

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 21

DATE: June 6, 2006

**STAFF: Roger Buffington
Patrick Hyland**

SUBJECT

First Reading of Ordinance No. 095, 2006, Authorizing the Conveyance of Certain Real Property along Cedarwood Drive Subject to a Perpetual Utility Easement.

RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading. The Water Board unanimously approved this sale at its May 25, 2006 meeting.

FINANCIAL IMPACT

The total amount of consideration to be paid to the City for the purchase of the 3,935 square foot tract is \$1,000, which will reimburse the City for the time and resources taken to convey the property.

EXECUTIVE SUMMARY

The City acquired the 3,935 square-foot parcel of land that is the subject of this Ordinance in order to install a sewer line to serve surrounding development. The City is presently maintaining and mowing this small strip of ground. Staff has determined it is not necessary for the City to own the property and the maintenance costs associated with owning the property can be avoided by conveying the property to an interested adjoining property owner. The City will reserve and retain a utility easement on and under this tract for the existing sewer line and in order to utilize the easement for any other utility purposes.

ATTACHMENTS

1. Excerpt from the minutes of the Water Board Meeting of May 25, 2006.
2. Location map.

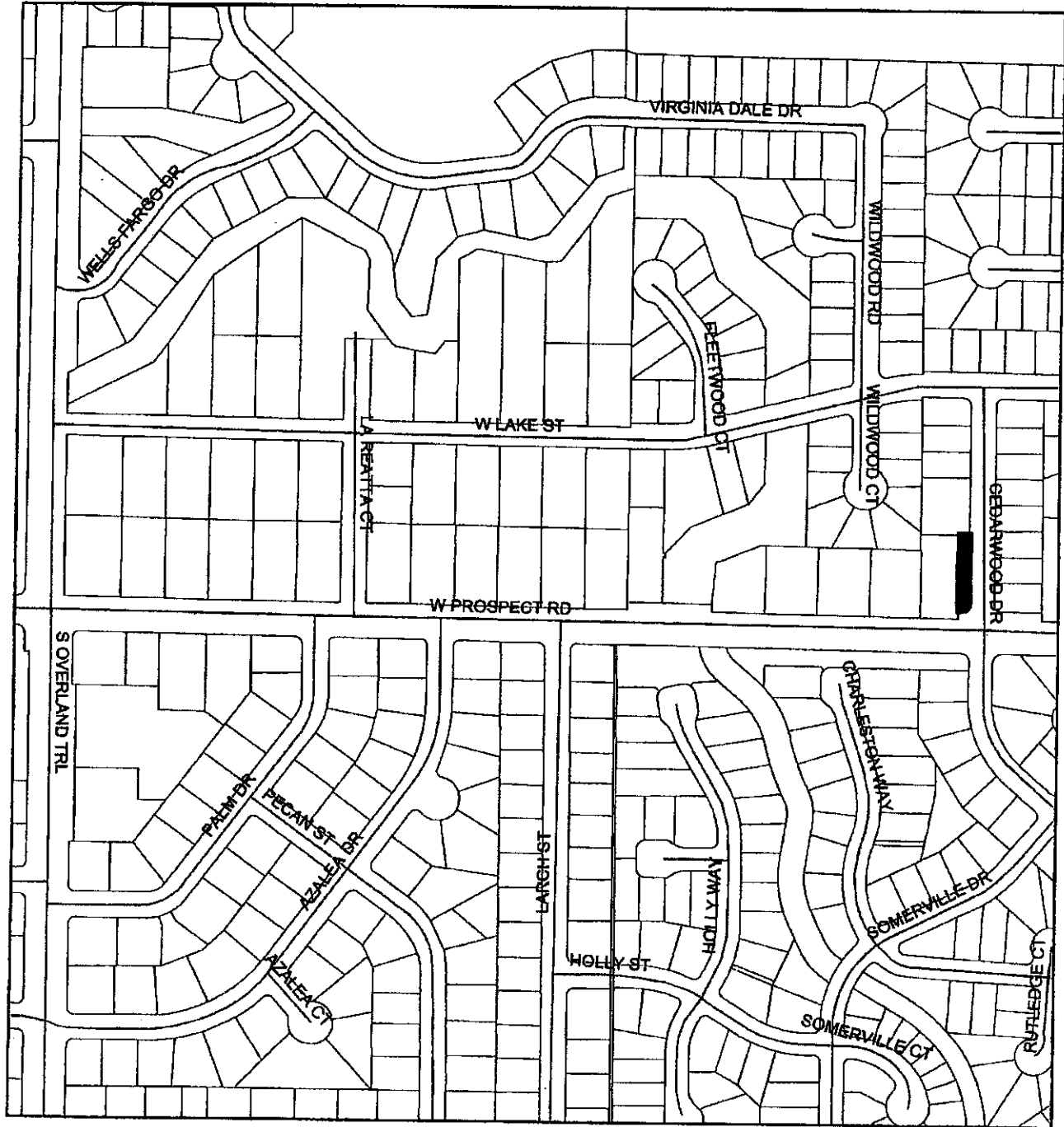
Water Board Excerpt from the May 25, 2006 minutes

Approval sale of land to retain a utility easement

Pat Hyland, Real Estate Specialist III and Roger Buffington, Utility Development Review Manager explained the Agenda Item Summary authorizing the sale of a small tract of real estate on Cedarwood Drive and Prospect Drive. Presently, there is a sewer running under the real estate to be conveyed to the purchaser and the purchaser is the adjoining landowner. The City is presently maintaining and mowing this small strip of ground, which responsibilities will be assumed by the new owner. The City would reserve and retain a utility easement on and under this tract, in order to utilize the easement for any utility purpose required by the City in the future. The total amount of consideration to be paid to the City for the purchase of the 3,935 square foot tract is \$1,000, which will reimburse the City for the time and resources taken to convey the property.

Board member Paul Czarnecki made a motion seconded by Board member John Bartholow approving staff's recommendation of the sale of the property and retaining a utility easement. The motion passed unanimously.

Sale of Property at Cedarwood and West Prospect Road Location Map



 Property Location



ORDINANCE NO. 095, 2006
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF CERTAIN
REAL PROPERTY ALONG CEDARWOOD DRIVE
SUBJECT TO A PERPETUAL UTILITY EASEMENT

WHEREAS, the City of Fort Collins is the owner of a 3,935 square foot tract of land (the "Property") shown on attached Exhibit "A," which is incorporated herein by this reference; and

WHEREAS, the Property was purchased in fee for a sewer line to serve surrounding development; and

WHEREAS, the City staff has determined the City does not need fee title to the Property, and requires only an easement interest in the Property; and

WHEREAS, the City is currently responsible for maintaining the Property; and

WHEREAS, Rick D. Lee, the adjoining property owner, is willing to take title to the Property for the consideration of \$1,000, and will assume the responsibility to maintain the Property, subject to a perpetual City utility easement on said Property; and

WHEREAS, based on staff's review, the proposed consideration of \$1,000 for the Property, subject to a perpetual City utility easement, is a fair value for said Property, and the conveyance of the Property will not have any adverse effects on the City; and

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

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 Property as described in this Ordinance is in the best interests of the City and that such conveyance will not materially impair the viability of the wastewater utility system as a whole and will be for the benefit of the citizens of the City.

Section 2. That the Mayor is hereby authorized to execute such documents of conveyance as are necessary for the City to convey the Property to the adjoining property owner subject to a perpetual City utility easement as described herein, including such terms and conditions as the City Manager, in consultation with the City Attorney, determines to be necessary or appropriate to protect the interests of the City, including any necessary corrections to the legal descriptions shown thereon that do not result in a material increase or change in the character of the property intended to be conveyed.

Introduced, considered favorably on first reading, and ordered published this 6th day of June, A.D. 2006, and to be presented for final passage on the 18th day of July, A.D. 2006.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 18th day of July, A.D. 2006.

Mayor

ATTEST:

City Clerk

DESCRIPTION OF THE REMAINDER OF THE CITY OF FORT COLLINS PROPERTY LOCATED ON CEDARWOOD DRIVE TO BE DEEDED

A tract of land located in the Southwest Quarter of Section 16, Township 7 North, Range 69 West of the Sixth Principal Meridian, City of Fort Collins, Larimer County, Colorado, the said tract is a portion of that certain tract of land described in a Warranty Deed dated September 22, 1978 and recorded in Book 1894 at Page 547 records of the Clerk and Recorder of the said Larimer County more particularly described as follows;

Commencing at the south quarter corner of the said Section 16;

THENCE along the south line of the said northwest quarter, North 89 degrees 33 minutes 00 seconds West for a distance of 504.00 feet;

THENCE leaving the said south line, North 00 degrees 28 minutes 30 seconds West for a distance of 50.00 feet to the southwest corner of the said tract described in Book 1894 at Page 547 and to the TRUE POINT OF BEGINNING of this description;

THENCE along the west line of the said tract described in Book 1894 at Page 547, North 00 degrees 00 minutes 30 seconds East for a distance of 174.33 feet to the south line of that certain tract of land described in a Quit Claim Deed dated July 31, 1996 and recorded at Reception No. 96054958 records of the said Clerk and Recorder;

THENCE along the said south line, South 89 degrees 56 minutes 21 seconds East for a distance of 22.11 feet to the east line of the said tract described in Book 1894 at Page 547;

THENCE along the said east line, South 00 degrees 28 minutes 30 seconds East for a distance of 159.25 feet;

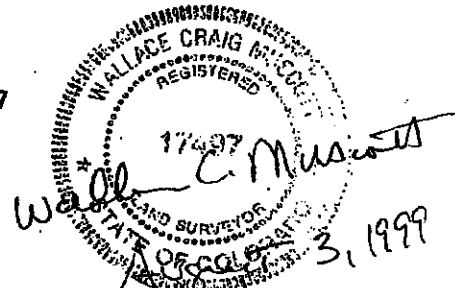
THENCE continuing along the said east line, along a curve to the right having a radius of 15.00 feet a central angle of 90 degrees 55 minutes 30 seconds and an arc length of 23.80 feet, being subtended by a chord of South 44 degrees 59 minutes 15 seconds West for a distance of 21.38 feet to the south line of the said tract described in Book 1894 at Page 547;

THENCE along the said south line, North 89 degrees 33 minutes 00 seconds West for a distance of 8.34 feet (previously recorded as 9.02 feet) to the point of beginning. Containing 3935 square feet more less.

The above described tract is subject to all easements and rights of ways now 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 and areas are based upon previously recorded plats and deeds and not upon a actual monumented field survey.

WALLACE C. MUSCOTT COLORADO P.L.S. 17497
P.O. BOX 580 FORT COLLINS, CO 80522



LOCATION SKETCH - 1519 CEDARWOOD DR. (CITY PROPERTY)

