

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

ITEM NUMBER: 35

DATE: February 21, 2006

STAFF: Helen Matson
Craig Foreman

SUBJECT

First Reading of Ordinance No. 041, 2006, Authorizing the Conveyance of a Non-Exclusive Sanitary Sewer Easement for the Cherry Street Station Development.

RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

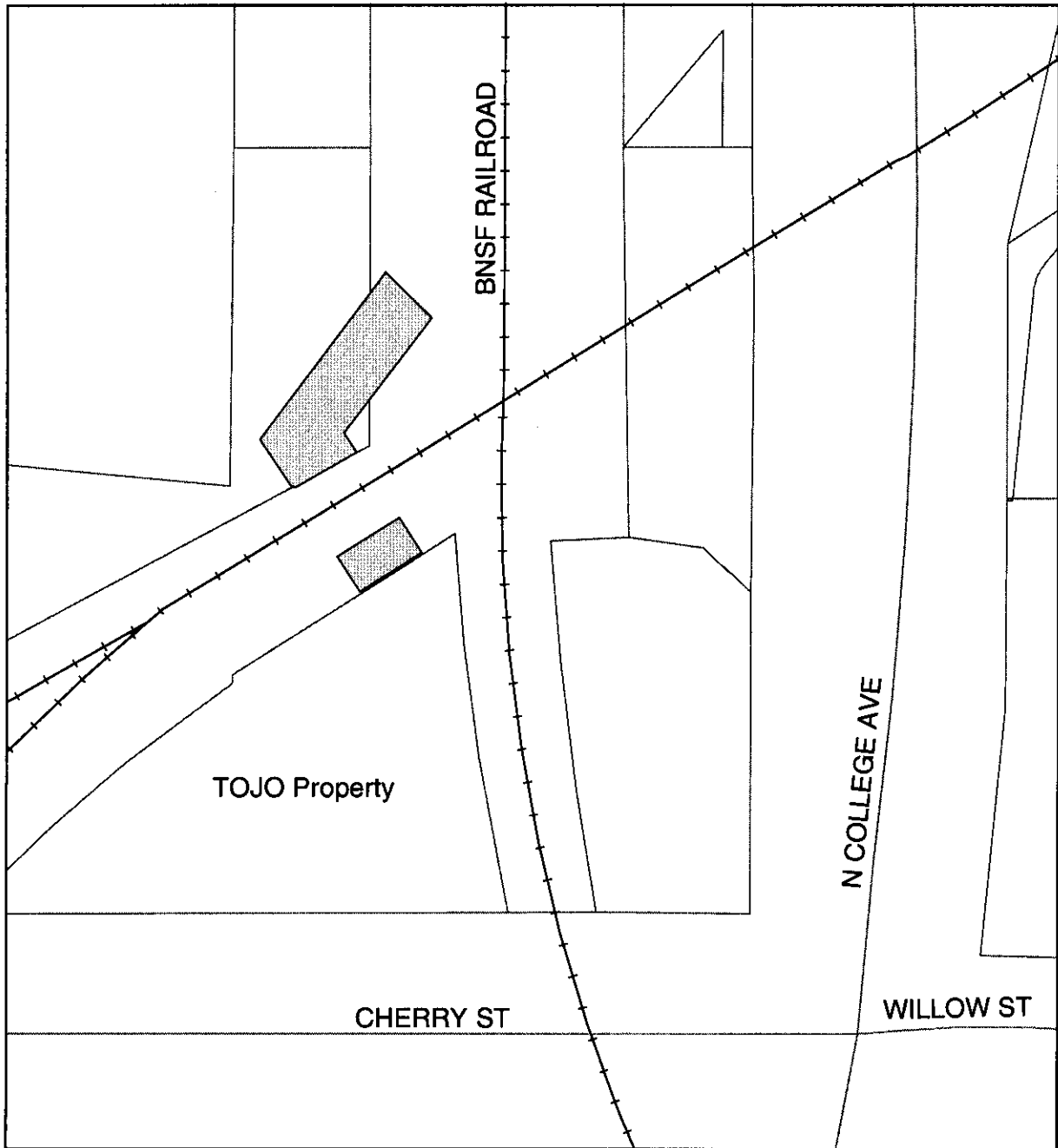
FINANCIAL IMPACT

All costs for installation of this sanitary sewer line connection will be paid by the developer. The total amount of consideration to be paid to the City for this easement is \$1,000. This includes the cost of the easement, processing, and administration fees.

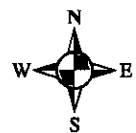
EXECUTIVE SUMMARY

Cherry Street Station is a loft project being developed on Cherry Street near North College Avenue. The nearest sewer line connection for this project is located in Martinez Park across the railroad track from the development. The developer has requested a sewer line easement from the City to connect to the City sewer system. The City Parks Department has no objections or concerns regarding the proposed connection through this park. The total square footage for this easement is 1,606.

Martinez Park Sewer Easements Location Map



 Easements Locations



ORDINANCE NO. 041 , 2006
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF A SANITARY SEWER EASEMENT
FOR THE CHERRY STREET STATION DEVELOPMENT

WHEREAS, the City of Fort Collins, Colorado (the "City") is the owner of a certain parcel of real property located in Fort Collins, Colorado, known as Martinez Park (the "Property"); and

WHEREAS, the Cherry Street Station Development (the "Project") is located southeast of the Property; and

WHEREAS, in order to connect the Property to the City's sewer system, TOJO, LLC and North College Lofts, LLC (the "Developer") wishes to acquire a non-exclusive sanitary sewer easement over, under and across the Property (the "Easement"), as described in Exhibit "A", attached hereto; and

WHEREAS, the Developer has agreed to pay the City \$1,000 for compensation and costs associated with the easement; and

WHEREAS, based on review of this request by City staff, it has been determined that granting the non-exclusive easement will not have any adverse effects to the Property; 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.

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

Section 1. That the conveyance of the Easement over, under and across 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.

Section 2. That the Mayor is hereby authorized to execute such documents of conveyance as are necessary to convey the Easement to TOJO, LLC and North College Lofts, LLC upon the terms and conditions described above, and subject to such other terms and conditions as the Mayor, in consultation with the City Attorney, determine to be in the best interest of the City.

Introduced, considered favorably on first reading, and ordered published this 21st day of February, A.D. 2006, and to be presented for final passage on the 7th day of March, A.D. 2006.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 7th day of March, A.D. 2006.

Mayor

ATTEST:

City Clerk

LEGAL DESCRIPTION
SANITARY SEWER EASEMENT

A 20.00 FOOT WIDE SANITARY SEWER EASEMENT OVER AND ACROSS A PORTION OF THE NORTHEAST ONE-QUARTER OF SECTION 11, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO, LYING 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE:

BASIS OF BEARINGS: A PORTION OF THE SOUTH LINE OF BLOCK 24, MAP OF THE TOWN OF FORT COLLINS DATED JANUARY 16, 1873 BEING MONUMENTED AT THE SOUTHWEST CORNER OF SAID RECEPTION NUMBER BY A #4 REBAR AND BLUE PLASTIC CAP STAMPED "LS 14823, RBD" AND AT THE EAST END BY A PK NAIL AND BRASS TAG STAMPED "LS 17497" IS ASSUMED TO BEAR N89°58'00"E A DISTANCE OF 255.46 FEET.

COMMENCING AT THE REBAR AND BLUE PLASTIC CAP MARKING THE SOUTHWEST CORNER OF RECEPTION NUMBER 20040106608, LARIMER COUNTY RECORDS;

THENCE N49°48'24"E A DISTANCE OF 207.21 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE NORTHWESTERLY LINE OF SAID RECEPTION NUMBER; THENCE N33°32'14"W A DISTANCE OF 12.30 FEET TO THE POINT OF TERMINUS, SAID POINT BEING ON THE SOUTHEASTERLY RAILROAD EASEMENT LINE AS DESCRIBED AT RECEPTION NUMBER 89053240, LARIMER COUNTY RECORDS.

THE SIDELINES OF SAID 20.00 FOOT EASEMENT TO BE EXTENDED OR SHORTENED TO END ON THE SOUTHEASTERLY EASEMENT LINE OF SAID RECEPTION NUMBER 89053240 AT THE NORTHERLY END AND ON THE NORTHWESTERLY LINE OF SAID RECEPTION NUMBER 20040106608 AT THE SOUTHEASTERLY END.

CONTAINING A CALCULATED AREA OF 246 SQUARE FEET, MORE OR LESS.

SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD OR EXISTING.

**LEGAL DESCRIPTION
SANITARY SEWER EASEMENT**

A 20.00 FOOT WIDE SANITARY SEWER EASEMENT OVER AND ACROSS A PORTION OF THE NORTHEAST ONE-QUARTER OF SECTION 11, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO, LYING 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE:

BASIS OF BEARINGS: A PORTION OF THE SOUTH LINE OF BLOCK 24, MAP OF THE TOWN OF FORT COLLINS DATED JANUARY 16, 1873 BEING MONUMENTED AT THE SOUTHWEST CORNER OF SAID RECEPTION NUMBER BY A #4 REBAR AND BLUE PLASTIC CAP STAMPED "LS 14823, RBD" AND AT THE EAST END BY A PK NAIL AND BRASS TAG STAMPED "LS 17497" IS ASSUMED TO BEAR N89°58'00"E A DISTANCE OF 255.46 FEET.

COMMENCING AT THE REBAR AND BLUE PLASTIC CAP MARKING THE SOUTHWEST CORNER OF RECEPTION NUMBER 20040106608, LARIMER COUNTY RECORDS;
THENCE N49°48'24"E A DISTANCE OF 207.21 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID RECEPTION NUMBER;
THENCE N33°32'14"W A DISTANCE OF 42.30 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE NORTHWESTERLY RAILROAD EASEMENT LINE AS DESCRIBED AT RECEPTION NUMBER 89053240, LARIMER COUNTY RECORDS;
THENCE N33°32'14"W A DISTANCE OF 10.00 FEET;
THENCE N32°18'52"E A DISTANCE OF 58.00 TO THE POINT OF TERMINUS.

THE SIDELINES OF SAID 20.00 FOOT EASEMENT TO BE EXTENDED OR SHORTENED TO END ON THE NORTHWESTERLY EASEMENT LINE OF SAID RECEPTION NUMBER 89053240 AT THE SOUTHERLY END.

CONTAINING A CALCULATED AREA OF 1360 SQUARE FEET, MORE OR LESS.

SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD OR EXISTING.