

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 29

DATE: April 19, 2005

STAFF: Helen Matson
Matt Baker

SUBJECT

Resolution 2005-038 Authorizing a Revocable Permit to the Colorado Department of Transportation for a Period of up to Two Years to Enter on Property Owned by the City for the Purpose of Environmental Cleanup and Monitoring.

RECOMMENDATION

Staff recommends adoption of the Resolution.

EXECUTIVE SUMMARY

The City of Fort Collins and the Colorado Department of Transportation ("CDOT") began negotiations in 1997 to exchange properties on East Vine Street. These negotiations were completed with a closing held on April 26, 2000, at which CDOT deeded to the City a parcel of land containing 0.82 acres and the City deeded a parcel of land to CDOT containing 2.5 acres of land. Along with the transfer of the property, CDOT also paid the City approximately \$90,000 for the difference in value between the two properties.

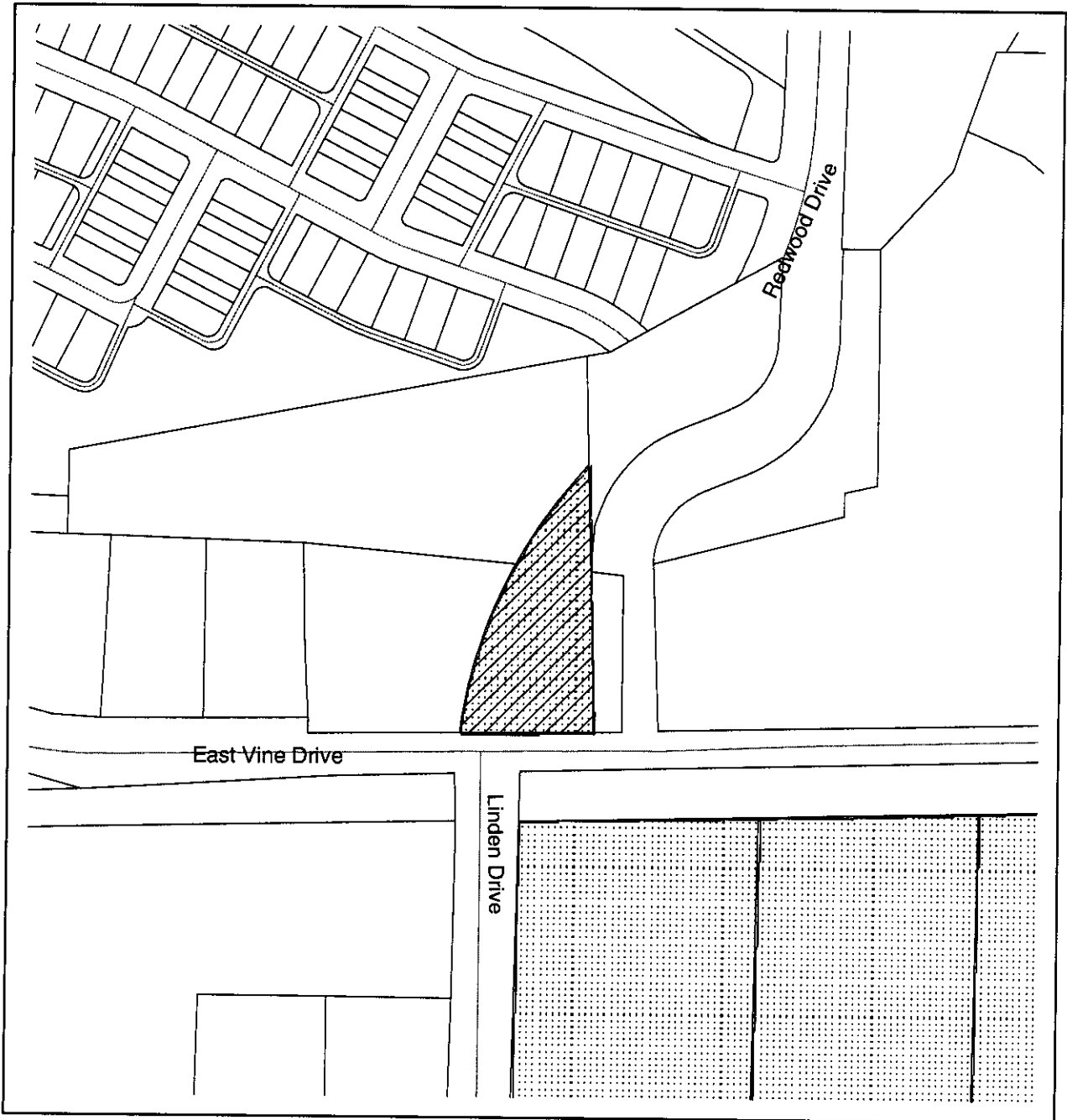
CDOT had used their site for a maintenance facility. The City's site was part of the East Vine Streets Facility PUD and had been purchased for the Streets Department. The land being transferred to CDOT was not needed by the Streets Department. CDOT built a new maintenance facility on land transferred from the City and the City planned to use the parcel acquired from CDOT for the extension of Redwood Street. After closing, the City granted CDOT permission to occupy the property until their new building was built on Streets Facility PUD property, or until January 1, 2002.



Prior to the City's purchase of the land from CDOT, CDOT had been working with the State on an environmental contamination on a portion of the site. At the time of closing, all parties understood that the State was issuing a Letter of No Further Action. During CDOT's occupation of the site, they continued to monitor wells that they had installed on the site. These tests did not give a completely clean reading; therefore, the State is requiring that CDOT remove the contaminated soil and replace it with new soil. Excavation of the soil will also remove the existing monitoring wells on site. These wells will need to be replaced on site and CDOT will need to continue monitoring these wells for up to two years. Issuing this Permit to CDOT allows them to proceed to clean up the City property at their expense and monitor it as required by the State.

ATTACHMENTS

1. Site Location Map

REVOCABLE PERMIT LOCATION MAP (E. VINE AND REDWOOD DRIVE)



-  Permit Location
-  City Owned Property



RESOLUTION 2005-038
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING A REVOCABLE PERMIT TO THE COLORADO
DEPARTMENT OF TRANSPORTATION FOR A PERIOD OF UP TO TWO YEARS
TO ENTER ON PROPERTY OWNED BY THE CITY FOR THE PURPOSE OF
ENVIRONMENTAL CLEANUP AND MONITORING

WHEREAS, the City of Fort Collins is the owner of that certain real property (the "Site") in the City of Fort Collins, County of Larimer, State of Colorado, as described in attached Exhibit "A", attached hereto and incorporated herein by this reference; and

WHEREAS, in April of 2000, the City of Fort Collins acquired the Site from the Colorado Department of Transportation ("CDOT"); and

WHEREAS, prior to the City's ownership of the Site, environmental contamination was identified in the soil on a portion of the Site and CDOT accepted responsibility for cleaning the Site; and

WHEREAS, CDOT has asked the City to authorize its entry onto the Site to excavate the contaminated soil, replace with clean soil, compact the soil, install monitoring wells and perform monitoring activities; and

WHEREAS, it is anticipated that such activities will be completed within a two-year period; and

WHEREAS, Article XI, Section 10, of the Charter of the City of Fort Collins authorizes the Council to permit the use or occupation of any street, alley, or public place, provided that such permit shall be revocable by the Council at its pleasure, whether or not such right to revoke is expressly reserved in such permit.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the City Manager is hereby authorized to execute such documents as are necessary to authorize CDOT to gain entry to the Site, consistent with the terms of this Resolution, which authorization may include such additional terms and conditions as the City Manager, in consultation with the City Attorney, deems necessary or appropriate to protect the interests of the City or effectuate the purposes of this Resolution.

Passed and adopted at a regular meeting of the City Council held this 19th day of April, A.D. 2005.

Mayor

ATTEST:

City Clerk

DESCRIPTION OF A TRACT OF LAND TO BE DEEDED TO THE CITY OF FORT COLLINS LOCATED ON THE STATE DEPARTMENT OF HIGHWAYS PROPERTY

A tract of land located in the Northwest quarter of Section 12, Township 7 North, Range 69 West and in the Southwest quarter of Section 1, Township 7 North Range 69 West all of the Sixth Principal Meridian, City of Fort Collins, Larimer County, Colorado, also being located in that certain tract of land as described in a Quit Claim Deed recorded March 14, 1958 in Book 1063 at Page 138, and in a Deed recorded May 17, 1974 in Book 1601 at Page 764 all in the records of the Clerk and Recorder of the said Larimer County, more particularly described as follows;

Considering the north line of the said Northwest quarter of Section 12 as bearing South 89 degrees 59 minutes 23 seconds West from a 3" brass cap at the south quarter corner of the said Section 1 to a 3" Colorado Department of Highways brass cap at the southwest corner of the said Section 1, .and with all bearings contained herein relative thereto;

Commencing at the south quarter corner of Section 1;

THENCE South 78 degrees 41 minutes 09 seconds West for a distance of 296.40 feet to the intersection of the west line of that certain tract of land described in a Deed recorded May 17, 1974 in Book 1601 at Page 766 records of the said Clerk and Recorder with the south line of the said tract described in Book 1063 at Page 138, the said intersection point is also the TRUE POINT OF BEGINNING of this description;

THENCE along the south line of the said tract described in Book 1063 at Page 138, South 89 degrees 05 minutes 23 seconds West for a distance of 168.34 feet;

THENCE leaving the said south line and along a non-tangent curve to the right having a radius of 590.00 feet a central angle of 34 degrees 21 minutes 21 seconds and an arc length of 353.78 feet, being subtended by a chord of North 23 degrees 27 minutes 04 seconds East for a distance of 348.50 feet;

THENCE North 40 degrees 37 minutes 44 seconds East for a distance of 24.70 feet to the east line of the said tract of. land described in Bock 1601 at Page 764;

THENCE along the said east line and along the west line of the said tract described in Book 1601 at Page 766, South 02 degrees 18 minutes 37 seconds East for a distance of 336.06 feet to the point of beginning. Containing 35691 square feet (0.819 Acres) more or less.

The above described tract is subject to all easements and rights of ways new 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

LEGAL DESCRIPTION - PROPOSED LOT 4A

A PARCEL OF LAND BEING A PORTION OF LOT 4 "EAST VINE STREETS FACILITY P.U.D.", A SUBDIVISION PLAT RECORDED AT RECEPTION NO. 93064812, LARIMER COUNTY, COLORADO. ALSO BEING A PORTION OF SECTION 12, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 4; THENCE N 88°18'14" E ALONG THE NORTH LINE OF SAID LOT 4, A DISTANCE OF 275.51 FEET; THENCE S 00°37'24" W, A DISTANCE OF 395.60 FEET; THENCE S 88°18'24" W, A DISTANCE OF 275.81 FEET TO A POINT ON THE WEST LINE OF SAID LOT 4; THENCE N 00°37'24" E ALONG SAID WEST LINE OF LOT 4, A DISTANCE OF 395.59 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 2.500 ACRES OF LAND, MORE OR LESS.

ALL BEARINGS DESCRIBED HEREIN ARE BASED ON THE NORTH LINE OF LOT 4 "EAST VINE STREET FACILITY, P.U.D.", A SUBDIVISION PLAT RECORDED AT LARIMER COUNTY, COLORADO. SAID LINE BEARS N 88°18'14" E.

PREPARED BY: THE LUND PARTNERSHIP, INC.
12265 WEST BAYAUD AVENUE, SUITE 130
LAKEWOOD, CO 80228
303-989-1461
DATE: DECEMBER 15, 1997