

ORDINANCE NO. 170, 2017
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE USE OF THE EVANS TRACT AS MATCH FOR
A NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT GRANT
ADMINISTERED BY THE U.S. FISH AND WILDLIFE SERVICE

WHEREAS, in March 2008, the City Council adopted Ordinance No. 037, 2008, authorizing the use of the City's Zimmerman Conservation Easement as a matching contribution for a Neotropical Migratory Bird Conservation Act Grant administered by the U.S. Fish and Wildlife Service ("FWS"); and

WHEREAS, in April 2009, the City Council adopted Ordinance No. 032, 2009, authorizing the use of a 440-acre portion of Bernard Ranch as a matching contribution for a Neotropical Migratory Bird Conservation Act Grant administered by the FWS; and

WHEREAS, in May 2010, the City Council adopted Ordinance No. 053, 2010, authorizing the use of a different 660-acre portion of Bernard Ranch as a matching contribution for a Neotropical Migratory Bird Conservation Act Grant administered by the FWS; and

WHEREAS, in June 2013, the City Council adopted Ordinance No. 079, 2013, authorizing the use of the Noonan Tract and the Bowes Homestead Tract as a matching contribution for Neotropical Bird Conservation Act Grant administered by the FWS; and

WHEREAS, the City has worked cooperatively with the Rocky Mountain Bird Observatory ("RMBO") to carry out the terms of the previous grant projects involving the study of neotropical birds, a category of bird species that includes high priority grassland birds found on Soapstone Prairie Natural Area; and

WHEREAS, a recent 240-acre addition to Soapstone Prairie known as the Evans Tract, purchased in 2015 and shown on Exhibit "A", attached and incorporated herein by this reference, has been identified as an appropriate area to be conserved as habitat for neotropical birds in the region; and

WHEREAS, RMBO, together with other grant partners, is continuing to study neotropical birds and has applied for an additional grant of \$200,000 in 2016 grant funds from FWS; and

WHEREAS, RMBO hopes to use this new grant to continue its neotropical bird study as part of the Laramie Foothills Mountain to Plains Project, which includes Soapstone and other geographical areas that the birds inhabit; and

WHEREAS, the FWS grant terms will require RMBO to match the grant funds awarded;
and

WHEREAS, the funds already expended by the City to purchase the Evans Tract may be used to match the grant funds awarded by FWS to RMBO; and

WHEREAS, to commit the Evans Tract as the matching contribution for the FWS grant, FWS will require that the City record a Notice of Grant Requirements in the real property records of the Larimer County Clerk and Recorder for the property; and

WHEREAS, the Notice of Grant Requirements requires the City to be bound by the terms of the grant agreement between FWS and RMBO, including the obligation to ensure the long-term conservation of the Evans Tract and to obtain the consent of the FWS prior to conveying or encumbering the Property; and

WHEREAS, the City's consent to these restrictions on its property constitutes an encumbrance on the City's real property; and

WHEREAS, the City will also enter into an agreement with RMBO requiring RMBO to comply with the terms of the grant agreement between FWS and RMBO; and

WHEREAS, the data acquired from the study will allow City staff to more effectively form conservation strategies and manage high priority grassland birds that are found at Soapstone; and

WHEREAS, at its regular meeting on April 12, 2017, the Land Conservation and Stewardship Board unanimously recommended that the City Council approve an ordinance authorizing the use of the funds used to purchase the Evans Tract as a match for the 2016 Neotropical Migratory Bird Conservation Act Grant and the placement of a Notice of Grant Agreement on the Evans Tract; and

WHEREAS, under Section 23-111 of the Code of the City of Fort Collins, the City Council is authorized to sell or otherwise dispose of any and all interests in real property owned in the name of the City, provided that the City Council first finds, by ordinance, that such sale or disposition is in the best interests of the City.

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

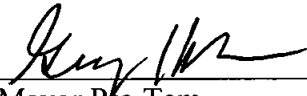
Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby finds that use of the Evans Tract as a match towards a U.S. Fish and Wildlife Service Grant to the Rocky Mountain Bird Observatory, including execution and recording of a Notice of Grant Requirements as described herein, is in the best interests of the City.

Section 3. That the Mayor is hereby authorized to execute a Notice of Grant Requirements consistent with the terms of this Ordinance, along with such other terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the best interests of the City, including, but not limited to, any necessary

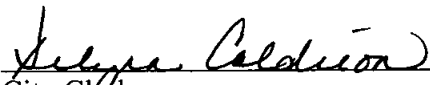
changes to the legal description of the property to be encumbered, as long as such changes do not materially increase the size or change the character of the property.

Introduced, considered favorably on first reading, and ordered published this 5th day of December, A.D. 2017, and to be presented for final passage on the 19th day of December, A.D. 2017.



Mayor Pro Tem

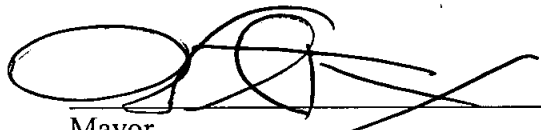
ATTEST:



City Clerk



Passed and adopted on final reading on the 19th day of December, A.D. 2017.



Mayor

ATTEST:



City Clerk



EXHIBIT A
Legal Description

**THE NE 1/4 AND THE N 1/2 OF THE SE 1/4 OF SECTION 23, TOWNSHIP 11 NORTH, RANGE
69 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO**

EXCEPT RIGHT OF WAY FOR COUNTY ROADS AS ESTABLISHED AND/OR USED