

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

ITEM NUMBER: 9

DATE: May 2, 2006

STAFF: Pat Hyland

SUBJECT

Second Reading of Ordinance No. 067, 2006, Amending the Legal Descriptions for Certain Conveyances to the Colorado Department of Transportation Approved in Ordinance No. 007, 2005.

RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

EXECUTIVE SUMMARY

Ordinance No. 007, 2005, approved real estate legal descriptions to convey a non-exclusive permanent sewer easement, domestic water and gas easement and a road right-of-way to accommodate the installation of a turn lane from East Prospect Road onto the access road in connection with the Colorado Department of Transportation's development of a new rest area on East Prospect Road near the Welcome and Visitor's Center. These legal descriptions contained typographical errors which rendered the descriptions unclear. This Ordinance, which was unanimously adopted on First Reading on April 18, 2006, amends the legal descriptions to be used in the documents of conveyance by correcting the errors.

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

ITEM NUMBER: 14

DATE: April 18, 2006

STAFF: Pat Hyland

SUBJECT

COPY

First Reading of Ordinance No. 067, 2006, Amending the Legal Descriptions for Certain Conveyances to the Colorado Department of Transportation Approved in Ordinance No. 007, 2005

RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

EXECUTIVE SUMMARY

Ordinance No. 007, 2005, approved real estate legal descriptions to convey a non-exclusive permanent sewer easement, domestic water and gas easement and a road right-of-way to accommodate the installation of a turn lane from East Prospect Road onto the access road in connection with the Colorado Department of Transportation's development of a new rest area on East Prospect Road near the Welcome and Visitor's Center. These legal descriptions contained typographical errors which rendered the descriptions unclear. This Ordinance amends the legal descriptions to be used in the documents of conveyance by correcting the errors.

COPY

ORDINANCE NO. 067, 2006
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE LEGAL DESCRIPTIONS FOR
CERTAIN CONVEYANCES TO THE COLORADO
DEPARTMENT OF TRANSPORTATION
APPROVED IN ORDINANCE NO. 007, 2005

WHEREAS, on February 1, 2005, the City Council approved Ordinance No. 007, 2005, authorizing the conveyance of right-of-way and non-exclusive utility easements to the Colorado Department of Transportation ("CDOT") in connection with CDOT's development of a new public rest area on East Prospect Road in Fort Collins; and

WHEREAS, Ordinance No. 007 approved the conveyance of a non-exclusive permanent sewer easement, a non-exclusive permanent domestic water and gas easement, and road right-of-way to accommodate the installation of a turn lane from East Prospect Road onto the access road to the new rest area property; and

WHEREAS, since the approval of Ordinance No. 007, CDOT has reviewed and refined the legal descriptions used to describe the areas for each of the identified easement areas, and has typographical errors in those descriptions that render said descriptions unclear or uncertain; and

WHEREAS, the corrected legal descriptions for each of the areas to be conveyed include: 1) the .054 acre area described on Exhibit "A-1" attached hereto and incorporated herein by this reference, for the desired non-exclusive permanent sewer easement; 2) the .093 acre area described on Exhibit "B-1" attached hereto and incorporated herein by this reference, for the desired non-exclusive permanent domestic water and gas easement; and 3) the .266 acre area described on Exhibit "C-1" attached hereto and incorporated herein by this reference, for the desired road right-of-way for the turn lane from East Prospect Road onto the access road to the new rest area property; and

WHEREAS, City staff has reviewed these proposed amended legal descriptions, and has determined that the corrected descriptions are necessary to provide for a clear record of the intended conveyances, and further that the corrections do not result in a material change from the originally intended easement areas; 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.

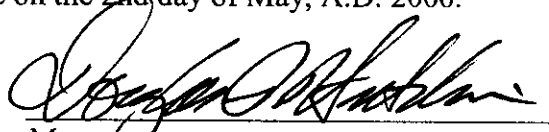
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS, as follows:

Section 1. That the City Council hereby finds that the conveyance of the easements described herein using the corrected legal descriptions attached hereto as Exhibit "A-1", Exhibit

"B-1" and Exhibit "C-1", will be for the benefit of the City's citizens and is in the best interest of the City of Fort Collins.

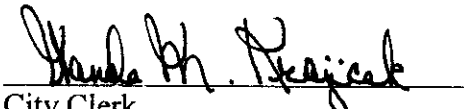
Section 2. That the Mayor is hereby authorized to execute such documents of conveyance as are necessary to convey the right-of-way and the easements described herein to CDOT consistent with the terms of this Ordinance, together with such additional terms and conditions as the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to protect the interests of the City, including any necessary corrections to the legal descriptions thereof that do not result in a material increase or change in character of the intended right-of-way or easement area.

Introduced, considered favorably on first reading, and ordered published this 18th day of April, A.D. 2006, and to be presented for final passage on the 2nd day of May, A.D. 2006.



Mayor

ATTEST:



City Clerk

Passed and adopted on final reading on the 2nd day of May, A.D. 2006.

Mayor

ATTEST:

City Clerk