

PLANNING AND DEVELOPMENT MEMORANDUM
#09-16

May 14, 2009

TO: Honorable Mayor Kathleen M. Novak and City Council Members

FROM: William Simmons, City Manager *WAS*
James Hayes, Director, Planning and Development Department *JH*
Patrick Breitenstein, Zoning Administrator *PB*

SUBJECT: CR-59; Malley Pedestrian Crossing Right-of-Way Acquisition

BACKGROUND:

The City is installing a traffic signal at Malley Drive and Highline Drive primarily to provide a safe crossing for users of the Farmers Highline Canal Greenway/Trail. The traffic signal is a mast arm installation requiring new poles. One of the signal poles is to be located on the southwest corner of the intersection. The pole will encroach on the adjacent private property, requiring fifty square feet of additional right-of-way. Because the property owner will have no use of the property after acquisition, purchase of additional right-of-way, as opposed to an easement, is proposed

The property on that corner is a single-family residence. After negotiations conducted by Staff and the City Attorney's office, a price of \$1,000.00 was reached.

SUMMARY:

CR-59 approves purchase of the right-of-way for not more than One Thousand Dollars (\$1,000.00).

BUDGET/TIME IMPLICATIONS:

The \$1,000.00 acquisition cost would come from the contingency fund of the approved budget for the signal installation. The contingency fund is \$26,000.00. No portion of that amount has so far been spent.

STAFF REFERENCE:

If Council members have any comments or questions they may contact Patrick Breitenstein, pbreitenstein@northglenn.org, or James Hayes, jhayes@northglenn.org.

ATTACHMENTS

CR-59 and exhibits.

SPONSORED BY: MAYOR NOVAK

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-59
Series of 2009

Series of 2009

A RESOLUTION APPROVING THE PURCHASE OF PROPERTY FOR THE PLACEMENT OF A TRAFFIC SIGNAL POLE AT THE INTERSECTION OF MALLEY AND HIGHLINE DRIVES

WHEREAS, the City requires approximately fifty (50) square feet of additional right-of-way (the "Property") to accommodate a pole for a planned signalized pedestrian crossing at Malley and Highline Drive;

WHEREAS, the Property is located at the southwest corner of the Malley and Highline Drive intersection, and has a legal description as set forth in the draft deed attached hereto as **Exhibit A**; and

WHEREAS, the City Council desires to authorize the acquisition of the Property for a purchase price not to exceed One Thousand Dollars (\$1,000.00).

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. The City Council hereby authorizes City staff to acquire the Property for purchase price not to exceed One Thousand Dollars (\$1,000.00).

DATED at Northglenn, Colorado, this ____ day of _____, 2009.

KATHLEEN M. NOVAK
Mayor

ATTEST:

APPROVED AS TO FORM:

JOHANNA SMALL, CMC
City Clerk

COREY Y. HOFFMANN
City Attorney

WARRANTY DEED

THIS DEED is dated April __, 2009, and is made between T. H. Steele, whose street address is P. O. Box 424, City or Town of Eastlake, County of Adams, and State of Colorado, the "Grantor," and the City of Northglenn, Colorado, the "Grantee," whose legal address is 11701 Community Center Drive of the City of Northglenn of the County of Adams and State of Colorado.

WITNESS, that the Grantor, for and in consideration of the sum of ONE THOUSAND DOLLARS, (\$1000.00), the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, conveys and confirms unto the Grantee and the Grantee's heirs and assigns forever, all the real property, together with any improvements thereon, located in the City of Northglenn County of Adams and State of Colorado, described as follows:

See Exhibit A

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, the reversions, remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the Grantee and the Grantee's heirs and assigns forever.

The Grantor, for itself and its successors and assigns, does covenant, grant, bargain, and agree to and with the Grantee, and the Grantee's heirs and assigns: that at the time of the ensealing and delivery of these presents, the Grantor is well seized of the premises above described; has good, sure, perfect, absolute and indefeasible estate of inheritance, in law and in fee simple; and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid; and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except and subject to: none; or the following matters:

N/A

And the Grantor shall and will **WARRANT AND FOREVER DEFEND** the above described premises, *but not any adjoining vacated street or alley*, if any, in the quiet and peaceable possession of the Grantee and the heirs and assigns of the Grantee, against all and every person or persons claiming the whole or any part thereof.

IN WITNESS WHEREOF, the Grantor has caused its name to be hereunto subscribed on the date set forth above.

GRANTOR:

STATE OF COLORADO)
) ss.
_____ County of _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2009, by _____

Witness my hand and official seal.

My commission expires:

Notary Public

Name and Address of Person Creating Newly Created Legal Description (§38-35-106.5, C.R.S.)

EXHIBIT A TO DEEED
BETWEEN T.H.STEEL AND CITY OF NORTHGLENN



RIGHT OF WAY ACQUISITION

PROPERTY DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF LOT 25, BLOCK 3, WEBSTER LAKE TERRACE SECOND FILING AS RECORDED UNDER RECEPTION NO. 953937, BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 68 WEST, OF THE 6TH PRINCIPAL MERIDIAN, ADAMS COUNTY, COLORADO BEING DESCRIBED AS FOLLOWS

BASIS OF BEARINGS: THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPLE MERIDIAN, BEING MONUMENTED AT THE SOUTH END BY A 3 1/2" ALUMINUM CAP STAMPED "LS 23904" AND AT A POINT ON SAID WEST LINE, WHENCE THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER BEARS S00°11'54"E, A DISTANCE OF 1584.72 FEET, BY A NAIL AND DISK - ILLEGIBLE.

BEGINNING AT THE NORTHEAST CORNER OF LOT 25, BLOCK 3, WEBSTER LAKE TERRACE SECOND FILING AS RECORDED UNDER RECEPTION NO. 953937;

THENCE ON THE EAST LINE OF SAID LOT 25, S13°29'45"W A DISTANCE OF 10.04 FEET;

THENCE N31°37'23"W A DISTANCE OF 14.17 FEET, TO A POINT ON THE NORTH LINE OF SAID LOT 25;

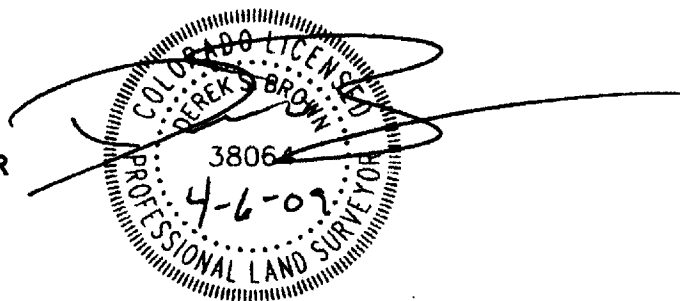
THENCE ON SAID NORTH LINE, S76°44'30"E A DISTANCE OF 10.04 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 50 SQUARE FEET OR 0.0012 ACRES.

PROPERTY DESCRIPTION STATEMENT

I, DEREK S. BROWN, A PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE PROPERTY DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED UNDER MY RESPONSIBLE CHARGE, AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, ARE CORRECT.

DEREK S. BROWN, PROFESSIONAL LAND SURVEYOR
COLORADO NO. 38064
FOR AND ON BEHALF OF JR ENGINEERING, LLC



EXHIBIT

MALLEY DRIVE
80' R.O.W.

S76°44'30"E
10.04'

POINT OF
BEGINNING

N31°37'23"W
14.17'

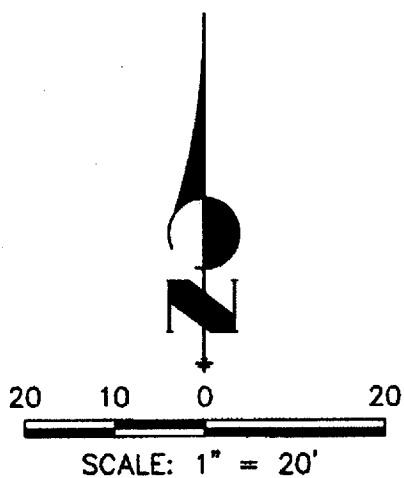
S13°29'45"W
10.04'

LOT 25
BLOCK 3

WEBSTER LAKE TERRACE
SECOND FILING
FILE 13, MAP 20
REC. NO. 953937

HIGHLINE DRIVE
50' R.O.W.

FARMERS HIGHLINE CANAL



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

RIGHT OF WAY ACQUISITION
PROJECT NAME: MALLEY DR TRAFFIC SIGNAL
PROJECT NO.: 15497.00
DATE: APRIL 6, 2009

SHEET: 2 OF 2



J-R ENGINEERING

A Wehrton Company

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