

ORDINANCE NO. 183, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
DECLARING A PORTION OF CITY-OWNED PROPERTY AT
SCHOOLSIDE PARK AS PUBLIC RIGHT-OF-WAY

A. The City owns a parcel of property near Bacon Elementary School known as Schoolside Park (the "Property"). The Property is approximately 5.438 acres in size.

B. The City plans to start construction of Schoolside Park in 2025.

C. During the Development Review process for Schoolside Park, the City discovered that a 0.141 acre portion of the Property (the "ROW Parcel") was part of the Timberline Road Widening Project and should be declared as public right-of-way because construction of a sidewalk and related improvements on the ROW Parcel have already been completed by the City. The ROW Parcel is more specifically described on Exhibit "A", which is attached hereto and incorporated herein by this reference.

D. In order to establish a public record that the ROW Parcel is intended for use by the City as right-of-way for a public roadway and related improvements, including 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 recommends that the City Council declare the ROW Parcel to be right-of-way.

E. Converting a piece of property owned by the City in fee simple to right-of-way constitutes a conveyance of an interest in the property, as doing so creates certain public rights in the property that would not otherwise exist on City-owned property.

F. Section 23-111(a) of the City Code authorizes the City Council to sell, convey or otherwise dispose of any interests in real property owned by the City, provided the City Council first finds, by ordinance, that such sale or other disposition is in the best interests of the City.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council hereby declares that the real property described on Exhibit "A" shall constitute right-of-way for South Timberline Road and related improvements, including for 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 interests of the City.

Section 2. The City Clerk shall cause this Ordinance to be recorded in the real property records of the Larimer County Clerk and Recorder's office once the Ordinance becomes effective.

Introduced, considered favorably on first reading on December 3, 2024, and approved on second reading for final passage on December 17, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: December 27, 2024

Approving Attorney: Ted Hewitt

Legal Description and Depiction

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**DESCRIPTION OF PROPERTY OWNED BY THE CITY OF FORT COLLINS
TO BE DECLARED AS RIGHT OF WAY**

A TRACT OF LAND TO BE DECLARED AS RIGHT OF WAY, LOCATED IN THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE SIXTH P.M.; CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO; BEING A PORTION OF LOT 1, LEHMAN-TIMBERLINE MINOR LAND DIVISION AS SHOWN ON THE PLAT THEREOF, RECORDED JUNE 19, 2013 AT RECEPTION NO. 20130046276 IN THE OFFICE OF THE LARIMER COUNTY CLERK AND RECORDER; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/16TH CORNER OF SECTIONS 7 AND 8, AND CONSIDERING THE WEST LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 8 TO BEAR S0°00'47"E, SAID LINE BEING MONUMENTED ON BOTH ENDS BY A 3-1/4" ALUMINUM CAP STAMPED LS 34995, BASED UPON GPS OBSERVATIONS AND THE CITY OF FORT COLLINS COORDINATE SYSTEM, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE ALONG THE NORTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 8, N89°38'45"E, A DISTANCE OF 49.91 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, ALSO BEING THE **POINT OF BEGINNING**;

THENCE CONTINUING ALONG SAID NORTH LINE, N89°38'45"E, A DISTANCE OF 10.00 FEET;

THENCE S00°00'47"E, A DISTANCE OF 432.01 FEET;

THENCE S07°59'57"E, A DISTANCE OF 105.04 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF SAID LOT 1;

THENCE ALONG SAID SOUTHERLY BOUNDARY, S89°43'35"W, A DISTANCE OF 24.59 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1;

THENCE ALONG THE WESTERLY BOUNDARY OF SAID LOT 1, N00°00'47"W, A DISTANCE OF 536.08 FEET TO THE **POINT OF BEGINNING**.

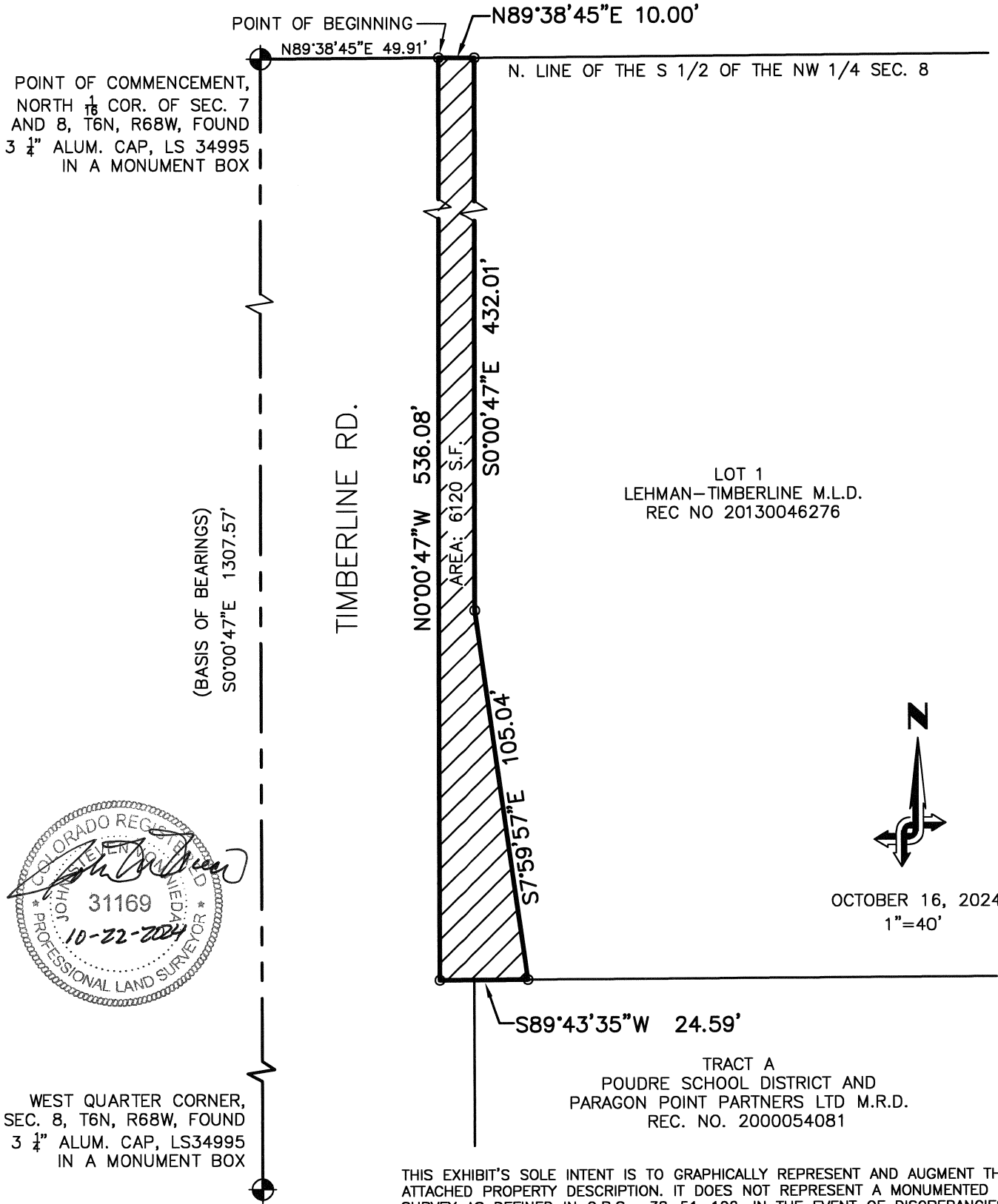
CONTAINING 6,120 SQUARE FEET (0.141 ACRES), MORE OR LESS, AND BEING SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD OR THAT NOW EXIST ON THE GROUND.

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.

JOHN STEVEN VON NIEDA, COLORADO P.L.S. 31169
FOR AND ON BEHALF OF THE CITY OF FORT COLLINS
P.O. BOX 580, FORT COLLINS, CO 80522



EXHIBIT OF
PROPERTY OWNED BY THE CITY OF FORT COLLINS
TO BE DECLARED RIGHT OF WAY



POINT OF COMMENCEMENT,
NORTH $\frac{1}{16}$ COR. OF SEC. 7
AND 8, T6N, R68W, FOUND
3 $\frac{1}{4}$ " ALUM. CAP, LS 34995
IN A MONUMENT BOX

POINT OF BEGINNING
N89°38'45"E 49.91'

N89°38'45"E 10.00'

N. LINE OF THE S 1/2 OF THE NW 1/4 SEC. 8

(BASIS OF BEARINGS)
S0°00'47"E 1307.57'

TIMBERLINE RD.

N0°00'47"W 536.08'

AREA: 6120 S.F.

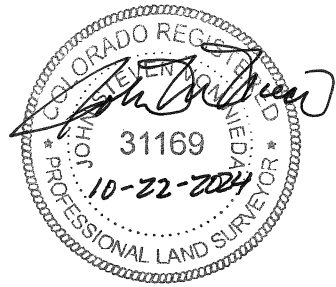
S0°00'47"E 432.01'

LOT 1
LEHMAN-TIMBERLINE M.L.D.
REC NO 20130046276

S7°59'57"E 105.04'

S89°43'35"W 24.59'

TRACT A
POUDRE SCHOOL DISTRICT AND
PARAGON POINT PARTNERS LTD M.R.D.
REC. NO. 2000054081



WEST QUARTER CORNER,
SEC. 8, T6N, R68W, FOUND
3 $\frac{1}{4}$ " ALUM. CAP, LS34995
IN A MONUMENT BOX



OCTOBER 16, 2024
1"=40'

THIS EXHIBIT'S SOLE INTENT IS TO GRAPHICALLY REPRESENT AND AUGMENT THE
ATTACHED PROPERTY DESCRIPTION. IT DOES NOT REPRESENT A MONUMENTED LAND
SURVEY AS DEFINED IN C.R.S. 38-51-102. IN THE EVENT OF DISCREPANCIES
BETWEEN THIS EXHIBIT AND THE ATTACHED PROPERTY DESCRIPTION, THE INFORMATION
CONTAINED WITHIN THE ATTACHED PROPERTY DESCRIPTION SHOULD BE RELIED UPON.