

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

ITEM NUMBER: 24

DATE: April 19, 2005

STAFF: Susan Joy

SUBJECT

First Reading of Ordinance No. 046, 2005, Vacating Two Portions of Right-of-Way as Dedicated on the Plat of Side Hill, Filing One.

RECOMMENDATION

Staff recommends approval of the Ordinance on First Reading.

EXECUTIVE SUMMARY

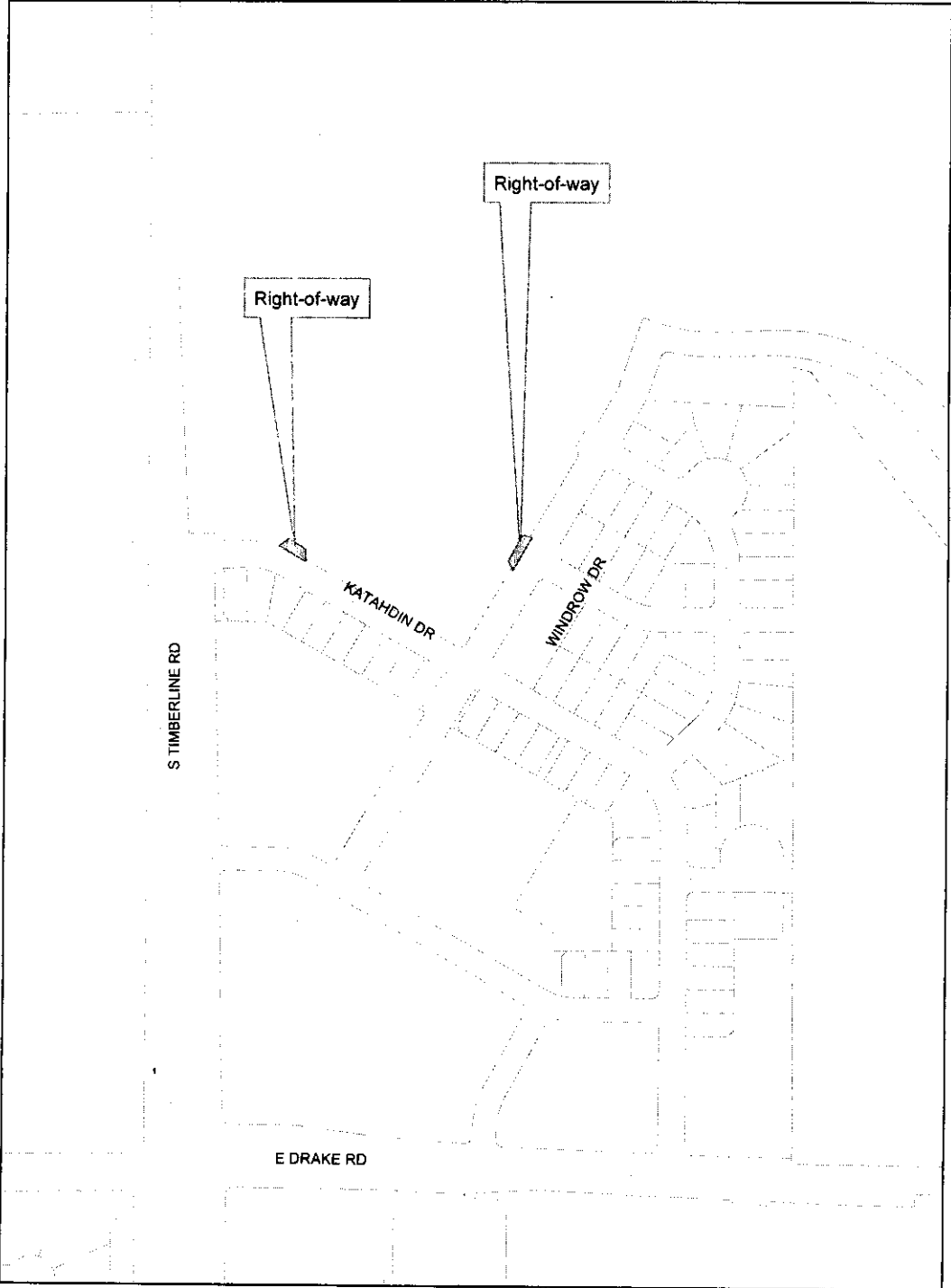
The Side Hill development site is located north of Drake Road and east of Timberline Road. As a part of Side Hill, Filing One, it was anticipated that an unnamed street would extend northeasterly beyond Katahdin Drive and that Trestle Road would extend westerly beyond Windrow Drive. Street stubs for both of these anticipated streets were dedicated with Side Hill, Filing One. In Side Hill, Filing Two, for which an Administrative Hearing was held on December 16, 2004, the street stubs are no longer needed and the streets are not planned to extend beyond Windrow Drive. Therefore, the right-of-way for the two street stubs is no longer necessary and is proposed for vacation at this time. As there are currently utilities within the right-of-way, the area will be retained as a utility easement.

All public and private utilities have been notified of the proposed vacation and they report no objections.

ATTACHMENTS

1. Sidehill, 2nd Filing Vicinity Map

Right-of-way Vacations



Sidehill, 2nd Filing
4/4/05
Vicinity Map



ORDINANCE NO. 046, 2005
OF THE COUNCIL OF THE CITY OF FORT COLLINS
VACATING TWO PORTIONS OF RIGHT-OF-WAY AS DEDICATED ON
THE PLAT OF SIDE HILL, FILING ONE

WHEREAS, the plat of Side Hill, Filing One included dedication to the public of a right-of-way which included the dedication of certain rights-of-way for future street extensions; and

WHEREAS, the City has approved a project development plan (PDP) for a project entitled "Side Hill, Filing Two", which PDP plan plats property abutting said rights-of-way; and

WHEREAS, the approval of the Side Hill, Filing Two necessitates the vacation of two portions of the original right-of-way dedicated on the plat of Side Hill, Filing One which portions are more particularly described on Exhibits "A" and "B", attached hereto and incorporated herein by this reference; and

WHEREAS, said portions of right-of-way are no longer necessary or desirable to retain for street purposes due to the approval of Side Hill, Filing Two, which does not extend said street stubs into the site; and

WHEREAS, pertinent City agencies and private utility companies have been contacted and reported no objection to the proposed vacation, provided that utility easements be reserved unto the City; and

WHEREAS, the rights of the residents of the City of Fort Collins will not be prejudiced or injured by the vacation of said street right-of-way.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the portions of street right-of-way, more particularly described on Exhibits "A" and "B", are hereby vacated, abated and abolished, reserving the same unto the City as a utility easement.

Introduced and 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

LEGAL DESCRIPTION
RIGHT-OF-WAY VACATION

A PORTION OF THE SOUTHWEST ONE-QUARTER OF SECTION 20, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH PM, COUNTY OF LARIMER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

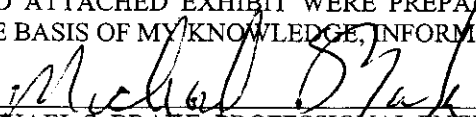
BASIS OF BEARING: THE NORTH LINE OF LOT 3 BLOCK 2 OF SIDHILL FILING ONE, AS RECORDED AT RECEPTION NO. 20030144107, IS ASSUMED TO BEAR N 60°00'00" W, WITH A DISTANCE OF 60.51 FEET.

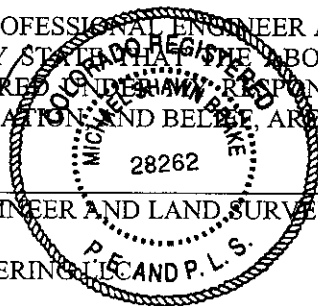
COMMENCING AT THE NORTHEASTERLY CORNER OF SAID LOT 3;

THENCE N 04°36'17" E, A DISTANCE OF 63.10 FEET TO **THE POINT OF BEGINNING**;
THENCE N 60°00'00" W, A DISTANCE OF 33.45 FEET;
THENCE ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A DELTA OF 11°29'44" AND A RADIUS OF 193.50 FEET, A DISTANCE OF 38.82 FEET, THE CHORD OF SAID CURVE BEARING N 65°44'52" W, WITH A LENGTH OF 38.76 FEET, TO A POINT OF CURVATURE;
THENCE ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A DELTA OF 78°30'16" AND A RADIUS OF 15.00 FEET, A DISTANCE OF 20.55 FEET, THE CHORD OF SAID CURVE BEARING N 69°15'08" W, WITH A LENGTH OF 18.98 FEET;
THENCE N 30°00'00" E, A DISTANCE OF 5.63 FEET;
THENCE S 60°00'00" E, A DISTANCE OF 45.00 FEET;
THENCE S 30°00'00" W, A DISTANCE OF 1.45 FEET TO A POINT OF CURVATURE;
THENCE ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A DELTA OF 90°00'00" AND A RADIUS OF 15.00 FEET, A DISTANCE OF 23.56 FEET, THE CHORD OF SAID CURVE BEARING S 15°00'00" E, WITH A LENGTH OF 21.21 FEET TO **THE POINT OF BEGINNING**;

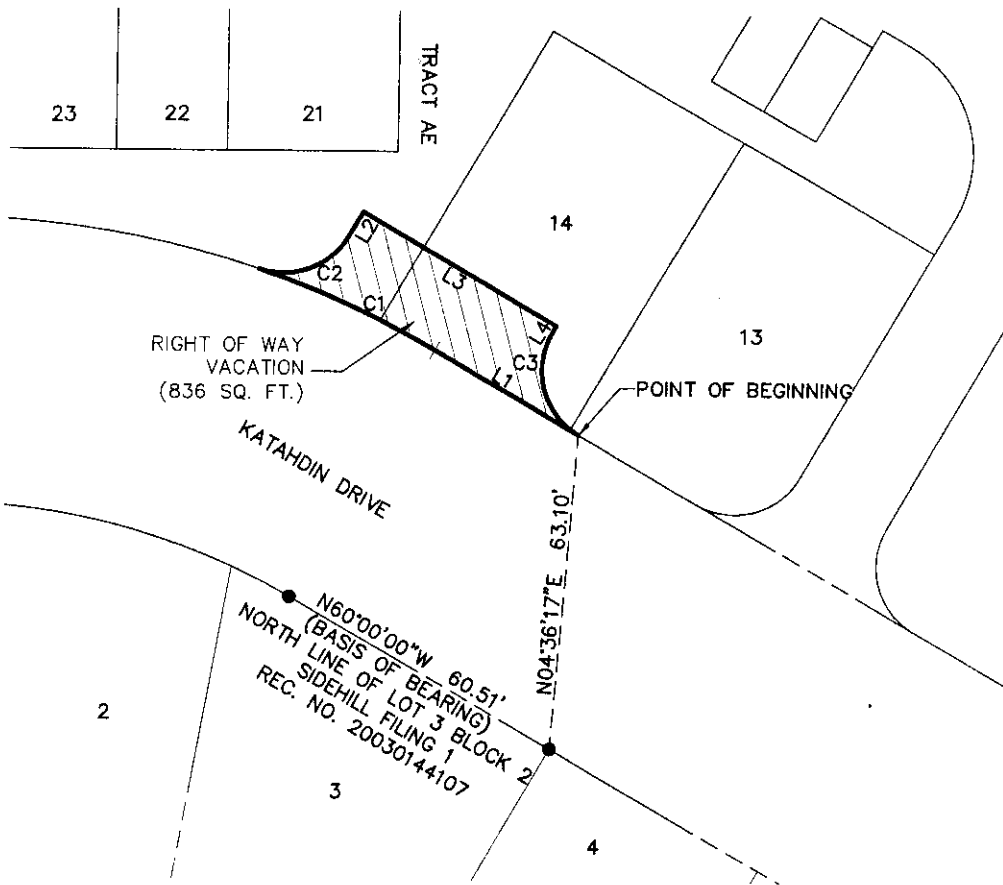
CONTAINING A CALCULATED AREA OF 836 SQUARE FEET.

I, MICHAEL S. BRAKE, A REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED UNDER MY RESPONSIBLE CHARGE AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, ARE CORRECT.


MICHAEL S. BRAKE, PROFESSIONAL ENGINEER AND LAND SURVEYOR
COLORADO PE ~ PLS NO. 28262
FOR AND ON THE BEHALF OF JR ENGINEERING, INC.

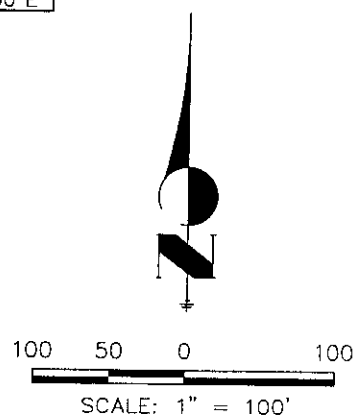


THIS LEGAL DESCRIPTION DOES NOT CONSTITUTE A TITLE SEARCH BY JR ENGINEERING TO DETERMINE OWNERSHIP OF THIS TRACT OR VERIFY EASEMENTS OF RECORD. JR ENGINEERING AND THE SURVEYOR OF RECORD ASSUMES NO RESPONSIBILITY FOR OWNERSHIP RIGHTS OR EXISTING EASEMENT RIGHTS AND RECOMMENDS CONSULTATION WITH AN ATTORNEY.



CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD	BEARING
C1	11°29'44"	193.50	38.82	38.76	N65°44'52"W
C2	78°30'16"	15.00	20.55	18.98	N69°15'08"E
C3	90°00'00"	15.00	23.56	21.21	S15°00'00"E

LINE TABLE		
LINE	LENGTH	BEARING
L1	33.45	N60°00'00"W
L2	5.63	N30°00'00"E
L3	45.00	S60°00'00"E
L4	1.45	S30°00'00"W



RIGHT OF WAY VACATION 2
 SIDEHILL FILING 2
 JOB NO. 39350.06
 MARCH 01, 2005
 SHEET 2 OF 2

NOTE:
 THIS DRAWING DOES NOT REPRESENT A
 MONUMENTED SURVEY AND IS ONLY
 INTENDED TO DEPICT THE ATTACHED
 LEGAL DESCRIPTION.

 **J-R ENGINEERING**
 A Westrian Company

2620 East Prospect Road, Suite 190 • Fort Collins, CO 80525
 970-491-9888 • Fax: 970-491-6994 • www.jrengineering.com

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**LEGAL DESCRIPTION
RIGHT-OF-WAY VACATION**

A PORTION OF THE SOUTHWEST ONE-QUARTER OF SECTION 20, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH PM, COUNTY OF LARIMER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BASIS OF BEARING: THE WEST LINE OF LOT 1 BLOCK 5 OF SIDEHILL FILING ONE, AS RECORDED AT RECEPTION NO. 20030144107, IS ASSUMED TO BEAR N 30°00'00" E, WITH A DISTANCE OF 96.00 FEET.

COMMENCING AT THE MOST NORTHWESTERLY CORNER OF SAID LOT 1;

THENCE N 59°06'17" W, A DISTANCE OF 64.01 FEET TO **THE POINT OF BEGINNING**; THENCE ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A DELTA OF 90°00'00" AND A RADIUS OF 15.00 FEET, A DISTANCE OF 23.56 FEET, THE CHORD OF SAID CURVE BEARING N 15°00'00" W, WITH A LENGTH OF 21.21 FEET;

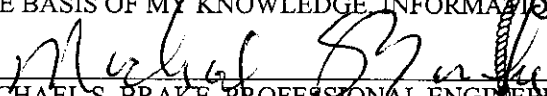
THENCE N 30°00'00" E, A DISTANCE OF 51.00 FEET;

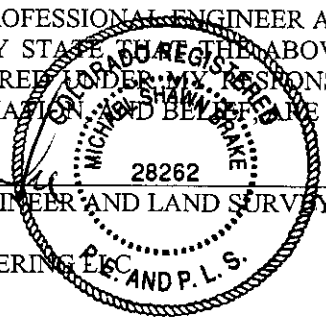
THENCE ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A DELTA OF 90°00'00" AND A RADIUS OF 15.00 FEET, A DISTANCE OF 23.56 FEET, THE CHORD OF SAID CURVE BEARING N 75°00'00" E, WITH A LENGTH OF 21.21 FEET;

THENCE S 30°00'00" W, A DISTANCE OF 81.00 FEET, TO **THE POINT OF BEGINNING**;

CONTAINING A CALCULATED AREA OF 862 SQUARE FEET.

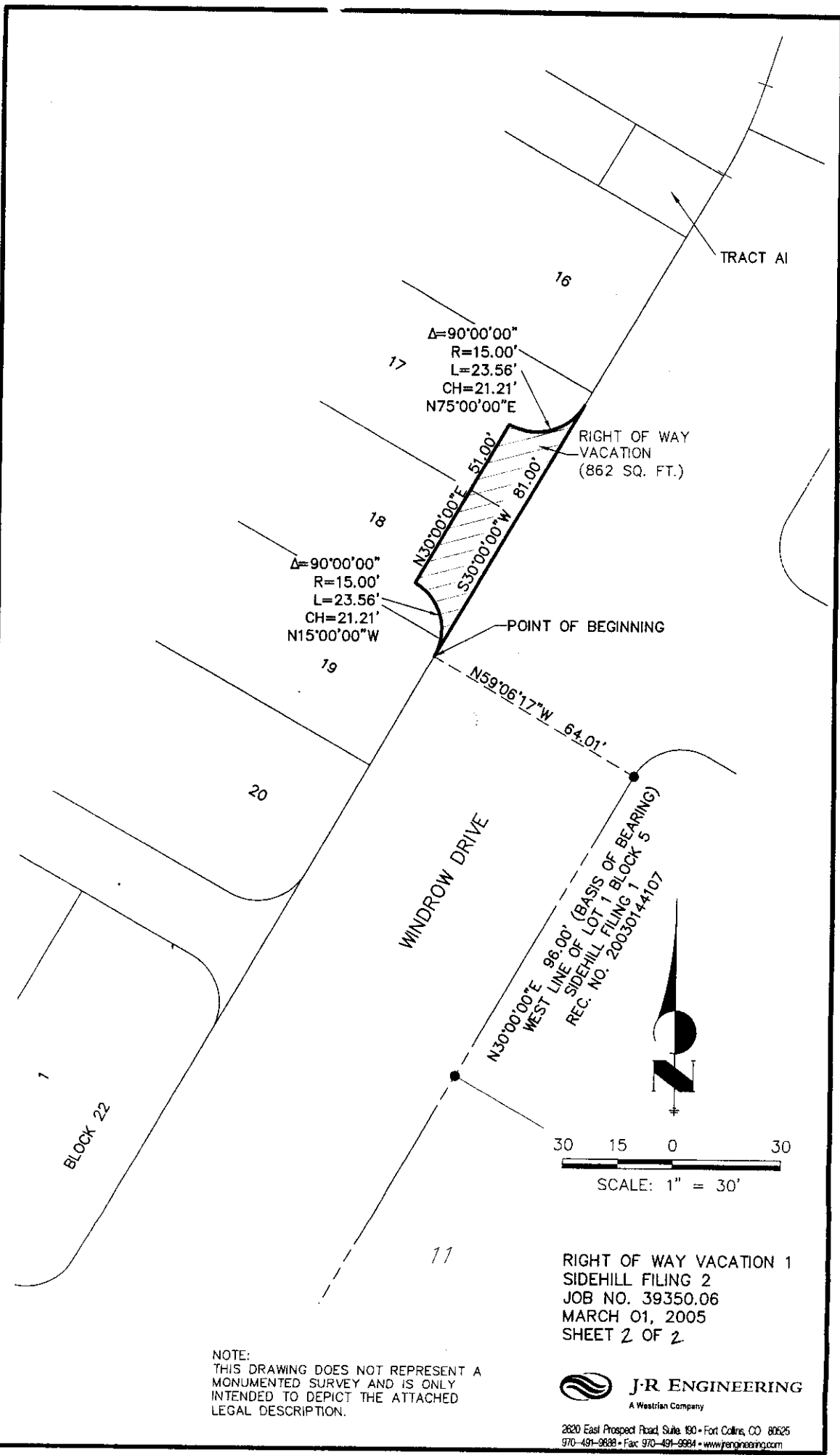
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COLORADO PE ~ PLS NO. 28262
FOR AND ON THE BEHALF OF JR ENGINEERING P.C. AND P.L.S.



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$\Delta=90^{\circ}00'00''$
 $R=15.00'$
 $L=23.56'$
 $CH=21.21'$
 $N75^{\circ}00'00''E$

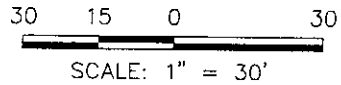
$\Delta=90^{\circ}00'00''$
 $R=15.00'$
 $L=23.56'$
 $CH=21.21'$
 $N15^{\circ}00'00''W$

RIGHT OF WAY VACATION
(862 SQ. FT.)

POINT OF BEGINNING

WINDROW DRIVE

$N30^{\circ}00'00''E$ 96.00' (BASIS OF BEARING)
 WEST LINE OF SIDEHILL LOT 1 BLOCK 5
 REC. NO. 20030144107



RIGHT OF WAY VACATION 1
 SIDEHILL FILING 2
 JOB NO. 39350.06
 MARCH 01, 2005
 SHEET 2 OF 2

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