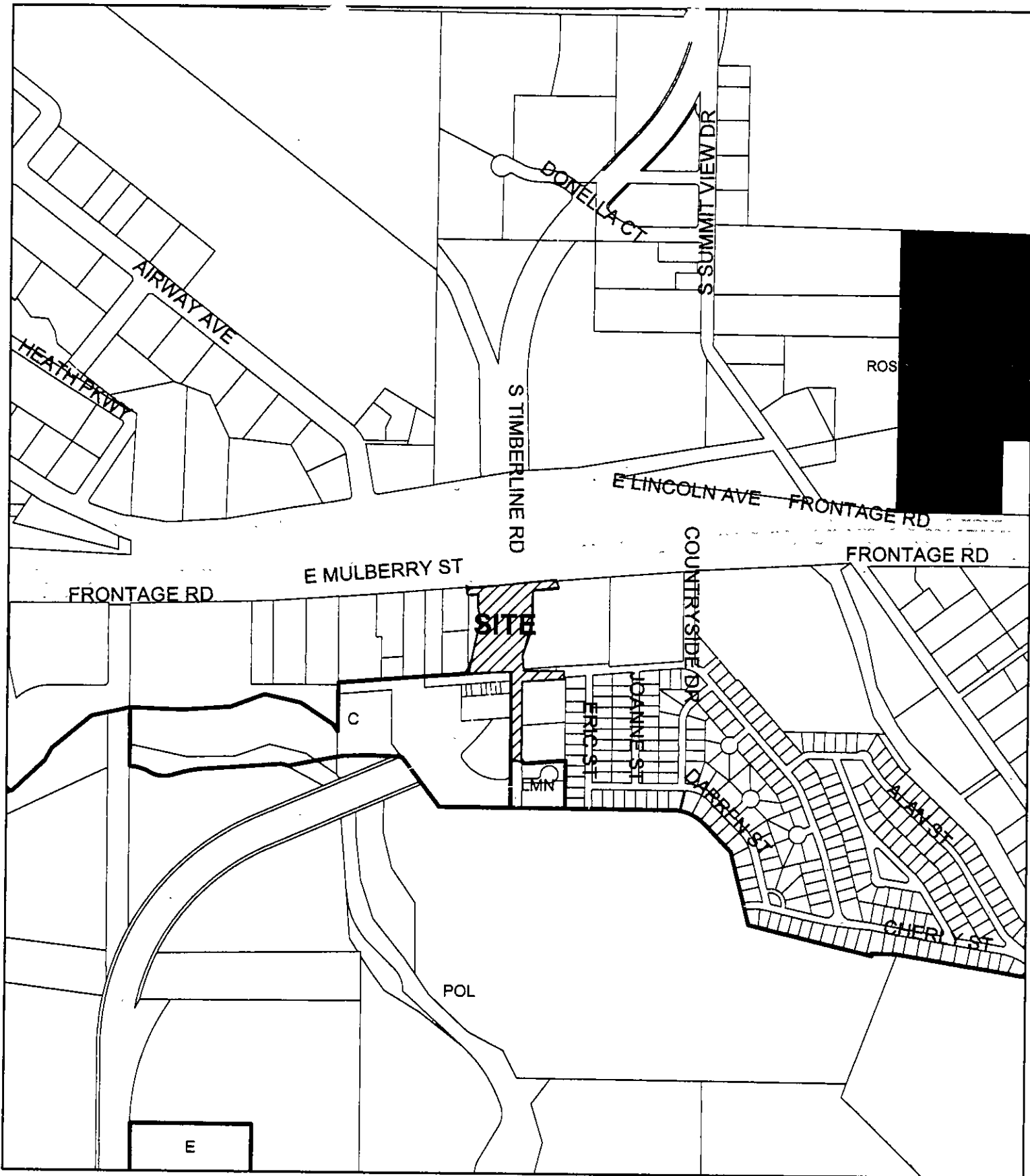
That, on July 6, 2004, at the hour of 6:00 p.m., or as soon thereafter as the matter may come on for hearing in the Council Chambers in the City Hall, 300 LaPorte Avenue, Fort Collins, Colorado, the Fort Collins City Council will hold a public hearing upon the annexation petition and zoning request for 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 "C" Commercial 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 6th day of June, A.D. 2004.

City Clerk



#12-04 Mulberry East First Annexation Type II (LUC)

5/10/04

