

ORDINANCE NO. 011, 2017
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE EXECUTION OF AN AMENDED AND RESTATED
CONSERVATION EASEMENT WITH COLORADO OPEN LANDS ON THE
KINGFISHER AND NIX NATURAL AREAS, INCLUDING CONVEYANCE OF
A CONSERVATION EASEMENT ON ADDITIONAL LANDS

WHEREAS, in 1996 the City purchased approximately 30.8 acres of land east of Lemay Avenue and south of Mulberry Street now known as the Nix Farm Natural Area, which is the location of the Natural Areas Department (NAD) office and shop facilities; and

WHEREAS, on November 19, 2002, the City Council adopted Ordinance No. 158, 2002, authorizing the conveyance to Legacy Land Trust ("Legacy") of a conservation easement on the Nix Farm Natural Area in order to meet requirements for receiving grant funds from Great Outdoors Colorado related to the Poudre-Big Thompson Rivers Legacy Project; and

WHEREAS, the City entered into a Deed of Conservation Easement with Legacy on December 2, 2002 (the "Nix CE"); and

WHEREAS, Legacy has since merged into Colorado Open Lands; and

WHEREAS, the Nix CE includes a building envelope of 5.86 acres; and

WHEREAS, NAD has master-planned the Nix Farm campus to provide additional office, shop and equipment storage space at Nix Farm for the next 30-plus years; and

WHEREAS, in order to have sufficient space to build additional facilities, NAD has been negotiating with Colorado Open Lands to amend the Nix CE to add an additional 6.12 acres to the Nix CE building envelope in exchange for expanding the Nix CE to cover an additional 46.13 acres of adjoining land on the Kingfisher Natural Area, and rename the Nix CE the Kingfisher Natural Area Conservation Easement; and

WHEREAS, the additional property on which the City would convey a conservation easement to Colorado Open Lands is shown on Exhibit "A", attached and incorporated herein by reference (the "Expanded CE Area"); and

WHEREAS, the City would survey the Expanded CE Area and prepare a more precise legal description before executing the amended conservation easement; and

WHEREAS, City staff is recommending that the City not charge Colorado Open Lands for conveyance of a conservation easement on the Expanded CE Area, because the value of the additional conservation easement would be offset by the benefit to the City of having an expanded building area at Nix Farm, without which the City would have to develop additional NAD facilities at other sites, incurring higher development costs, inefficiencies in NAD operations, and reduced productivity; and

WHEREAS, if the City and Colorado Open Lands both approve the proposed amendments, Colorado Open Lands will submit the changes to GOCO for approval in early 2017; and

WHEREAS, the NAD's Conservation Easement Amendment Policy and Procedure requires that proposed amendments to conservation easements to which the City is a party be approved by the City Council by adoption of an ordinance after a public hearing; and

WHEREAS, 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; and

WHEREAS, at its regular meeting on October 12, 2016, the Land Conservation and Stewardship Board voted unanimously to recommend that the City Council approve the execution of an amended and restated Kingfisher Natural Area Deed of Conservation Easement.

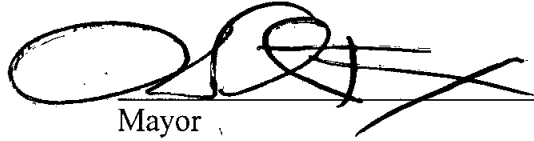
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby finds that the conveyance of a conservation easement on the Expanded CE Area to Colorado Open Lands as provided herein is in the best interests of the City.

Section 3. That the Mayor is hereby authorized to execute such documents as are necessary to amend and restate the Kingfisher Natural Area (formerly Nix) Conservation Easement, including conveyance of a conservation easement on the Expanded CE Area to Colorado Open Lands, 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 Expanded CE Area, as long as such changes do not materially increase the size or change the character of the property interest to be conveyed.

Introduced, considered favorably on first reading, and ordered published this 17th day of January, A.D. 2017, and to be presented for final passage on the 7th day of February, A.D. 2017.

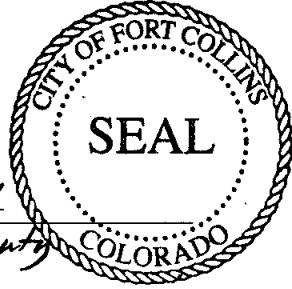


Mayor

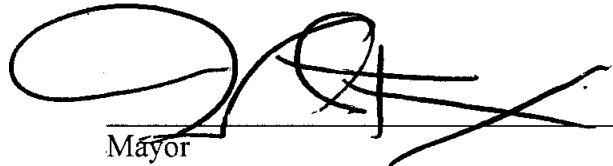
ATTEST:



City Clerk / Chief Deputy



Passed and adopted on final reading on the 7th day of February, A.D. 2017.



Mayor

ATTEST:



City Clerk

