



CITY OF LOVELAND

DEVELOPMENT SERVICES DEPARTMENT

Civic Center • 500 East 3rd Street • Loveland, Colorado 80537
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AGENDA ITEM: 9
MEETING DATE: 2/18/2014
TO: City Council
FROM: Greg George, Development Services
PRESENTER: Troy Bliss, City Planner II

TITLE:

A Resolution Stating the Intent of the City of Loveland to Annex Certain Property and Initiating Annexation Proceedings for Such Property to be Known as the "Jayhawker Addition" to the City of Loveland

RECOMMENDED CITY COUNCIL ACTION:

Approve the resolution.

OPTIONS:

1. Adopt the action as recommended
 2. Deny the action
 3. Adopt a modified action (specify in the motion)
 4. Refer back to staff for further development and consideration
 5. Adopt a motion continuing the item to a future Council meeting
-

SUMMARY:

This is a legislative action to consider a resolution setting a public hearing date of April 1, 2014 for City Council to review annexation of approximately 33 acres known as the Jayhawker Addition. The applicant is the City of Loveland. The property is generally located on the south side of West 1st Street and east of South Taft Avenue. It is comprised to two parcels; one being the City Jayhawker Ponds (approximately 30.77 acres) and the other being a parcel of land owned by Lee and Patricia Swisher (approximately 1.82 acres). Collectively, these two parcels represent an enclave as defined in C.R.S. 31-12-103 (4) within the City's Growth Management Area (GMA). Section 4.0 of the Intergovernmental Agreement For Growth Management (IGA) between the City of Loveland and Larimer County requires the City to pursue annexation of enclaves, whether voluntarily or involuntarily, as expeditiously as possible.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible
-

BACKGROUND:

Annexation of the Swisher property is being presented as an involuntary annexation. The owners have not filed a petition for annexation and object to being annexed.

City staff has had several conversations with the Swishers between May and June of 2013 concerning the City's obligations under the terms of the IGA with Larimer County, development constraints due to most of the property being in the FEMA Floodway, and appropriate zoning for the property once annexed into the City. Additionally, the City has made two formal offers to buy the property so it could be included in the River's Edge Natural Area. Both offers were rejected.

On February 20, 2014, a neighborhood meeting will be held to discuss the proposal further with the property owners. Opportunities will also be given to the owners to discuss this annexation at public hearings before the Planning Commission on February 24, 2014 and City Council on April 1, 2014.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

1. Resolution
2. Vicinity Map

RESOLUTION #R-15-2014

A RESOLUTION STATING THE INTENT OF THE CITY OF LOVELAND TO ANNEX CERTAIN PROPERTY AND INITIATING ANNEXATION PROCEEDINGS FOR SUCH PROPERTY TO BE KNOWN AS THE "JAYHAWKER ADDITION" TO THE CITY OF LOVELAND

WHEREAS, the Loveland City Council ("**Council**") desires to make the findings and conclusions that the real property described below complies with the applicable requirements of C.R.S. §31-12-106(1) and is therefore eligible for annexation as an enclave; and

WHEREAS, upon such a finding, the Council desires to initiate annexation proceedings with respect to the Property in accordance with law.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO THAT:

Section 1. The Council desires to annex the following described property, to be known as the Jayhawker Addition to the City of Loveland, situate in Larimer County, Colorado, and more particularly described as follows (the "**Property**"):

Being all of Parcels 1 and 2 Reception No. 2001058143, recorded 7-17-2001; Reception No. 93016002, recorded 3-15-1993; Reception No.2000070305, recorded 10-11-2000; and Reception No. 2000070306, recorded 10-11-2000; also being a portion of the Northwest 1/4 of Section 23, Township 5 North, Range 69 West of the 6th Principal meridian, Larimer County, Colorado more particularly described as follows:

Considering the North line of the Northwest 1/4 of the Northwest 1/4 of Section 23 in Township 5 North, Range 69 West of the 6th Principal Meridian, Larimer County, Colorado as bearing N 88°16'38" E and with all bearings contained herein relative thereto.

BEGINNING at the Northeast corner of the Northwest 1/4 of the Northwest 1/4 of Section 23 in Township 5 North, Range 69 West of the 6th Principal Meridian, Larimer County, Colorado; thence run S 01°14'00" E along the East line of West 1/2 of the Northwest 1/4 of said Section 23 for a distance of 1314.13 feet to the Southeast corner of the Northwest 1/4 of said Northwest 1/4 of Section 23;

thence run S 01°12'01" E along said East line for a distance of 357.90 feet to the North line of MINERAL ADDITION; thence leaving said East line run along said North line for the following courses and distances:

thence run N 44°31'23" W for a distance of 97.11 feet; thence run N 57°02'47" W for a distance of 480.81 feet;

thence run N 78°28'51" W for a distance of 57.59 feet to a point on the South line of the Northwest 1/4 of the Northwest 1/4 of said Section 23;

thence run N 79°31'58" W for a distance of 741.12 feet to a point on the East line of HAPPINESS PLAZA ADDITION; thence leaving said North line run N 01°06'54" E along said East line for a distance of 56.83 feet;
thence run N 01°11'26" W along said East line for a distance of 482.34 feet to a point on the South line of HAPPINESS PLAZA FORTH ADDITION;
thence leaving said East line run N 88°07'49" E along said South for a distance of 377.60 feet to the East line of said HAPPINESS PLAZA FORTH ADDITION;
thence leaving said South line run N 01°11'26" W East line, the East lines of HAPPINESS PLAZA FORTH ADDITION and HAPPINESS PLAZA SECOND ADDITION for a distance of 607.44 feet to the South right-of-way line of West First Street;
thence leaving said East lines run N 88°16'38" E along said South right-of-way line for a distance of 645.73 feet; thence run N 01°11'19" W along said South right-of-way line for a distance of 10.00 feet;
thence run N 88°16'38" E along said South right-of-way line for a distance of 220.00 feet to the Point of Beginning.

Containing 32.59 acres, more or less, and being subject to all easements and rights-of-way of record.

Section 2. The Council makes the following findings of fact:

A. The Property to be annexed is entirely contained within the boundaries of the City of Loveland, and has been so surrounded for a period of not less than three (3) years.

B. Pursuant to C.R.S. §31-12-106, the Council may by ordinance annex the Property without complying with C.R.S. §§31-12-104, 31-12-105, 31-12-108, or 31-12-109, except that notice of the proposed annexation ordinance shall be given by publication as provided by C.R.S. §31,-12-108(2) for notices of annexation petitions and resolutions.

C. Pursuant to C.R.S. §31-12-108.5, the City and the Larimer County Board of Commissioners have agreed, pursuant to that certain Intergovernmental Agreement for Growth Management dated January 12, 2004 and recorded in the real property records of the Larimer County Clerk and Recorder on January 22, 2008 at Reception No. 20090003606, that no annexation impact report is required for the Property.

D. The perimeter of the Property to be annexed is 5,448.61 linear feet and contains approximately 32.59 acres. The entire perimeter of the area is contiguous with the City of Loveland.

E. No part of the municipal boundary or territory surrounding the Property consists, at the time of annexation, of public rights of way, including streets and alleys, which are not immediately adjacent to the City on the side of the right of way opposite the Property.

F. No part of the territory surrounding the Property was annexed to the City since December 19, 1980, without compliance with section 30 of article II of the Colorado Constitution.

Section 3. Based on the findings of fact set forth above, Council makes the following determinations and conclusions:

A. The proposed annexation of the Property described above complies with and meets the applicable requirements of C.R.S. §31-12-106(1) and is eligible for annexation as an enclave.

B. No election is required under C.R.S. §31-12-107(2).

C. No additional terms and conditions are to be imposed.

D. Council hereby initiates annexation proceedings for the Property.

Section 4. The Notice attached hereto as **Exhibit A** is hereby adopted as a part of this Resolution. The Notice establishes the date, time, and place when a hearing will be held regarding the passage of an annexation ordinance pertaining to the Property. The City Clerk is directed to publish a copy of this Resolution and the Notice as provided in C.R.S. §31-12-108(2).

Section 5. That this Resolution shall be effective as of the date of its adoption.

ADOPTED this 18th day of February, 2014.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

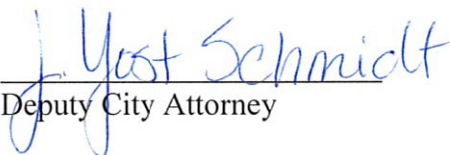

Deputy City Attorney

EXHIBIT A

NOTICE

TO ALL INTERESTED PERSONS:

PLEASE TAKE NOTICE:

That the City Council of the City of Loveland, Colorado has adopted a Resolution initiating annexation proceedings for the Jayhawker Addition to the City of Loveland, which Addition is more particularly described in the Resolution, a copy of which precedes this Notice. This is an enclave annexation.

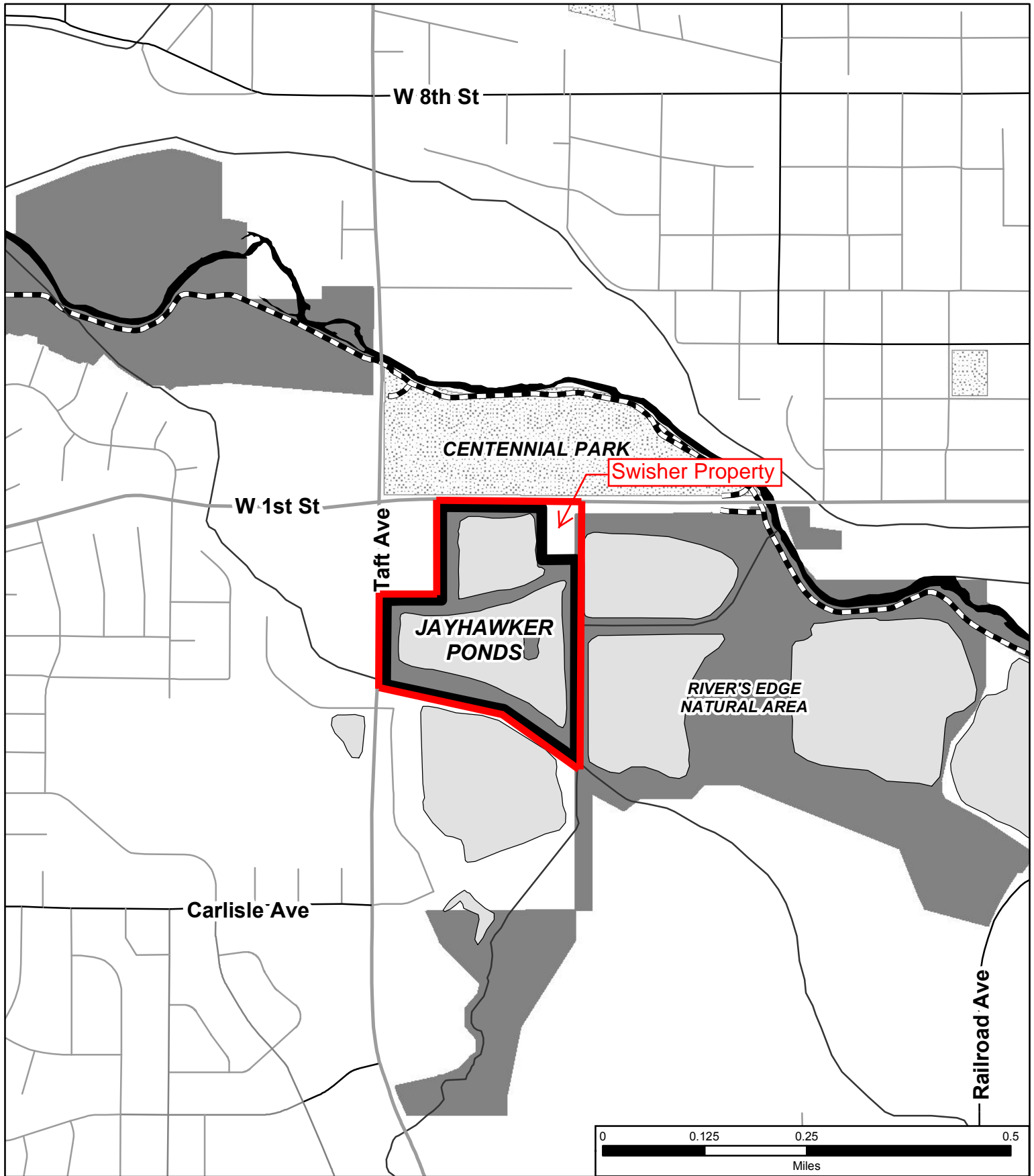
That, on April 1, 2014, at the hour of 6:30 p.m., or as soon thereafter as the matter may come on for hearing in the City Council Chambers at 500 East Third Street, Loveland, Colorado, the Loveland City Council will hold a public hearing upon the annexation and zoning of the Property described in the Resolution. At such hearing, any persons may appear and present such evidence as they may desire.

It is proposed that the Property included in the Addition be placed in the DR-Developing Resource **and PP-Public Park zone districts**, as defined by the Loveland Municipal Code.




The City of Loveland will make reasonable accommodations for access to City services, programs and activities, including special communication arrangements for persons with disabilities, in accordance with the Americans with Disabilities Act. Please contact the City's ADA Coordinator at bettie.greenberg@cityofloveland.org or 970-962-3319 for assistance.





Dated this _____ day of _____, 2014

City Clerk



LEGEND

-  Jayhawker Ponds
-  Open Lands
-  Parks

-  Recreation Trail
-  Big Thompson River
-  Ditches/Canals
-  Lakes & Ponds



**JAYHAWKER
PONDS**
W. 1st St. & Taft Ave.
VICINITY MAP