

ORDINANCE NO. 050, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING THE CONVEYANCE OF A TEMPORARY
CONSTRUCTION EASEMENT FOR THE CONSTRUCTION OF
PERMANENT STORMWATER IMPROVEMENTS ON CITY
PROPERTY TO DHIC-ENCLAVE, LLC

A. The City owns a parcel of real property located southeast and adjacent to the intersection of Conifer Street and Redwood Street as shown and described on Exhibit “A”, attached and incorporated herein by reference (the “City Property”).

B. DHIC-Enclave, LLC (the “Developer”) intends to develop vacant land near the City Property for a 238-unit residential development known as the Enclave at Redwood (the “Development”), and a portion of the Development will use the Redwood Detention Pond as an off-site stormwater detention facility.

C. The Developer has submitted plans for the Development to the City (the “Development Plans”), which have been reviewed by City staff and are in the final stages of the development review process. As part of that process City staff asked the Developer to acquire a temporary construction easement for the Development to allow for certain work within the City Property to improve the Redwood Detention Pond.

D. The temporary construction easement to the Developer covers 189,996 square feet of the City Property as shown and described on Exhibit “B”, attached and incorporated herein by reference (the “TCE”). The TCE will allow Developer to enlarge the Redwood Detention Pond to provide approximately 6 acre-feet of additional stormwater storage, while the Development would only require approximately 1.5 acre-feet of storage.

E. The TCE will allow the Developer to access the City Property to construct improvements to the existing Redwood Detention Pond consistent with the City’s master drainage plan improvements, including the removal of existing stormwater infrastructure, significant re-grading, increased storage capacity, improved functionality, enhanced natural habitat, trees, and vegetation.

F. Section 23-111(a) of the City Code authorizes the City Council to sell, convey or otherwise dispose of any interest 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.

G. In addition, Section 23-114 of the City Code requires that any sale or other conveyance of property interests approved under section 23-111(a) be for an amount equal to or greater than the fair market value of such interest.

H. City staff estimates the value of the TCE at \$75,998; however, staff also estimates that the work the Developer will do on the City Property in the TCE has a value

of approximately \$408,846. While City staff anticipates reimbursing the Developer for a portion of that work for enhanced vegetation and storm mains as part of ordinary City expenses for stormwater, staff has recommended that the City convey the Easements to the Developer for no additional monetary compensation.

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 finds that granting the TCE to the Developer on the terms and conditions described herein is in the best interests of the City.

Section 2. The City Council authorizes the Mayor to execute such documents as are necessary to convey the TCE to Developer on terms and conditions consistent with this Ordinance, together with such additional terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City, including, but not limited to, any necessary changes to the legal description of the TCE, as long as such changes do not materially increase the size or change the character of the interests to be conveyed.

Introduced, considered favorably on first reading on April 2, 2024, and approved on second reading for final passage on April 16, 2024.

Mayor

ATTEST:

Chief Deputy City Clerk

Effective Date: April 26, 2024

Approving Attorney: Ryan Malarky

EXHIBIT A TO ORDINANCE NO. 050, 2024

City Property

Description:

Parcel 1: 4.02 acres, more or less, located in the S/2 of Section 1, T7N, R69W, 6th PM, Larimer County, Colorado, being more particularly described as Tract A, Replat of Evergreen Park Second Filing recorded June 13, 1977, in Book 1775, Page 584, Clerk and Recorder's Records, Larimer County, Colorado.

Parcel 2: 2.064 acres, more or less, located in the E/2 of Section 1, T7N, R69W, 6th PM, Larimer County, Colorado, being more particularly described in that certain Warranty Deed recorded August 31, 1990, at Reception No. 19900039473, Clerk and Recorder's Records, Larimer County, Colorado.

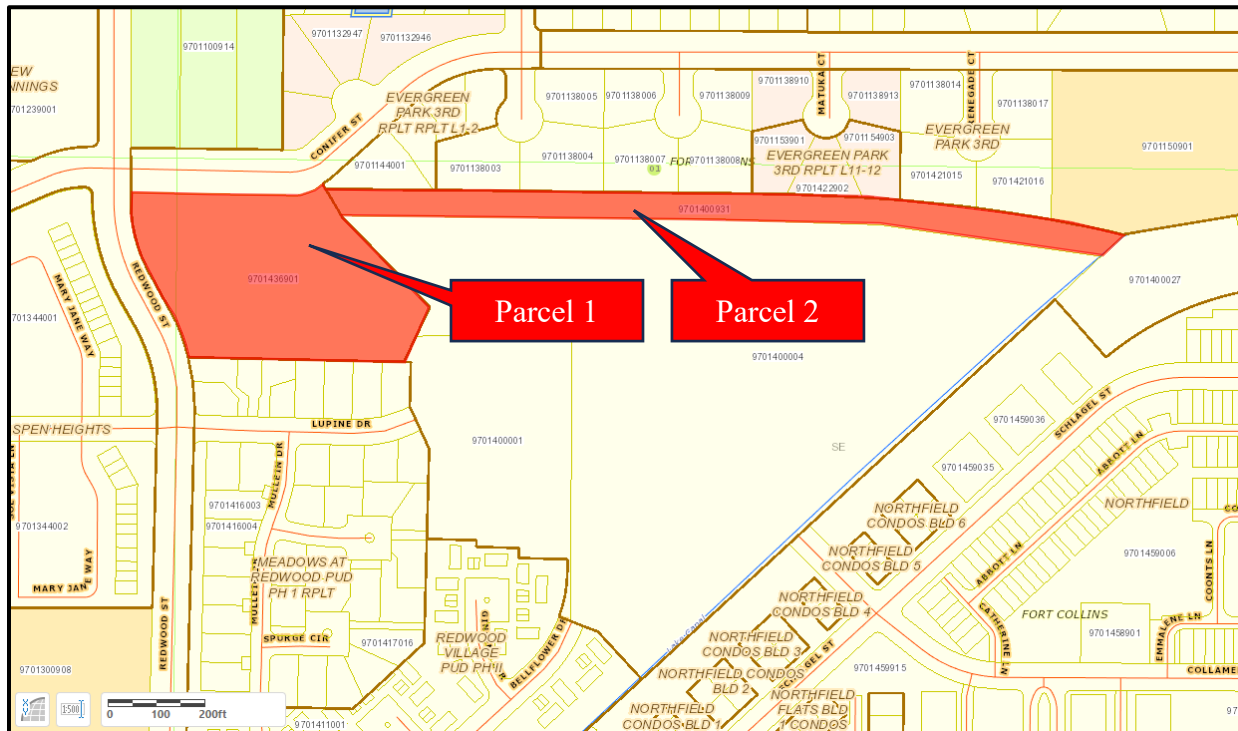
Location Address:

Vacant Land located in the S/2 of Section 1, T7N, R69W, 6th PM, Larimer County, Colorado.

Assessor Parcel Number:

9701436901 and 9701400931

Map:



SITUATED IN THE SOUTH 1/2 OF SECTION 1, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH P.M., CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO

A PARCEL OF LAND BEING TRACT A OF THE REPLAT OF EVERGREEN PARK SECOND FILING RECORDED IN BOOK 1775 AT PAGE 584 AND A PORTION OF THAT UNPLATTED LAND AS DESCRIBED IN THAT WARRANTY DEED RECORDED AT RECEPTION NO. 19900039473 IN THE RECORDS OF THE LARIMER COUNTY CLERK AND RECORDER'S OFFICE, SITUATED IN THE SOUTH HALF OF SECTION 1, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE NORTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 1, MONUMENTED AT THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER BY A 3.25-INCH ALUMINUM CAP DOWN 0.6 FEET BELOW THE ROAD SURFACE OF REDWOOD STREET, AND AT THE NORTHEAST QUARTER OF SAID SOUTHEAST QUARTER BY A 3.25-INCH ALUMINUM CAP DOWN 0.5' IN A RANGE BOX IN NORTH LEMAY AVENUE, AS BEARING SOUTH 89°06'12"EAST, WITH ALL BEARINGS HEREIN RELATIVE;

COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 1; THENCE SOUTH 59°07'33" WEST, A DISTANCE OF 114.26 FEET TO THE NORTHWEST CORNER OF SAID TRACT A AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY OF REDWOOD STREET AND THE SOUTH RIGHT-OF-WAY OF CONIFER STREET, AND THE **POINT OF BEGINNING**;

THENCE ALONG SAID SOUTH RIGHT-OF-WAY OF CONIFER STREET THE FOLLOWING TWO (2) COURSES:

1. THENCE SOUTH 89°08'18" EAST, A DISTANCE OF 365.52 FEET TO A POINT OF NON-TANGENT CURVATURE;
2. THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 39.30 FEET, SAID CURVE HAVING A RADIUS OF 89.17 FEET, A CENTRAL ANGLE OF 25°15'08", AND A CHORD WHICH BEARS NORTH 75°37'20" EAST A CHORD DISTANCE OF 38.98 FEET TO THE NORTHEAST CORNER OF SAID TRACT A;

THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY AND ALONG THE EAST BOUNDARY OF SAID TRACT A NON-TANGENT TO SAID CURVE, SOUTH 30°15'39" EAST, A DISTANCE OF 12.17 FEET TO THE NORTHWEST CORNER OF SAID PARCEL OF LAND DESCRIBED IN THAT WARRANTY DEED RECORDED AT RECEPTION NO. 19900039473;

THENCE DEPARTING SAID EAST BOUNDARY OF TRACT A AND ALONG THE NORTH BOUNDARY OF SAID PARCEL OF LAND SOUTH 89°05'57" EAST, A DISTANCE OF 281.93 FEET;

THENCE DEPARTING SAID NORTH BOUNDARY SOUTH 00°54'03" WEST, A DISTANCE OF 55.00 FEET TO A POINT ON THE SOUTH BOUNDARY OF SAID PARCEL OF LAND;


THENCE ALONG SAID SOUTH BOUNDARY NORTH 89°05'57" WEST, A DISTANCE OF 248.68 FEET TO A POINT ON SAID EAST BOUNDARY OF TRACT A;

CONTINUED ON SHEET 2



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 <p>1120 Lincoln Street, Suite 1000 Denver, Colorado 80203 P: 303.623.6300 F: 303.623.6311 HarrisKocherSmith.com</p>	<p>ENCLAVE AT REDWOOD</p>	<p>PROJECT #: 201013 CHECKED BY: SDC DRAWN BY: JOC</p>
	<p>TEMPORARY CONSTRUCTION EASEMENT</p> <p>DESCRIPTION</p>	<p>SHEET NUMBER</p> <p style="text-align: center; font-size: 2em;">1</p> <p>1 OF 3</p>

SITUATED IN THE SOUTH 1/2 OF SECTION 1, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH P.M., CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO

CONTINUED FROM SHEET 1

THENCE ALONG SAID EAST BOUNDARY THE FOLLOWING THREE (3) COURSES:

1. SOUTH 30°15'00" EAST, A DISTANCE OF 3.20 FEET;
2. THENCE SOUTH 44°03'21" EAST, A DISTANCE OF 263.54 FEET;
3. THENCE SOUTH 25°49'04" WEST, A DISTANCE OF 127.25 FEET TO THE SOUTHEAST CORNER OF SAID TRACT A;

THENCE ALONG THE SOUTH BOUNDARY OF SAID TRACT A NORTH 88°32'10" WEST, A DISTANCE OF 451.23 FEET TO A POINT OF NON-TANGENT CURVATURE ON THE AFORESAID EAST RIGHT-OF-WAY OF REDWOOD STREET AND THE SOUTHWEST CORNER OF SAID TRACT A;

THENCE ALONG THE WEST BOUNDARY OF SAID TRACT A AND THE EAST RIGHT-OF-WAY OF REDWOOD STREET THE FOLLOWING FOUR (4) COURSES:

1. ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 116.30 FEET, SAID CURVE HAVING A RADIUS OF 438.61 FEET, A CENTRAL ANGLE OF 15°11'31", AND A CHORD WHICH BEARS NORTH 21°49'44" WEST A CHORD DISTANCE OF 115.96 FEET;
2. ALONG A LINE NON-TANGENT TO SAID CURVE, NORTH 29°25'22" WEST, A DISTANCE OF 62.81 FEET TO A POINT OF CURVATURE;
3. ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 188.13 FEET, SAID CURVE HAVING A RADIUS OF 359.09 FEET, A CENTRAL ANGLE OF 30°01'03", AND A CHORD WHICH BEARS NORTH 14°24'51" WEST A CHORD DISTANCE OF 185.98 FEET;
4. NORTH 00°35'41" EAST, A DISTANCE OF 14.55 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 189,996 SQUARE FEET OR 4.36 ACRES, MORE OR LESS.

PREPARED BY: SHAWN D. CLARKE, PLS
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ON BEHALF OF: HARRIS KOCHER SMITH
1120 LINCOLN STREET, SUITE 1000
DENVER, CO 80203
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NOTICE: ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE (3) 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 (10) YEARS FROM THE DATE OF THIS CERTIFICATE SHOWN HEREON.



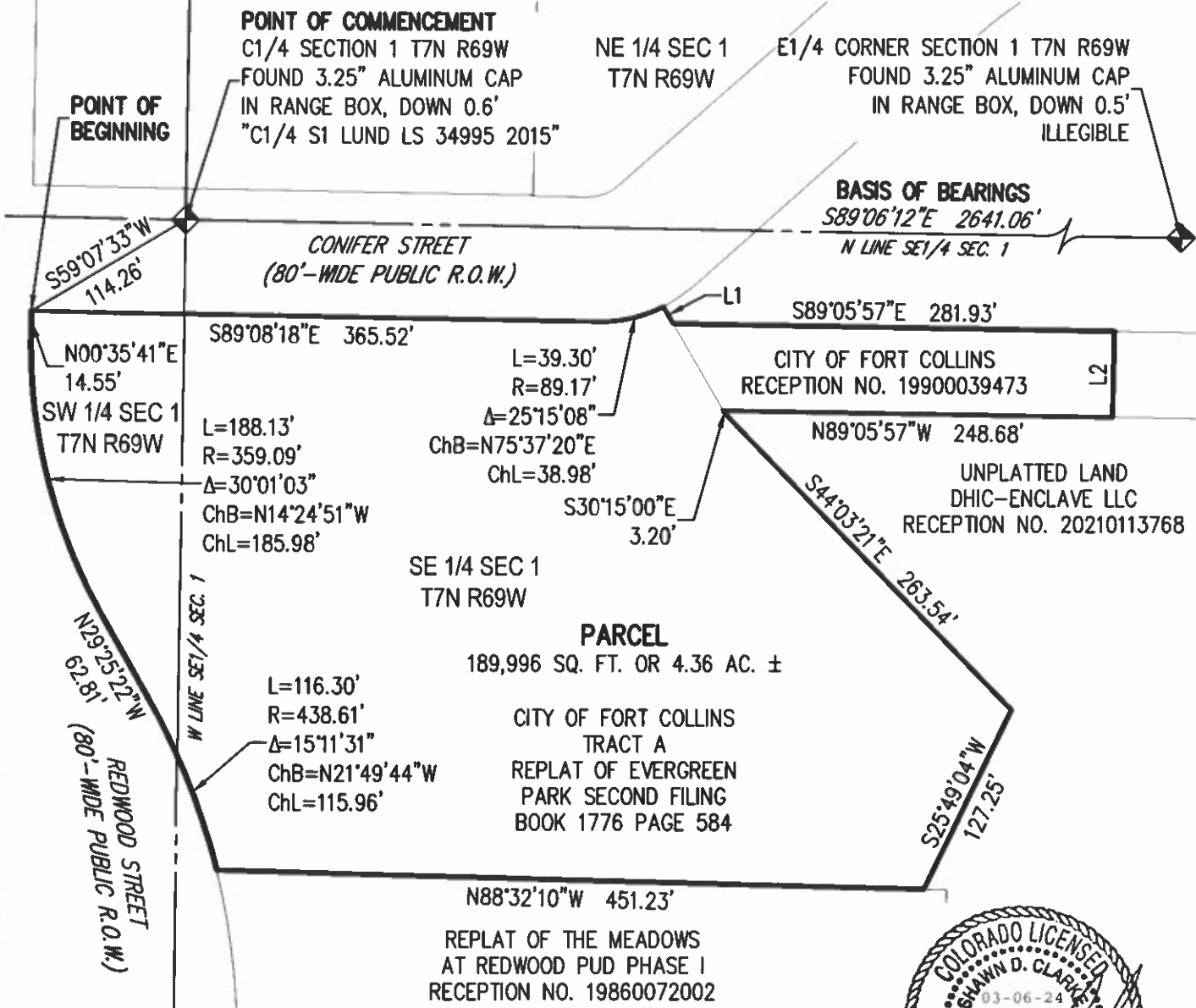
ENCLAVE AT REDWOOD
TEMPORARY CONSTRUCTION EASEMENT
DESCRIPTION

PROJECT #	201013
CHECKED BY:	SDC
DRAWN BY:	JOC
SHEET NUMBER	2
	2 OF 3

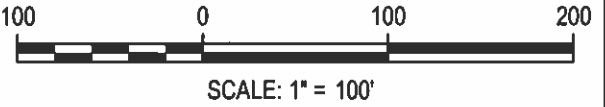
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SITUATED IN THE SOUTH 1/2 OF SECTION 1, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH P.M., CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO



LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L1	S30°15'39"E	12.17'	L2	S00°54'03"W	55.00'



NOTE:
THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY.
IT IS INTENDED TO DEPICT ONLY THE ATTACHED DESCRIPTION.

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ENCLAVE AT REDWOOD
TEMPORARY CONSTRUCTION EASEMENT
ILLUSTRATION

PROJECT #	201013
CHECKED BY:	SDC
DRAWN BY:	JOC
SHEET NUMBER	3
	3 OF 3

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