

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

ITEM NUMBER: 15

DATE: September 19, 2006

STAFF: Lindsay Kuntz

SUBJECT

Second Reading of Ordinance No. 136, 2006, Declaring Certain City-Acquired Property as Timberline Road Right-Of-Way.

RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

EXECUTIVE SUMMARY

The City completed the purchase of land for the Timberline Road Extension Project in 1998. However, none of the property was designated as right-of-way. This Ordinance, unanimously adopted on First Reading on September 5, 2006, declares that the real property adjacent to Timberline Road, north of Highway 14, is right-of-way for Timberline Road and related improvements, and that this Ordinance be recorded in order to establish a public record of the existence of such right-of-way.

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

ITEM NUMBER: 17

DATE: September 5, 2006

STAFF: Lindsay Kuntz

SUBJECT

First Reading of Ordinance No. 136, 2006, Declaring Certain City-Acquired Property as Timberline Road Right-Of-Way.

RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

EXECUTIVE SUMMARY

The City completed the purchase of land for the Timberline Road Extension Project in 1998. However, none of the property was designated as right-of-way. In a previous similar situation on a separate section of Timberline Road, title companies raised title insurance issues for adjacent property owners because areas located adjacent to the roadway and the property line were not clearly delineated as part of the right-of-way. On January 18, 2000, the City Council approved Resolution 2000-011, declaring certain city-acquired property as Timberline Road right-of-way. Staff is recommending that a similar approach be taken for this section of Timberline Road. Approval of this Ordinance would declare that the areas depicted on Exhibit "A" to the Ordinance are right-of-way for Timberline road and related improvements, and that this Ordinance be recorded in order to establish a public record of the existence of such right-of-way.

ORDINANCE NO. 136, 2006
OF THE COUNCIL OF THE CITY OF FORT COLLINS
DECLARING CERTAIN CITY-ACQUIRED PROPERTY AS
TIMBERLINE ROAD RIGHT-OF-WAY

WHEREAS, as part of the process of acquiring land for the Timberline Road Extension Project north of Highway 14, the City purchased certain properties, took certain properties by eminent domain, and had certain parcels dedicated for right-of-way in connection with land use approvals; and

WHEREAS, the public real property records regarding those properties acquired by the City by direct purchase with funds for the Timberline Road Extension Project do not indicate that such property is for use by the City as right-of-way and related purposes; and

WHEREAS, the lack of such indication in the public real property records of such properties could raise title insurance issues for adjacent property owners and utilities seeking to locate facilities within the right-of-way, because the areas located between the roadway and the property line are not clearly delineated as part of the right-of-way and related improvements; and

WHEREAS, in order to establish a public record that the real property adjacent to Timberline Road north of Highway 14 and more specifically described on Exhibit "A", attached hereto and incorporated herein by this reference (the "Right-of-Way"), is intended for use by the City as right-of-way and related improvements, including without limitation public utilities, pedestrian, transit and bicycle access and improvements, landscaping, and such other related purposes as may now or in the future be determined appropriate, staff has recommended that the Council so declare by this Ordinance; and

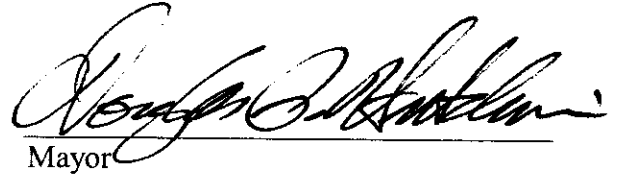
WHEREAS, Section 23-111 of the City Code provides that the City Council is authorized to sell, convey or otherwise dispose of real property owned by the City, provided the Council first finds by ordinance that any sale or other disposition of real property owned by the City is in the best interest of 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 Council hereby declares that the Right-of-Way described on Exhibit "A" hereto shall constitute right-of-way for Timberline Road and related improvements, including without limitation public utilities, pedestrian, transit and bicycle access and improvements, landscaping, and such other related purposes as may now or in the future be determined appropriate, and hereby finds that such declaration is in the best interest of the City of Fort Collins.

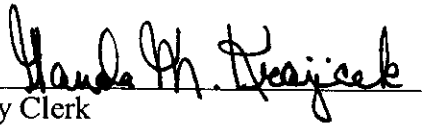
Section 2. That the City Clerk shall cause this Ordinance to be recorded in the real property records of the Larimer County Clerk and Recorder regarding the Right-of-Way upon final adoption.

Introduced, considered favorably on first reading, and ordered published this 5th day of September, A.D. 2006, and to be presented for final passage on the 19th day of September, A.D. 2006.



Mayor

ATTEST:



City Clerk

Passed and adopted on final reading on the 19th day of September, A.D. 2006.

Mayor

ATTEST:

City Clerk