

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 17

DATE: November 29, 2005

STAFF: Steve Olt

SUBJECT

Resolution 2005-126 Finding Substantial Compliance and Initiating Annexation Proceedings for the McClelland's Creek PD & PLD Annexation.

RECOMMENDATION

Staff recommends adoption of the Resolution.

EXECUTIVE SUMMARY

The applicant, Stanley K. Everitt, on behalf of the property owners, McCreek, LLC, has submitted a written petition requesting annexation of 11.93 acres located on the east side of Lake Ranch Road, approximately 1/8th mile south of Kechter Road between Ziegler Road to the west and Strauss Cabin Road to the east. McClelland's Creek runs along the east side of the property. The property is undeveloped and is in the FA-1 Farming District in Larimer County. The requested zoning for this annexation is LMN - Low Density Mixed-Use Neighborhood. The surrounding properties are currently zoned FA-1 Farming in Larimer County to the east, LMN - Low Density Mixed-Use Neighborhood in the City to the north, LMN - Low Density Mixed-Use Neighborhood in the City to the south, and LMN - Low Density Mixed-Use Neighborhood in the City to the west.

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 Staley Annexation (May, 2001) to the north, the Fossil Lake Annexation No. 1 (March, 2002) to the west, and the Swift Addition to Fossil Lake PUD Annexation (July, 2003) 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 December 8, 2005, 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 on January 3, 2006.

RESOLUTION 2005- 126
OF THE COUNCIL OF THE CITY OF FORT COLLINS
FINDING SUBSTANTIAL COMPLIANCE AND
INITIATING ANNEXATION PROCEEDINGS FOR THE
MCCLELLAND'S CREEK PD AND PLD 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 McClelland's Creek PD and PLD 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 McClelland's Creek PD and PLD Annexation, more particularly described as situate in the County of Larimer, State of Colorado, to wit:

A parcel of land being a portion of Lot 4 of the Staley/Poudre School MLD 00-S1535 as recorded November 15, 2000 as Reception No. 2000078405 of the Records of Larimer County, located in the North 1/2 of the Northeast 1/4 of Section 9, Township 6 North, Range 68 West of the 6th Principal Meridian, County of Larimer, State of Colorado, and being more particularly described as follows:

BEGINNING at the North 1/4 Corner of Section 9 and assuming the North line of the NE1/4 of Section 9 to bear South 88°28'48" East, a distance of 2656.31 feet, with all other bearings herein relative thereto;

Thence South 00°00'42" West along the West line of the NE1/4 of said Section 9 a distance of 860.50 feet to the North line of said Lot 4 and the POINT OF BEGINNING; thence South 90°00'00" East along the North line of said Lot 4 a distance of 814.83 feet to a point of departure from the North line of said Lot 4; thence South 53°51'25" East a distance of 97.43 feet; thence South 64°07'21" East a distance of 56.23 feet; thence South 58°09'31" East a distance of 67.94 feet; thence South 46°57'57" East a distance of 89.74 feet; thence South 41°12'39" East a distance of 49.33 feet; thence South 33°06'23" East a distance of 105.14 feet; thence South 37°16'39" East a distance of 90.91 feet; thence South 47°31'56" East a distance of 29.50 feet; thence South 57°01'37" East a distance of 62.90 feet; thence South 63°11'35" East a distance of 37.02 feet; thence South 71°57'32" East a distance of 50.98 feet; thence South 79°08'46" East a distance of 29.88 feet; thence South 67°58'43" East a distance of 29.85 feet; thence South 50°32'59" East a distance of 20.19 feet to the South line of said Lot 4; thence North 88°26'41" West along the South

line of said Lot 4 a distance of 1441.68 feet to the West line of the NE1/4 of said Section 9; thence North 00°00'42" East along the West line of the NE1/4 of said Section 9 a distance of 453.76 feet to the North line of said Lot 4 and the POINT OF BEGINNING.

Said parcel of land contains 11.926 acres, more or less (±), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

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 an adjourned meeting of the Council of the City of Fort Collins held this 29th day of November, A.D. 2005.

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 McClelland's Creek PD and PLD Annexation, said Annexation being more particularly described in said Resolution, a copy of which precedes this Notice.

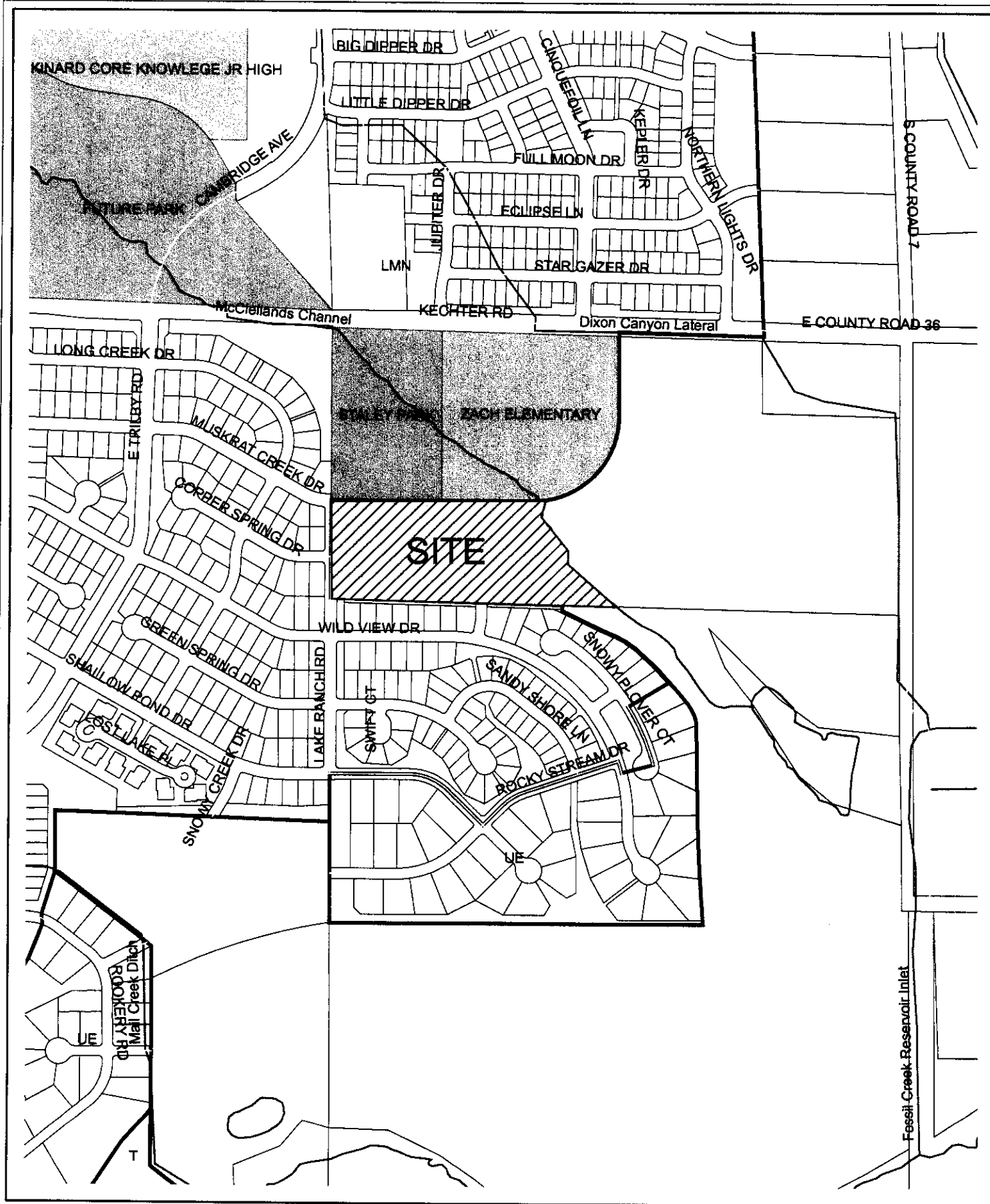
That, on January 3, 2006, at the hour of 6:00 p.m., or as soon thereafter as the matter may come on for hearing in the Council Chambers in the City Hall, 300 LaPorte Avenue, Fort Collins, Colorado, the Fort Collins City Council will hold a public hearing upon the annexation petition and zoning request 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 "LMN" Low Density Mixed-Use Neighborhood 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 29th day of November, A.D. 2005.

City Clerk



#33-01L McClelland's Creek Annexation

Type II

10/18/05

1 inch equals 600 feet

