

ORDINANCE NO. 004, 2019
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF A TRANSMISSION LINE
EASEMENT ON CITY PROPERTY AT MEADOW SPRINGS
RANCH TO ROUNDHOUSE RENEWABLE ENERGY, LLC

WHEREAS, the City is the owner of real property located north of Fort Collins in Larimer County and Weld County known as Meadow Springs Ranch, as described on Exhibit "A", attached and incorporated herein by reference (the "Property"); and

WHEREAS, the Property is managed by the City's Wastewater Utility as a site for land application of biosolids, is a working cattle ranch, and is the site of numerous cultural and environmental resources; and

WHEREAS, Roundhouse Renewable Energy, LLC, a subsidiary of Nextera Energy Resources ("Roundhouse"), is proposing to build a 230-kilovolt transmission line (the "Project") to deliver energy from a wind energy facility in Wyoming to Platte River Power Authority's (the "Authority") Rawhide Energy Station; and

WHEREAS, as part of the Project, Roundhouse is requesting from the City an easement 150 feet wide to install and maintain 9.7 miles of the transmission line and related infrastructure on the Property (the "Easement"); and

WHEREAS, the Easement would also include the right to access the Easement Area using certain existing roads on the Property; and

WHEREAS, the proposed location of the Easement is shown on Exhibit "B", attached and incorporated herein by reference (the "Easement Area"); and

WHEREAS, the Easement Area is within a 300- to 500-foot-wide corridor designated by Roundhouse as part of its 1041 permitting process with Larimer and Weld Counties (the "Permitting Corridor"); and

WHEREAS, issuance of 1041 permits by Larimer and Weld Counties is a prerequisite to construction of the Project; and

WHEREAS, the Easement Area may shift east or west within the Permitting Corridor during final design and construction of the Project, if unforeseen conditions require; and

WHEREAS, upon completion of the Project, Roundhouse would provide a surveyed legal description of the ultimate location of the Easement Area, no greater than 150 feet wide, to be recorded as the final description of the Easement; and

WHEREAS, Roundhouse would pay the City \$105,850 as compensation for the fair market value of the Easement, which would be used for the benefit of the Property; and

WHEREAS, Roundhouse would also pay the City compensation based on a formula to mitigate impacts to the Property from construction of the Project, which the parties estimate will total approximately \$330,000; and

WHEREAS, as a founding member of the Authority, the City would benefit from the Project as it supports the City's Climate Action Plan goals to reduce the community's carbon emissions; and

WHEREAS, the Water Board, at its regular meeting on December 20, 2018, voted to recommend that the City Council support the Project; and

WHEREAS, the Energy Board, at its regular meeting on November 8, 2018, voted to recommend that the City Council support the proposed transmission line route and Easement; and

WHEREAS, the Natural Resources Advisory Board, at its regular meeting on October 17, 2018, voted in support of the recommended location of the Easement; and

WHEREAS, the Land Conservation and Stewardship Board at its regular meeting on November 7, 2018, was supportive of the process City staff has followed for environmental analysis and made recommendations to staff about how funds received from Roundhouse as compensation for Project impacts should be spent; and

WHEREAS, Section 23-111 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, for real property that is part of the City's water or utility systems, that the disposition will not materially impair the viability of that utility system as a whole, and will be for the benefit of the citizens 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 conveyance of the Easement to Roundhouse as described herein is in the best interests of the City; will not impair the viability of the City's wastewater utility system; and will be for the benefit of the citizens of the City.

Section 3. That the Mayor is hereby authorized to execute such documents as are necessary to convey the Easement to Roundhouse on terms and conditions consistent with this Ordinance, together with such additional terms and conditions as the City Manager, in

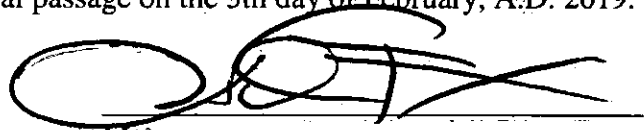
consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City or effectuate the purposes of this Ordinance.

Section 4. That execution of the Easement documents is contingent upon the issuance of 1041 permits for construction of the Project by both Larimer County and Weld County no later than six months after the effective date of this Ordinance.

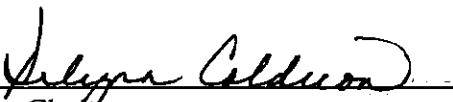
Section 5. That during construction of the Project the City Manager, in consultation with the City Attorney, is authorized to approve modifications to the alignment of the Easement within the Permitting Corridor provided the Easement Area remains not more than 150 feet wide, and the impacts of the Easement are not significantly greater than the original alignment or will be mitigated appropriately.

Section 6. That upon completion of the Project the Mayor is authorized to execute such documents as are determined by the City Manager, in consultation with the City Attorney, to be necessary to approve and document the final legal description of the Easement Area.

Introduced, considered favorably on first reading, and ordered published this 15th day of January, A.D. 2019, and to be presented for final passage on the 5th day of February, A.D. 2019.



Mayor

ATTEST:


City Clerk



Passed and adopted on final reading on the 5th day of February, A.D. 2019.


Mayor

ATTEST:



City Clerk



EXHIBIT A

**Legal Description of City Property
Meadow Springs Ranch**

The real property described in the following six (6) documents:

1. Patent No. 7993 recorded December 7, 1993 at Reception No. 02362991 of the records of the Clerk and Recorder of Weld County, Colorado;
2. Correction Warranty Deed recorded February 13, 1991 at Reception No. 91006161 of the records of the Clerk and Recorder of Larimer County, Colorado;
3. Patent No. 7992 recorded December 3, 1993 at Reception No. 93091867 of the records of the Clerk and Recorder of Larimer County, Colorado;
4. Warranty Deed recorded May 12, 2003 at Reception No. 2003-0057523 of the records of the Clerk and Recorder of Larimer County, Colorado;
5. General Warranty Deed recorded July 18, 2006 at Reception No. 2006-0053666 of the records of the Clerk and Recorder of Larimer County, Colorado;
6. Special Warranty Deed recorded May 9, 2007 at Reception No. 2007-0034998 of the records of the Clerk and Recorder of Larimer County, Colorado.