

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 22

DATE: April 19, 2005

STAFF: Mark Sears
Kathy Valdez

SUBJECT

First Reading of Ordinance No. 044, 2005, Authorizing the Conveyance of City-Owned Property, Located in the Coventry Subdivision Filing No. 1, Fort Collins, Colorado, to Coventry Home Owners' Association, in Exchange for a Conservation Easement Preserving the Property.

RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading. The Natural Resources Advisory Board reviewed the Coventry Home Owners' Association (the "HOA") request at its meeting of March 16, 2005, and the Board voted 7 to 1 recommending that Council adopt the Ordinance.

EXECUTIVE SUMMARY

This Ordinance authorizes the conveyance of a 2.197 acre tract, referred to as Hidden Cattails Natural Area, to Coventry Home Owners' Association ("HOA"). As part of the proposed transaction, the HOA would convey to the City a conservation easement agreement that would give the City the right to preserve and protect the conservation values of the property in perpetuity. The conservation values include viewshed, natural area, and wetland and stream habitat values.

BACKGROUND

Typically small tracts of land, such as this 2.197 acre tract, that are preserved as natural area/open space as a part of the development process are owned and maintained by the home owners' association. In the Coventry Subdivision, Tract D was deeded over to the City's Natural Areas Program instead. It is difficult for the Natural Areas Program to maintain such a small isolated property. The HOA has been voluntarily helping with the maintenance of this property, which is a direct benefit to the HOA, for the last five years. About a year ago, the HOA approached the City with the proposal to take over the ownership and maintenance of the natural area portion of this Tract. Staff is very supportive of this proposal.

To ensure the property will be maintained and enhanced as a natural area, the HOA will convey to the City a conservation easement as a part of the proposed transaction. The conservation easement will allow the City:

- A. To preserve and protect the conservation values of the property; and

- B. To enter upon the property at reasonable times in order to monitor the HOA's compliance with and otherwise enforce the terms of the Deed; provided that such entry shall, except in the event of an emergency, be upon prior reasonable notice to the HOA, and shall not unreasonably interfere with the HOA's use and quiet enjoyment of the property; and

- C. To prevent any activity on or use of the property that is significantly inconsistent with the purposes of the conservation easement and to require the restoration of such areas or features of the property that may be damaged by inconsistent activity or use.

The HOA will be responsible for the maintenance of this 2.197 acres currently known as Hidden Cattails Natural Area.

ORDINANCE NO. 044, 2005
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF CITY-OWNED PROPERTY,
LOCATED IN THE COVENTRY SUBDIVISION FILING NO. 1,
FORT COLLINS, COLORADO, TO COVENTRY HOME OWNERS' ASSOCIATION
IN EXCHANGE FOR A CONSERVATION EASEMENT
PRESERVING THE PROPERTY

WHEREAS, the City is the owner in fee simple of certain real property 2.197 acres in size and located in Fort Collins, more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, the Property is known as Hidden Cattails Natural Area and was dedicated to the City as part of the 3.350 acre Coventry Subdivision Filing No. 1, Tract D; and

WHEREAS, the Coventry Home Owners' Association ("HOA") has requested that the City deed the Property to the HOA for HOA operation and maintenance, and has agreed to convey to the City a Conservation Easement to preserve the open space and natural values of the Property in perpetuity; and

WHEREAS, the remaining 1.153 acres of Tract D will remain in City ownership and will be maintained by the Parks and Recreation Department as a part of the Ridge View neighborhood park; and

WHEREAS, the City intends that the Conservation Values of the Property be preserved and maintained in perpetuity by continuing the land use patterns consistent with open space; and

WHEREAS, consistent with and pursuant to the Conservation Easement, the HOA would agree to prevent any activity on or use of the Property that is significantly inconsistent with the purposes of the Conservation Easement and to require the restoration of such areas or features of the Property that may be damaged by inconsistent activity or use; and

WHEREAS, under Section 23-111 of the Code of the City of Fort Collins, the Council is authorized to convey any and all interests in real property owned in the name of the City, provided that Council first finds that the conveyance is in the best interests of the City.

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

Section 1. That the Council hereby finds that the conveyance of the Property subject to a Conservation Easement to protect its open space and natural areas values, as set forth herein, is in the best interests for the City of Fort Collins.

Section 2. That the Mayor is hereby authorized to execute a deed of conveyance of property to Coventry Home Owner's Association and to execute a Conservation Easement on the Property for the benefit of the City, consistent with the terms of this Ordinance, together with

such additional terms and conditions as the Mayor, in consultation with the City Attorney, determines to be necessary and appropriate to protect the interests of the City.

Introduced, considered favorably on first reading, and ordered published this 19th day of April, A.D. 2005, and to be presented for final passage on the 3rd day of May, A.D. 2005.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 3rd day of May, A.D. 2005.

Mayor

ATTEST:

City Clerk

DESCRIPTION OF A TRACT OF LAND LOCATED ON THE CITY OF FORT COLLINS
PROPERTY TO BE DEEDED TO THE COVENTRY HOME OWNERS ASSOCIATION

A Tract of land located in the Northeast quarter of Section 2, Township 6 North, Range 69 West of the Sixth Principal Meridian, City of Fort Collins, Larimer County, Colorado, the said tract is also located in Tract D of the Plat of Coventry Subdivision Filing No. 1, a plat of record with the Clerk and Recorder of Larimer County, being more particularly described as follows;

Considering the north line of the said northeast quarter of Section 2 as bearing South 89 degrees 54 minutes 42 seconds East between a 3" Aluminum Cap Monument, PLS 5028 at the north quarter corner and a 3" Aluminum Cap Monument, PLS 17664 at the northeast corner of Section 2, based upon GPS observation and City of Fort Collins coordinate base, and with all bearings contained herein relative thereto;

Commencing at the said north quarter corner of Section 2;

THENCE along the north line of the said northeast quarter of Section 2, South 89 degrees 54 minutes 42 seconds East for a distance of 112.26 feet to the northerly extension of the west line of the said Tract D, Coventry Subdivision Filing No. 1;

THENCE along the said northerly extension, South 00 degrees 04 minutes 40 seconds West for a distance of 60.00 feet to the northwest corner of the said Tract D and to the TRUE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE along the north line of the said Tract D, South 89 degrees 54 minutes 42 seconds East for a distance of 616.05 feet to the east line of the said Tract D;

THENCE along the said east line, South 00 degrees 18 minutes 10 seconds West for a distance of 228.06 feet to the south line of the said Tract D;

THENCE along the said south line, North 89 degrees 41 minutes 50 seconds West for a distance of 150.37 feet;

THENCE along the northerly extension of the east line of the said Tract D, North 00 degrees 18 minutes 10 seconds East for a distance of 45.00 feet;

THENCE leaving the said extended line, North 60 degrees 52 minutes 10 seconds West for a distance of 105.00 feet;

THENCE South 68 degrees 00 minutes 24 seconds West for a distance of 115.00 feet to the northeast corner of Lot 72 Coventry Subdivision Filing No. 1 and to the said south line of Tract D;

THENCE along the said south line of Tract D, North 81 degrees 17 minutes 47 seconds West for a distance of 88.86 feet to the easterly right of way of Bentley Place as shown on the said plat of Coventry Subdivision Filing No. 1;

THENCE along the said right of way, along a non-tangent curve to the left having a radius of 50.00 feet a central angle of 155 degrees 56 minutes 32 seconds and an arc length of 136.09 feet, being subtended by a chord of North 69 degrees 16 minutes 03 seconds West for a distance of 97.80 feet;

THENCE continuing along the said right of way, along a curve to the right having a radius of 50.00 feet a central angle of 40 degrees 02 minutes 23 seconds and an arc length of 34.94 feet, being subtended by a chord of South 52 degrees 46 minutes 13 seconds West for a distance of 34.23 feet to the said west line of Tract D;

THENCE along the said west line of Tract D, non-tangent from the previous curve, North 00 degrees 04 minutes 40 seconds East for a distance of 98.60 feet;

THENCE continuing along the said west line, North 56 degrees 49 minutes 39 seconds West for a distance of 71.62 feet;

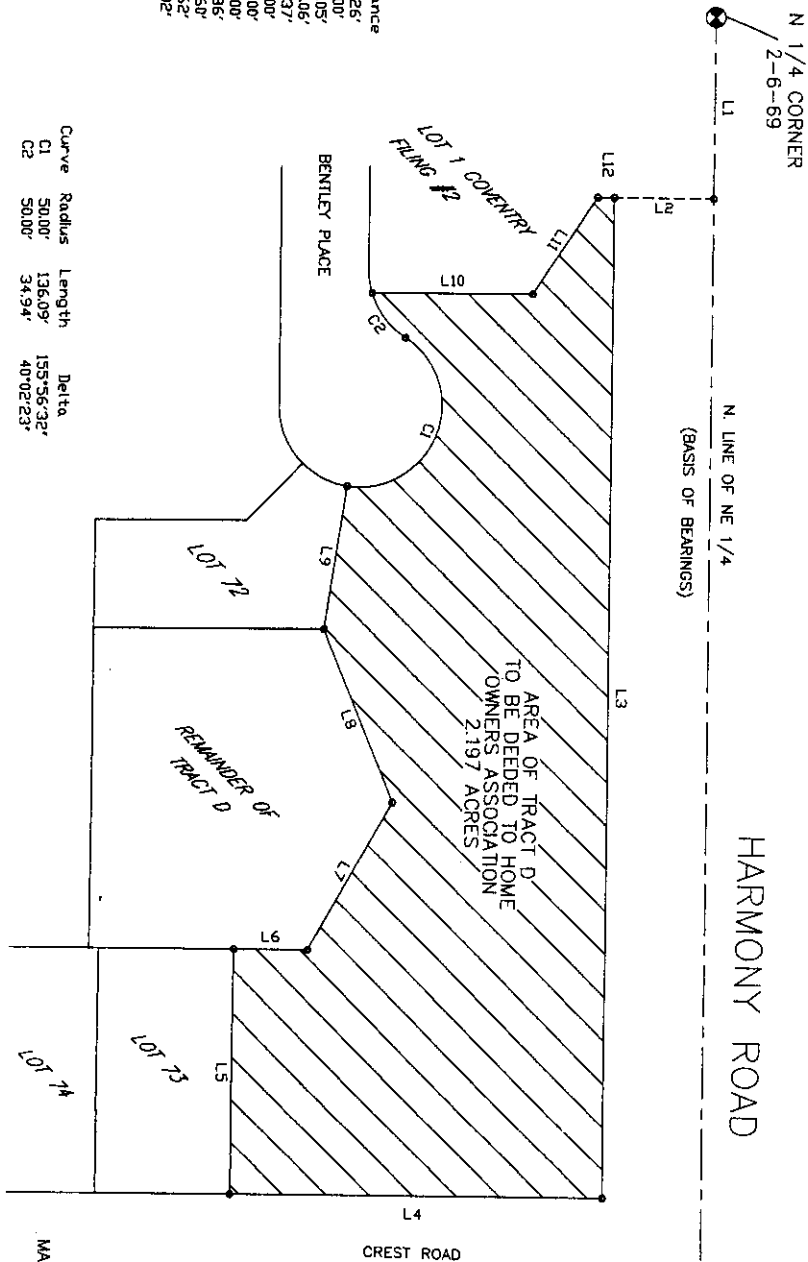
THENCE continuing along the said west line, North 00 degrees 04 minutes 40 seconds East for a distance of 10.02 feet to the point of beginning. Containing 95704 square feet (2.197 acres) more or less.

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. The description is based upon previously recorded plats and deeds and not upon a actual field survey.

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

LOCATION SKETCH COVENTRY HOME OWNERS ASSOCIATION



Course	Bearing	Distance
L1	S 89°54'42" E	112.26'
L2	S 00°04'40" W	60.00'
L3	S 89°54'42" E	616.05'
L4	S 00°18'10" W	228.06'
L5	N 89°41'50" W	150.37'
L6	N 00°18'10" E	45.00'
L7	N 60°52'10" W	105.00'
L8	S 68°00'24" W	115.00'
L9	N 81°17'47" W	88.86'
L10	N 00°04'40" E	98.60'
L11	N 56°49'39" W	71.62'
L12	N 00°04'40" E	10.02'

Curve	Radius	Length	Delta
C1	50.00'	136.09'	155°56'32"
C2	50.00'	34.94'	40°02'23"

THE AREAS
PICTURED
HEREIN
REPRESENT A
BLINDARY SURVEY.

NTS
MARCH 3, 2005

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