

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 20

DATE: November 15, 2005

STAFF: Lindsey Kuntz

SUBJECT

First Reading of Ordinance No. 147, 2005, Authorizing the Grant of a Temporary Construction Easement and an Access Easement from the City of Fort Collins, Colorado, to Spring Creek Ranch, LLC.

RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

FINANCIAL IMPACT

The total amount of consideration to be paid to the City for these easements is \$500.00. This will include the cost of the easements, processing, and administration fees.

EXECUTIVE SUMMARY

Spring Creek Ranch LLC, is developing an 11-acre parcel located at 1926 Hull Street into 88 condo units, and has requested a nonexclusive Access Easement and a Temporary Construction Easement on property owned by the City on the south side of Hull Street, in connection with the development. The proposed Access Easement will provide a necessary emergency access route to the development. The proposed Temporary Construction Easement will be used during construction of the Access Easement to provide proper grading of the area. Utilities (Stormwater) has determined that the proposed easements will not impact the use of the property for stormwater purposes, and has no objection to the proposed easements. The triangular-shaped Access Easement contains 154 square feet and the rectangular Temporary Construction Easement contains 1,829 square feet.

ORDINANCE NO. 147 , 2005
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF AN ACCESS EASEMENT
AND A TEMPORARY CONSTRUCTION EASEMENT FOR THE
SPRING CREEK RANCH LLC DEVELOPMENT PROJECT

WHEREAS, the City of Fort Collins, Colorado (the "City") is the owner of a certain parcel of real property located in Fort Collins, Colorado, recorded at Reception Number 86039031 in the records of the Larimer County Clerk and Recorder (the "Property"); and

WHEREAS, Spring Creek Ranch LLC is developing an 11 acre parcel for a condominium project (the "Project") west of the Property; and

WHEREAS, in order to provide a necessary emergency access route to the Project, Spring Creek Ranch LLC wishes to acquire a nonexclusive access easement, as described in Exhibit "A", attached hereto, on the Property; and

WHEREAS, to construct and provide proper grading for the access easement, Spring Creek Ranch LLC wishes to acquire a nonexclusive temporary construction easement, as described in Exhibit "B", attached hereto, on the Property; and

WHEREAS, Spring Creek Ranch LLC has agreed to pay to the City \$500 for the easements, and

WHEREAS, based on review of this request by staff, it has been determined that granting the easements will not have any adverse effects on the Property or the City's intended use of the Property; and

WHEREAS, the Property was purchased by the City's stormwater utility for use for stormwater purposes; and

WHEREAS, Section 23-111 of the City Code provides that the City Council is authorized to sell, convey, or otherwise dispose of real property owned by the City, provided the Council first finds by ordinance that any sale or other disposition of real property owned by the City is in the best interest of the City of Fort Collins and will be for the benefit of the citizens of the city, and that the disposition will not materially impair the viability of the stormwater utility system as a whole.

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

Section 1. That the conveyance of the Access Easement and the Temporary Construction Easement on the Property, consistent with the terms of this Ordinance, will be for the benefit of the city's citizens and is in the best interest of the City of Fort Collins, and will not materially impair the viability of the stormwater utility system as a whole.

Section 2. That the Mayor is hereby authorized to execute such documents of conveyance as are necessary to convey the easements described herein to Spring Creek Ranch, LLC upon the terms and conditions described above, and subject to such other terms and conditions as the City Manager, in consultation with the City Attorney, determines to be necessary and in the best interest of the City and the City stormwater utility.

Introduced and considered favorably on first reading and ordered published this 15th day of November, A.D. 2005, and to be presented for final passage on the 20th day of December, A.D. 2005.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 20th day of December, A.D. 2005.

Mayor

ATTEST:

City Clerk

**LEGAL DESCRIPTION
ACCESS EASEMENT**

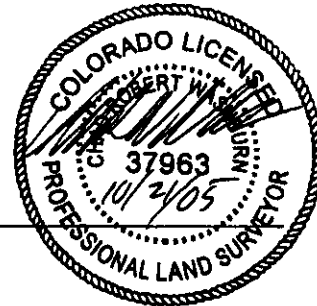
A PARCEL OF LAND LOCATED IN THE WEST ONE-HALF OF THE NORTHWEST ONE-QUARTER OF SECTION 27, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH PM, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING: THE NORTH LINE OF LOT 8 OF THE SUBDIVISION OF A PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP SEVEN NORTH OF RANGE SIXTY NINE WEST OF THE 6TH P.M., IS ASSUMED TO BEAR N89°32'45"W.

BEGINNING AT THE NORTHEAST CORNER OF THAT PARCEL OF LAND AS DEEDED TO THE CITY OF FORT COLLINS BY RECEPTION NO. 86039031;
THENCE S00°00'29"E, ON THE EASTERLY LINE OF SAID PARCEL, A DISTANCE OF 7.82 FEET;
THENCE N78°21'36"W, A DISTANCE OF 40.31 FEET, TO A POINT ON NORTHERLY LINE OF SAID PARCEL;
THENCE S89°32'45"E, ON SAID NORTHERLY LINE, A DISTANCE OF 39.48 FEET, TO THE POINT OF BEGINNING.

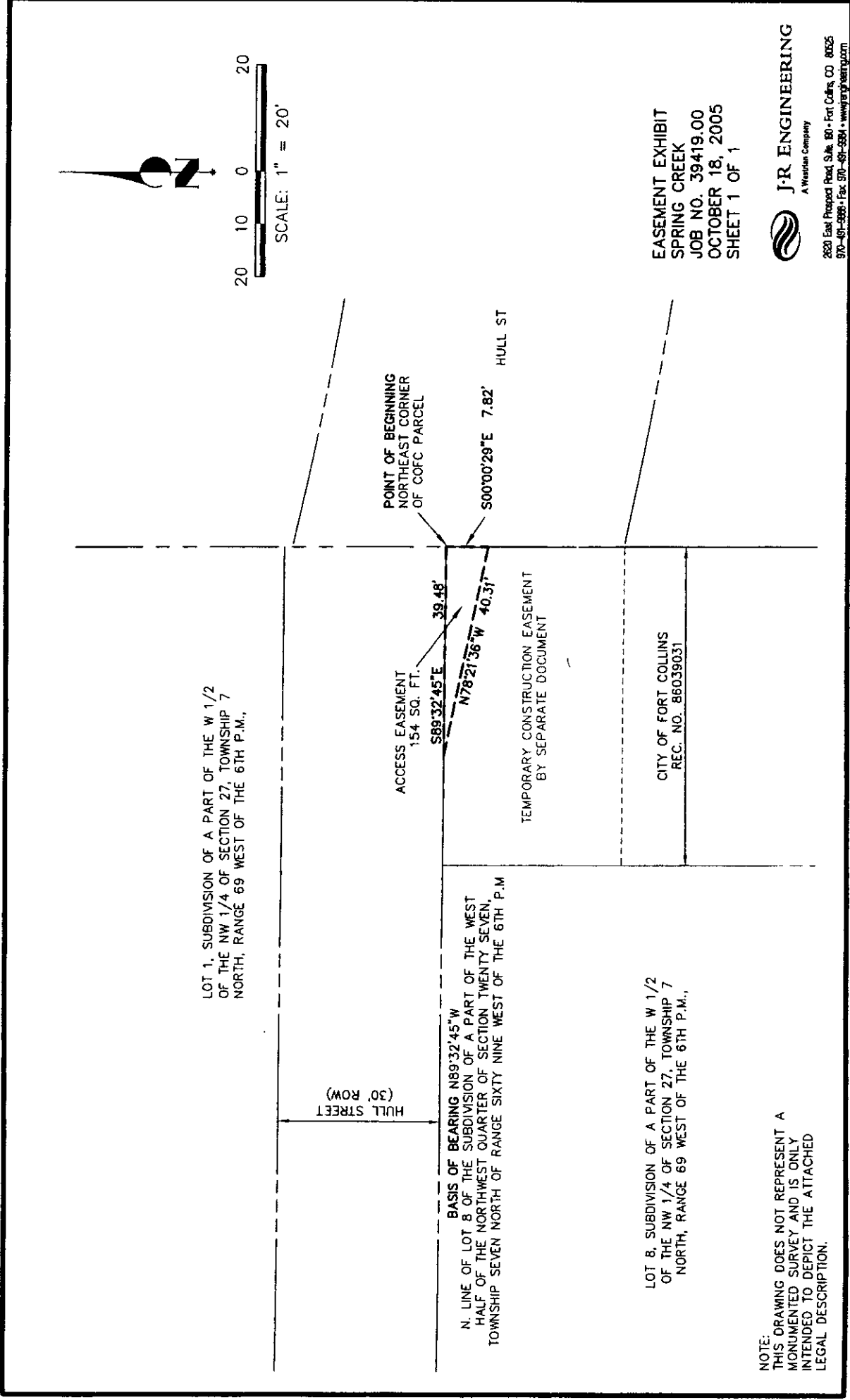
CONTAINING A CALCULATED AREA OF 154 SQUARE FEET.

I, CHAD R. WASHBURN, A COLORADO LICENSED PROFESSIONAL LAND SURVEYOR, 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.



CHAD R. WASHBURN, PROFESSIONAL LAND SURVEYOR
COLORADO PLS NO. 37963
FOR AND ON THE BEHALF OF JR ENGINEERING LLC.

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.



LOT 1, SUBDIVISION OF A PART OF THE W 1/2 OF THE NW 1/4 OF SECTION 27, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH P.M.,

N. LINE OF LOT 8 OF THE SUBDIVISION OF A PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION TWENTY SEVEN, TOWNSHIP SEVEN NORTH OF RANGE SIXTY NINE WEST OF THE 6TH P.M

LOT 8, SUBDIVISION OF A PART OF THE W 1/2 OF THE NW 1/4 OF SECTION 27, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH P.M.,

HULL STREET (30' ROW)

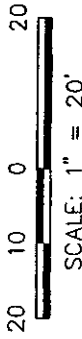
ACCESS EASEMENT 154 SQ. FT.

TEMPORARY CONSTRUCTION EASEMENT BY SEPARATE DOCUMENT

CITY OF FORT COLLINS REC. NO. 86039031

POINT OF BEGINNING NORTHEAST CORNER OF COFC PARCEL

HULL ST



EASEMENT EXHIBIT
 SPRING CREEK
 JOB NO. 39419.00
 OCTOBER 18, 2005
 SHEET 1 OF 1



J·R ENGINEERING
 A Westline Company

2620 East Prospect Road, Suite 100 - Fort Collins, CO 80525
 970-491-8988 • Fax 970-491-8994 • www.jrengineering.com

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

LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT

A PARCEL OF LAND LOCATED IN THE WEST ONE-HALF OF THE NORTHWEST ONE-QUARTER OF SECTION 27, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH PM, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING: THE NORTH LINE OF LOT 8 OF THE SUBDIVISION OF A PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP SEVEN NORTH OF RANGE SIXTY NINE WEST OF THE 6TH P.M., IS ASSUMED TO BEAR N89°32'45"W.

COMMENCING AT THE NORTHEAST CORNER OF THAT PARCEL OF LAND AS DEEDED TO THE CITY OF FORT COLLINS BY RECEPTION NO. 86039031;
 THENCE S00°00'29"E, ON THE EASTERLY LINE OF SAID PARCEL, A DISTANCE OF 7.82 FEET, TO THE POINT OF BEGINNING;

THENCE S00°00'29"E, ON THE EASTERLY LINE OF SAID PARCEL, A DISTANCE OF 25.24 FEET;
 THENCE N89°32'45"W, A DISTANCE OF 60.00 FEET, TO A POINT ON WESTERLY LINE OF SAID PARCEL;
 THENCE N00°00'29"W, ON THE WESTERLY LINE OF SAID PARCEL, A DISTANCE OF 33.06 FEET, TO A POINT ON SAID NORTHERLY LINE;
 THENCE S89°32'45"E, ON SAID NORTHERLY LINE, A DISTANCE OF 20.51 FEET;
 THENCE S78°21'36"E, A DISTANCE OF 40.31 FEET, TO THE POINT OF BEGINNING.

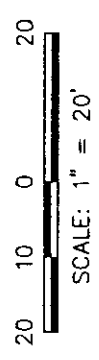
CONTAINING A CALCULATED AREA OF 1,829 SQUARE FEET.

I, CHAD R. WASHBURN, A COLORADO LICENSED PROFESSIONAL LAND SURVEYOR, 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.

CHAD R. WASHBURN, PROFESSIONAL LAND SURVEYOR
 COLORADO PLS NO. 37963
 FOR AND ON THE BEHALF OF JR ENGINEERING LLC.



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HULL STREET (30' ROW)

POINT OF COMMENCEMENT
NORTHEAST CORNER
OF COFC PARCEL

HULL ST

POINT OF BEGINNING

ACCESS EASEMENT BY
SEPARATE DOCUMENT

S89°32'45"E
20.51'

S78°21'36"E
40.31'

S00°00'29"E
7.82'

S00°00'29"E
25.24'

TEMPORARY CONSTRUCTION EASEMENT
1,829 SQ. FT.

NB89°32'45"W
60.00'

CITY OF FORT COLLINS
REC. NO. 86039031

N00°00'29"W
33.06'

BASIS OF BEARING N89°32'45"W
N. LINE OF LOT 8 OF THE SUBDIVISION OF A PART OF THE WEST
HALF OF THE NORTHWEST QUARTER OF SECTION TWENTY SEVEN,
TOWNSHIP SEVEN NORTH OF RANGE SIXTY NINE WEST OF THE 6TH P.M.

LOT 8, SUBDIVISION OF A PART OF THE W 1/2 OF THE NW 1/4 OF SECTION 27, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH P.M.,

EASEMENT EXHIBIT
SPRING CREEK
JOB NO. 39419.00
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SHEET 1 OF 1

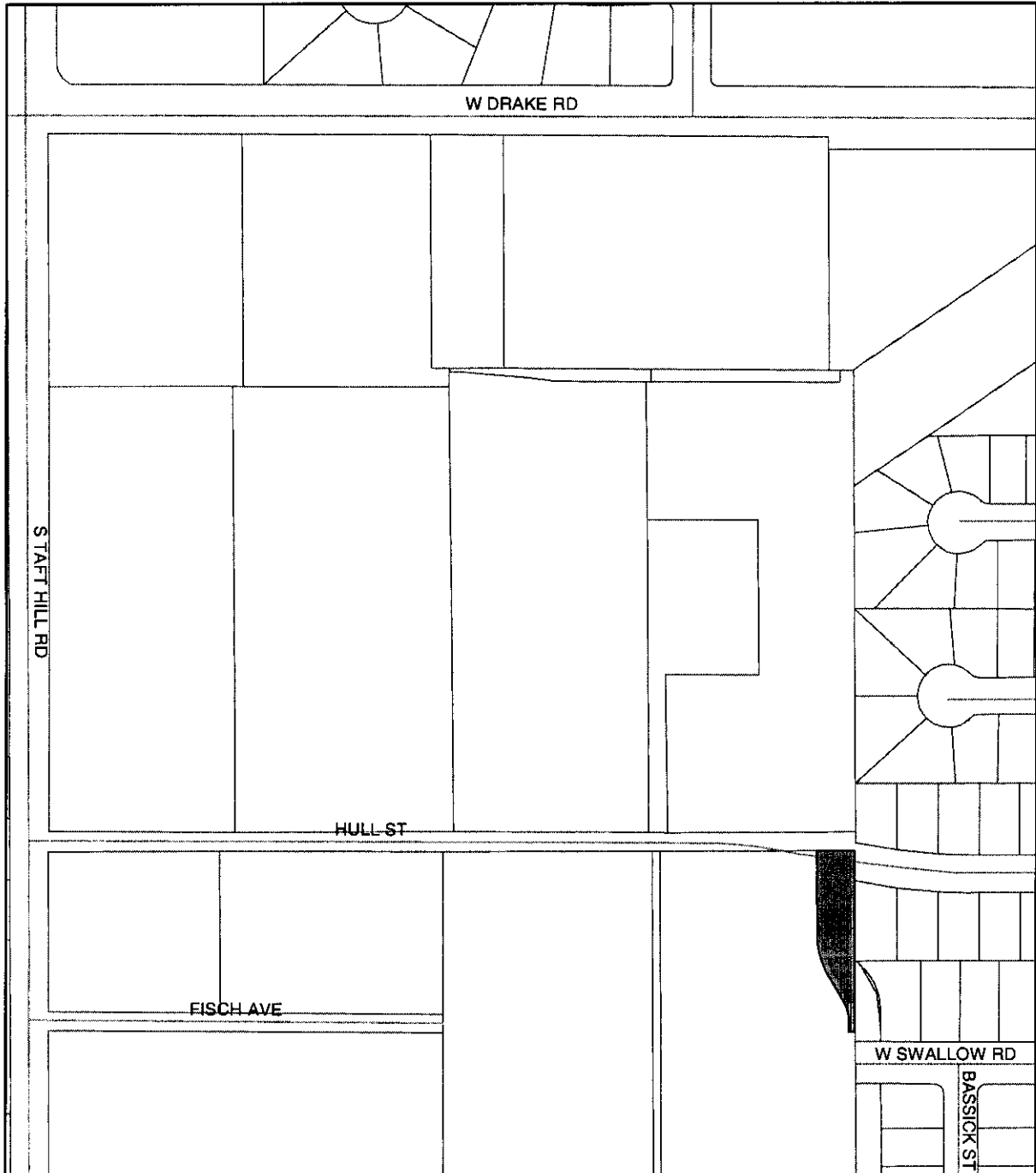
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Temporary Construction and Access Easements Location Map



 Location of Easements

