

ORDINANCE NO. 037, 2012
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF A PERMANENT, NON-EXCLUSIVE
UTILITY EASEMENT ON CITY PARKS PROPERTY TO MAPLE HILL
MASTER ASSOCIATION

WHEREAS, the City owns Tract I, Maple Hill, being a Replat of 19th Green Planned Unit Development – Phase 1 (the “Property”); and

WHEREAS, the Property was purchased by the City for a future neighborhood park, and for access, drainage and utility purposes; and

WHEREAS, Maple Hill Master Association (“HOA”) is the Homeowner’s Association for the Maple Hill Subdivision and is responsible for irrigation of all open space tracts and the Recreation Center lot in Maple Hill; and

WHEREAS, the HOA has requested a permanent, non-exclusive easement consisting of 2,472 square feet on the northeasterly portion of the Property for its underground irrigation pipe (the “Easement”); and

WHEREAS, the location of the proposed Easement is shown and described on Exhibit “A”, attached hereto and incorporated herein by this reference; and

WHEREAS, City staff has evaluated the potential impacts of the proposed Easement, and believes that the Easement would not interfere with the City’s intended use of the Property as a public neighborhood park; and

WHEREAS, Section 23-111(a) of the City Code provides that the City Council is authorized to sell, convey, or otherwise dispose of any and all interests in real property owned by the City, provided that the City Council first finds, by ordinance, that such sale or other disposition is 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 conveyance of the Easement as set forth herein is in the best interests of the City.

Section 2. That the Mayor is hereby authorized to execute a deed of easement conveying the Easement on terms consistent with this Ordinance, together with such other 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 or effectuate the purposes of this Ordinance, including, but not limited to, any necessary changes to the legal description of the Easement, as long as such changes do not materially increase the size or change the character of the Easement.

Introduced, considered favorably on first reading, and ordered published this 1st day of May, A.D. 2012, and to be presented for final passage on the 15th day of May, A.D. 2012.

Mayor

ATTEST:

Interim City Clerk

Passed and adopted on final reading on the 15th day of May, A.D. 2012.

Mayor

ATTEST:

Interim City Clerk

Description Exhibit

Proposed 8-foot wide Irrigation Easement:

An 8-foot wide irrigation easement over a portion of Tract I, MAPLE HILL, as recorded in the public records of Larimer County, Colorado being more particularly described as follows.

Considering the north line of Tract I, MAPLE HILL, as recorded in the public records of Larimer County, Colorado as bearing N 89°44'04" E with all bearing contained herein being relative thereto.

COMMENCE at the Northwest corner of Tract I, MAPLE HILL, as recorded in the public records of Larimer County, Colorado;

Thence N 89°44'04" E along the north line of said Tract I for a distance of 473.64 feet to the POINT OF BEGINNING;

Thence continue N 89°44'04" E along said north line for a distance of 8.85 feet to the westerly line of a 30-foot wide Utility and ELCO Water Line Easement, said point also being the beginning of a non-tangent curve, concave to the northeast and having a radius of 765.00 feet, a chord bearing of S 37°01'18" E and a chord of 299.98 feet;

Thence leaving said north line run southeasterly along the arc of said curve through a central angle of 22°36'50" for an arc distance of 301.93 feet to the east line of the aforesaid Tract I;

Thence leaving said westerly line S 00°15'56" E along said east line for a distance of 10.71 feet to the beginning of a non-tangent curve, concave to the northeast and having a radius of 773.00 feet, a chord bearing of N 37°08'45" W and a chord of 313.86 feet;

Thence leaving said east line run northwesterly along the arc of said curve through a central angle of 23°25'34" for an arc distance of 316.05 feet to the Point of Beginning.

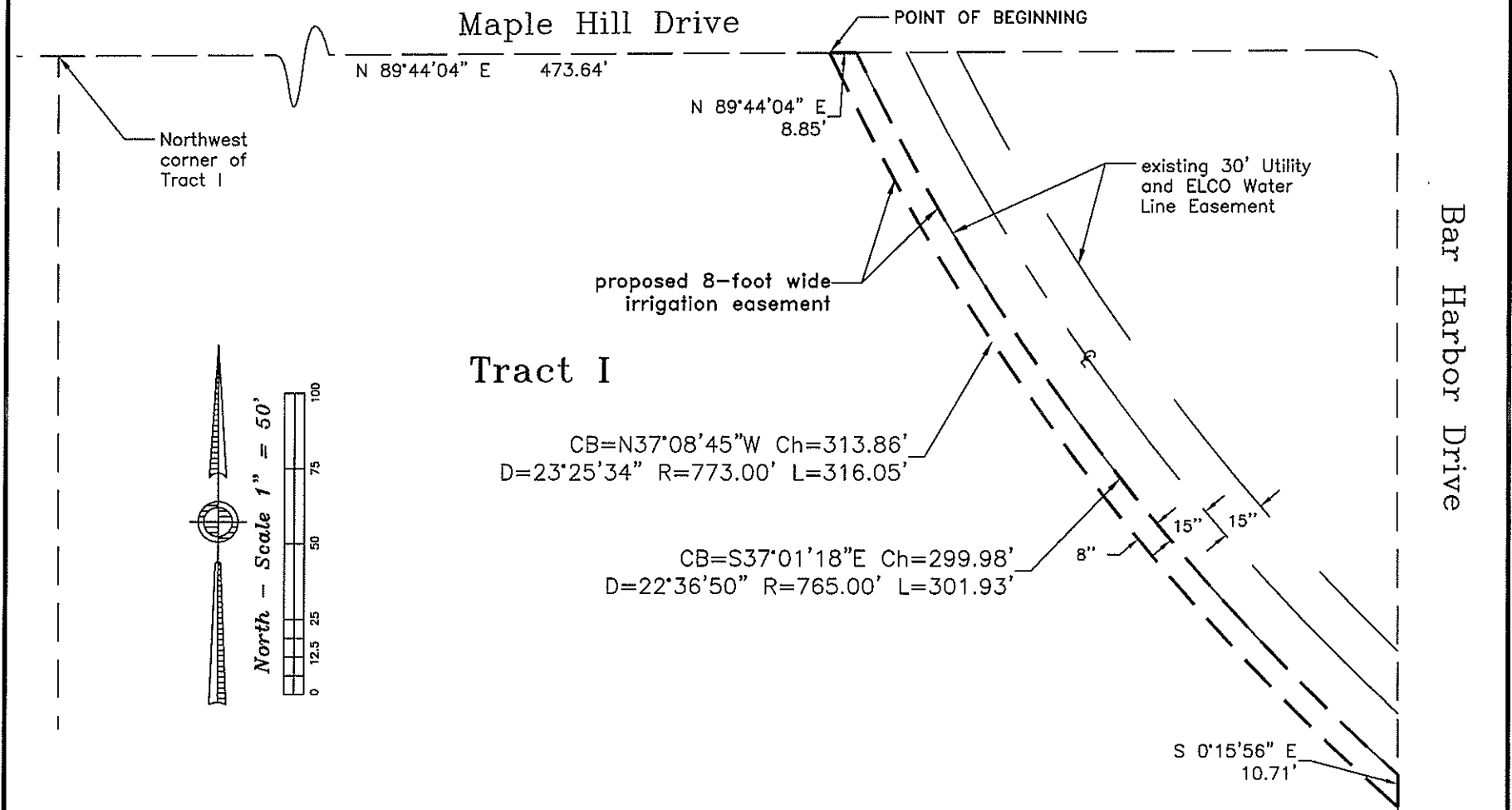
Containing 2,472 square feet, more or less and being subject to any easements or rights of way of record.

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

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#	Date	Revisions	Field Date n/a	Prepared for:	Project#: 10006.004
			Party Chief n/a	JVA, Inc. PLS Group, LLC 6853 North Franklin Avenue Loveland, Colorado 80538 Office 970.669.2100 - Fax 970.377.6767	
			Survey Tech n/a		
			Proj. Manager MBS		
			Scale n/a		

Description Exhibit



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#	Date	Revisions	Field Date n/a	Prepared for:	Project#: 10006.004
			Party Chief n/a	JVA, Inc.	
			Survey Tech n/a		
			Proj. Manager MBS	PLS Group, LLC 6853 North Franklin Avenue Loveland, Colorado 80538 Office 970.669.2100 - Fax 970.377.6767	
			Scale 1"=50'		