



## AGENDA ITEM SUMMARY

City Council

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### STAFF

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Jonathan Piefer, Senior Real Estate Specialist  
Jennifer Torrey, Park Planning and Development Lead Specialist  
Mark Laken, Civil Engineer II

### SUBJECT

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**First Reading of Ordinance No. 183, 2024, Declaring a Portion of City-Owned Property at Schoolside Park as Public Right of Way.**

### EXECUTIVE SUMMARY

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The purpose of this item is to declare 0.141 acres (the "ROW Parcel"), more or less, being a portion of City property presently known as Schoolside Park as public right of way for South Timberline Road and related improvements, including public utilities, pedestrian, transit, and bicycle access and improvements, and landscaping.

The ROW Parcel was part of the Timberline Road Widening Project, which was completed earlier this year. It is now necessary to file formal documentation declaring the ROW Parcel as a public right of way because the approval of Schoolside Park, which is currently in the final phase of the Building Development Review process, requires that this right-of-way be declared.

### STAFF RECOMMENDATION

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Staff recommends adoption of the Ordinance on First Reading.

### BACKGROUND / DISCUSSION

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Schoolside Park is comprised of 5.438 acres, more or less, being all of Lot 1 of the Lehman-Timberline Minor Land Division, as depicted in that certain Plat recorded June 19, 2013, at Reception No. 20130046276, Clerk and Recorder's Records, Larimer County, Colorado. The land was originally conveyed to the City by Lehman Farm, LLC, in that certain General Warranty Deed dated November 4, 2013, recorded at Reception No. 20130083813, Clerk and Recorder's Records, Larimer County, Colorado. The land is currently managed by the City's Parks Department.

The City plans to start construction for Schoolside Park in the Spring of 2025, and planned park features include seating, passive and active recreational spaces, walking paths, natural spaces, a playground, a basketball court, a rectangular field, picnic areas, and an outdoor event space.

During the Development Review process, it was discovered that the ROW Parcel was part of the Timberline Road Widening Project (the "Project") and should be declared as public right of way because construction of a sidewalk and related improvements on the ROW Parcel has already been completed by the City.

The project team worked closely with the Parks Department during the design and construction of the Project. Accordingly, no trees were impacted or replaced during the Project, and any damaged surface areas have been restored in accordance with City plans, specifications, and requirements.

City Staff intends to record the Ordinance associated with this agenda item pursuant to Section 23-111(a) of the City Code because converting a piece of property owned by the City in fee simple to right of way is tantamount to a conveyance of an interest in the property, which requires City Council action.

There was no compensation required from Parks for the Project because the Parks Department and/or the Engineering Department have covered the costs associated with improvements installed along Timberline Road. This funding supports enhancements to public access, landscaping, and overall usability, aligning with Parks' commitment to community-focused improvements and infrastructure development.

### **CITY FINANCIAL IMPACTS**

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There are no material financial impacts to the City.

### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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Approval or review by the Parks and Recreation Board is not required. Council adopted the 2021 Parks and Recreation Master Plan, which identifies the development of Schoolside Park.

### **PUBLIC OUTREACH**

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The 2021 Parks and Recreation Master Plan included numerous public meetings and significant outreach efforts.

### **ATTACHMENTS**

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1. Ordinance for Consideration
2. Exhibit A to Ordinance
3. Vicinity Map