

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

ITEM NUMBER: 13

DATE: September 19, 2006

STAFF: Randy Maizland

SUBJECT

Second Reading of Ordinance No. 134, 2006, Vacating a Portion of Street Right-of-Way on Oak Street Located West of College Avenue, Established as Part of the 1873 Map of the Town of Fort Collins, for Purposes of Constructing Oak Street Plaza Park Improvements.

RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on September 5, 2006, vacates a portion of right-of-way for Oak Street, retaining a blanket easement over the entire vacated portion for access, drainage and public utilities. This portion of Oak Street right-of-way is being vacated to facilitate the use, management and regulation of Oak Street Plaza Park as a park, rather than as right-of-way.

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

ITEM NUMBER: 15

DATE: September 5, 2006

STAFF: Randy Maizland

SUBJECT

COPY

First Reading of Ordinance No. 134, 2006, Vacating a Portion of Street Right-of-Way on Oak Street Located West of College Avenue, Established as Part of the 1873 Map of the Town of Fort Collins, for Purposes of Constructing Oak Street Plaza Park Improvements.

RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

EXECUTIVE SUMMARY

This Ordinance vacates a portion of right-of-way for Oak Street, retaining a blanket easement over the entire vacated portion for access, drainage and public utilities. This portion of Oak Street right-of-way is being vacated to facilitate the use, management and regulation of Oak Street Plaza Park as a park, rather than as right-of-way. Property dedicated to the public for particular purposes, such as street right-of-way, must be used for that purpose. Additionally, the City Code does not permit park project funding to be used for projects within City right-of-way. Therefore, the street right-of-way needs to be vacated back to the adjoining property owners and subsequently deeded back to the City by the property owners. Once deeded back to the City, the property will then be a City-owned parcel but will no longer be dedicated as a street right-of-way. This will allow City Park funding to be used to complete the Oak Street Plaza project. Agreements with the adjoining property owners to deed this vacated right-of-way back to the City have already been secured by the City. The Ordinance is worded in such a way that the vacation shall not be effective until the Ordinance is recorded by the City Clerk. If the Council approves this Ordinance, the City will then secure deeds to the vacated portion of the right-of-way from the adjoining property owners and promptly record the Ordinance and the deeds. In that way, the transfer of ownership back to the City would take place immediately following the vacation of the right-of-way. A blanket access, drainage and utility easement shall be retained with the vacation of Oak Street to ensure that no public services will be compromised as a result of the vacation.

COPY

ATTACHMENTS

1. Example of Agreement with adjoining property owners.

ORDINANCE NO. 134, 2006
OF THE COUNCIL OF THE CITY OF FORT COLLINS
VACATING A PORTION OF STREET RIGHT-OF-WAY ON OAK STREET
LOCATED WEST OF COLLEGE AVENUE, ESTABLISHED AS PART OF
THE 1873 MAP OF THE TOWN OF FORT COLLINS, FOR PURPOSES OF
CONSTRUCTING OAK STREET PLAZA PARK IMPROVEMENTS

WHEREAS, in 1873, by an order of the Board of County Commissioners of Larimer County, the Town of Fort Collins was incorporated; and

WHEREAS, in its order the Board of County Commissioners also established the Town Map, which included Oak Street right-of-way on Block 11 of the Town of Fort Collins; and

WHEREAS, a portion of Oak Street known as the "Oak Street Plaza" has been utilized in a limited capacity for pedestrian purposes only for a number of years; and

WHEREAS, the Council desires to convert that portion of Oak Street into an urban park and to vacate that portion of the Oak Street right-of-way known as Oak Street Plaza; and

WHEREAS, said portion of street right-of-way is no longer necessary or desirable to retain for street purposes; and

WHEREAS, upon vacation, in accordance with Colorado law, the vacated property would revert to fee ownership by the abutting properties; and

WHEREAS, the owners of the abutting properties have agreed to cooperate in a coordinated conveyance of the vacated property in fee back to the City to be utilized for the Oak Street Plaza Park improvements project; and

WHEREAS, in order to ensure the coordinated conveyance of the fee interest to the City upon vacation, this ordinance has been prepared in such a manner as to not become effective until the City Clerk has recorded the same with the Larimer County Clerk and Recorder; and

WHEREAS, pertinent City agencies and private utility companies have been contacted and have reported no objection to the proposed vacation, provided that an access, drainage, and utility easement be reserved unto the City; and

WHEREAS, the rights of the residents of the City of Fort Collins will not be prejudiced or injured by the vacation of said street right-of-way.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the portion of street right-of-way more particularly described on Exhibit "A", attached hereto and incorporated herein by this reference, is hereby vacated, abated and abolished, reserving the same unto the City as an access, drainage and utility easement, provided, however, that such vacation shall not become effective until this ordinance has been recorded in the office of the Larimer County Clerk and Recorder by the City Clerk of the City of

