

**DATE:** November 6, 2012  
**STAFF:** Lindsay Kuntz

**AGENDA ITEM SUMMARY**  
FORT COLLINS CITY COUNCIL

**23**

**SUBJECT**

First Reading of Ordinance No. 128, 2012, Authorizing the Conveyance of a Non-Exclusive Drainage Easement on City Property to Cloud Peak Ranch, LLC.

**EXECUTIVE SUMMARY**

Cloud Peak Ranch, LLC is planning a 39.53 acre residential development called Mail Creek Crossing PLD/PD located just north of Bacon Elementary School on South Timberline Road. This development will require the construction of off-site stormwater outfall improvements on adjacent property to the north in order to connect with a stormwater pipe in Kechter Road. The alignment of these improvements will cross the northwest corner of a property owned by the City's Social Sustainability Department. The City's 16-acre property was purchased in 2006 as a Land Bank property and is currently leased as a residential/horse property. In order to facilitate the installation of the planned improvements, the developer has requested a 2,346 square foot non-exclusive drainage easement from the City in the northwest corner of the City property adjacent to Kechter Road.

**BACKGROUND / DISCUSSION**

Mail Creek Crossing PLD is a proposed residential development in the beginning stages of the County's planning review process. The development will be annexed into the City after county development approval. The development, consisting of 39.53 acres, is located just north of Bacon Elementary School and south of the Kechter Crossing development on Kechter Road.

To provide stormwater outfall for the development, the plans for Mail Creek Crossing PLD show a stormwater pipe extending north from the property, through the Kechter Crossing development via Tilden Street, and then connecting with a pipe in Kechter Road. The majority of the stormwater pipe will be within Tilden Street right-of-way; however, it will need to cross a portion of the City's property to connect to a line within Kechter Road.

The City property located at 2313 Kechter Road was purchased in 2006 as part the of the City's Land Bank program. The City Real Estate Services Department manages this 16-acre property as a residential rental property until the property is ready to be developed. The location of the proposed easement is located in the northwest corner of the property which is currently used by the City's tenant as horse pasture.

The stormwater pipe to be installed on the City property consists of a 15-inch diameter pipe as approved by City Utilities staff. This pipe has been sized to accommodate additional flows when the City property develops in the future. The timing of the stormwater pipe installation corresponds with the construction of the Kechter Crossing development. Since the majority of the alignment for Mail Creek Crossing's stormwater outfall will lie within Tilden Street, the developers for both developments have agreed to install the pipe prior to the construction of the road. This will avoid tearing up the newly constructed road improvements. After installation of the stormwater pipe is complete, the City's property will be restored and reseeded.

Affordable Housing staff has reviewed the easement request and believes that conveyance of the requested easement will not interfere with the City's intended use of the Property as part of the Land Bank program. The size of the pipe to be installed has also been designed to accommodate future flows from the City's property, thus avoiding the costs to upgrade the pipe when the City property develops in the future.

**FINANCIAL / ECONOMIC IMPACTS**

Real Estate Services reviewed appraisal information and sales comparable information for the City's property to prepare a value estimate for the requested easement. The estimated just compensation for the drainage easement and fee for staff time for processing the easement request is \$2,690.

**STAFF RECOMMENDATION**

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Staff recommends adoption of the Ordinance on First Reading.

**ATTACHMENTS**

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1. Location Map
2. Development and Easement Location Detail
3. Site Aerial and Photograph

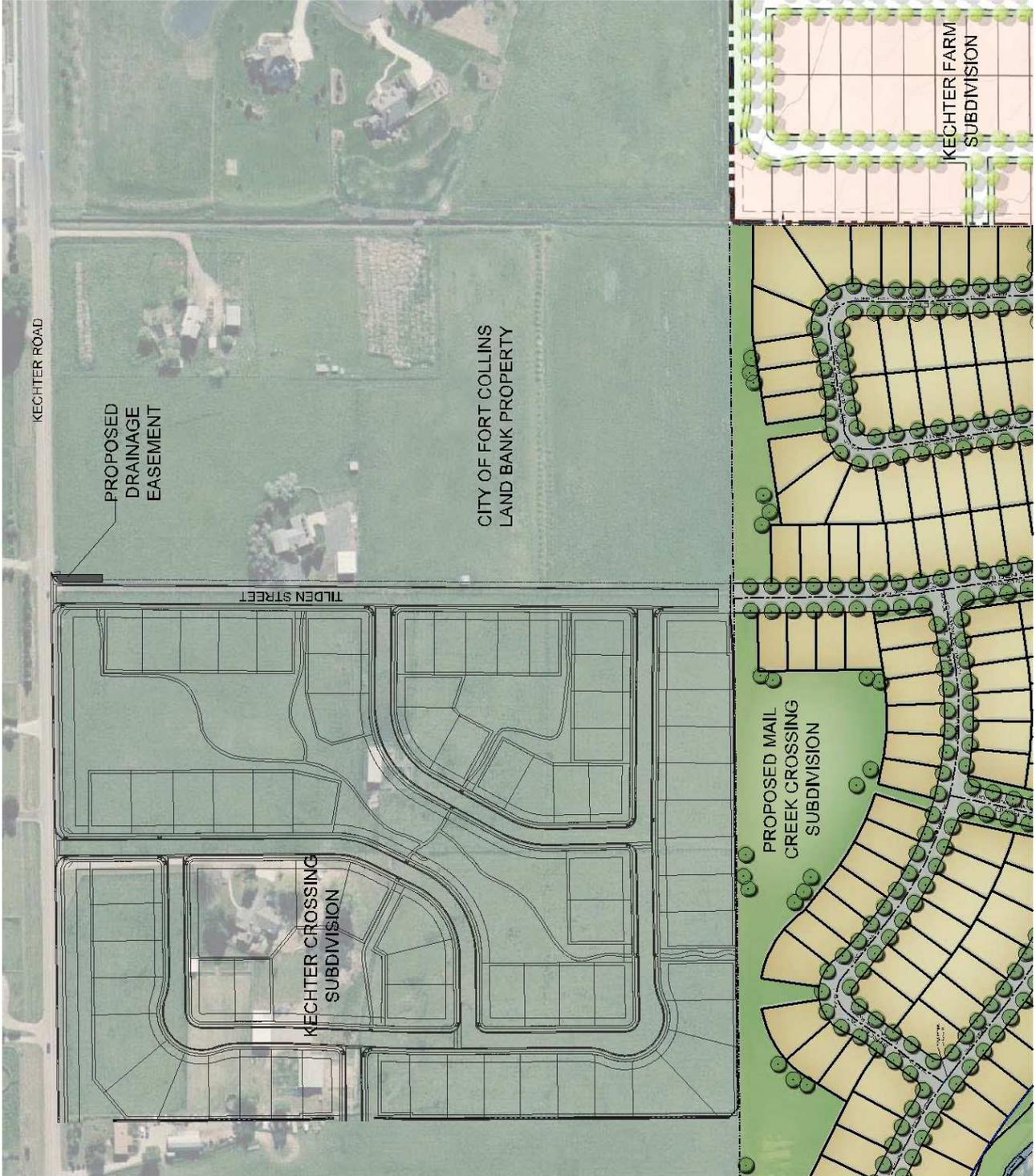
# Conveyance of Drainage Easement Location Map



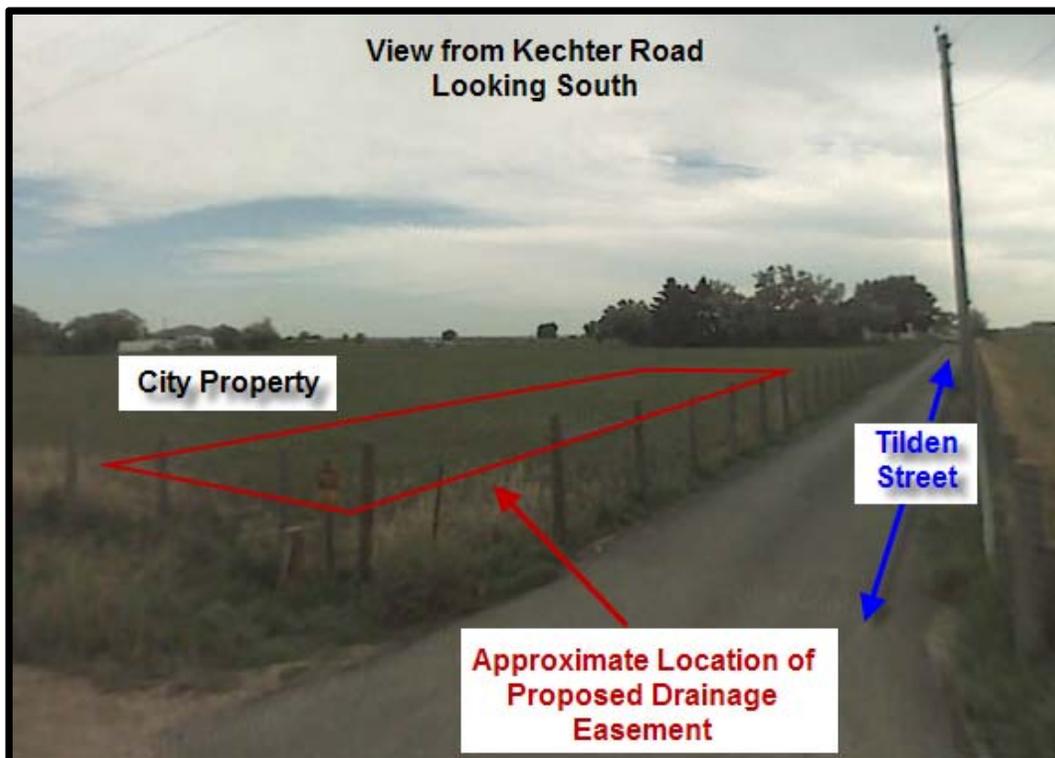
-  Drainage Easement Location
-  Tilden Street Location
-  City Property Boundary



**Attachment 2:  
Development and Easement Location Detail**



**Attachment 3  
Site Aerial and Photograph**



ORDINANCE NO. 128, 2012  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING THE CONVEYANCE OF A NON-EXCLUSIVE  
DRAINAGE EASEMENT ON CITY PROPERTY TO CLOUD PEAK RANCH, LLC

WHEREAS, the City is the owner of a parcel of real property located at 2313 Kechter Road in Fort Collins, Colorado, identified in the County records as parcel number 86080-00-913 (the “City Property”); and

WHEREAS, the City Property is approximately 16 acres in size and is managed by the City’s Real Estate Services Department as part of the Land Bank Program; and

WHEREAS, Cloud Peak Ranch, LLC (the “Developer”) is planning a 39.53 acre development south of the City Property called Mail Creek Crossing PLD/PD (the “Development”); and

WHEREAS, in order to provide stormwater drainage for the Development, the Developer is requesting a 2,346 square foot drainage easement across the City Property for the installation and maintenance of new stormwater drainage improvements (the “Improvements”); and

WHEREAS, the Improvements would be sized appropriately in order to sufficiently accommodate stormwater drainage flows from the Development as well as future flows from the City Property after it is developed; and

WHEREAS, the proposed easement would cross a portion of the northwest corner of the City Property as shown on Exhibit “A”, attached and incorporated herein by reference (the “Easement”); and

WHEREAS, the Developer has agreed to pay the City \$2,690 as compensation for the Easement and for City staff’s time to process this request; and

WHEREAS, City staff has not identified any negative impacts to the City Property resulting from the grant of the Easement and related work; and

WHEREAS, Section 23-111(a) of the City Code provides that the City Council is authorized to sell, convey, 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 other 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 finds that the conveyance of the Easement on the City Property to Cloud Peak Ranch, LLC as provided herein is in the best interests of the City.

Section 2. That the Mayor is hereby authorized to execute such documents as are necessary to convey the Easement to Cloud Peak Ranch, LLC 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 to effectuate the purpose of this Ordinance, including, but not limited to, any necessary changes to the legal description of the Easement, as long as such changes do not materially increase the size or change the character of the Easement.

Introduced, considered favorably on first reading, and ordered published this 6th day of November, A.D. 2012, and to be presented for final passage on the 20th day of November, A.D. 2012.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading on the 20th day of November, A.D. 2012.

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Mayor

ATTEST:

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City Clerk

## Exhibit "A"



**ADDRESS:**  
200 S. College Ave. Suite 10  
Fort Collins, CO 80524

**PHONE:** 970.221.4158

**FAX:** 970.221.4159

**WEBSITE:**  
[www.northernengineering.com](http://www.northernengineering.com)

### DESCRIPTION

A Drainage Easement located in the Northwest Quarter of Section 8, Township 6 North, Range 68 West of the Sixth Principal Meridian, County of Larimer, State of Colorado being more particularly described as follows:

Considering the North line of the Northwest Quarter of said Section 8 as bearing South 89°12'26" West with all bearings contained herein relative thereto:

**COMMENCING** at the North Quarter Corner of said Section 8; thence along the North line of the Northwest Quarter, South 89°12'26" West, 670.15 feet; thence, South 00°47'34" East, 30.00 feet to a point on the East right-of-way line as recorded at Reception No. 20080021947, said point also being the **POINT OF BEGINNING**; thence, North 89°12'53" East, 5.91 feet; thence, South 00°20'26" West, 127.74 feet; thence, North 89°40'16" West, 20.00 feet to said East right-of-way; thence along said East line the following 4 courses and distances: North 00°20'26" East, 102.60 feet; thence along a curve concave to the Southeast, having a central angle of 88°52'00" with a radius of 13.00 feet, an arc length of 20.16 feet, and the chord of which bears North 44°46'26" East, 18.20 feet; thence, North 89°12'26" East, 1.58 feet; thence, North 00°47'34" West, 12.00 feet to the **POINT OF BEGINNING**.

Contains 2,346 square feet more or less, and is subject to any rights of way or other easements of record or as now existing on said described parcel of land.

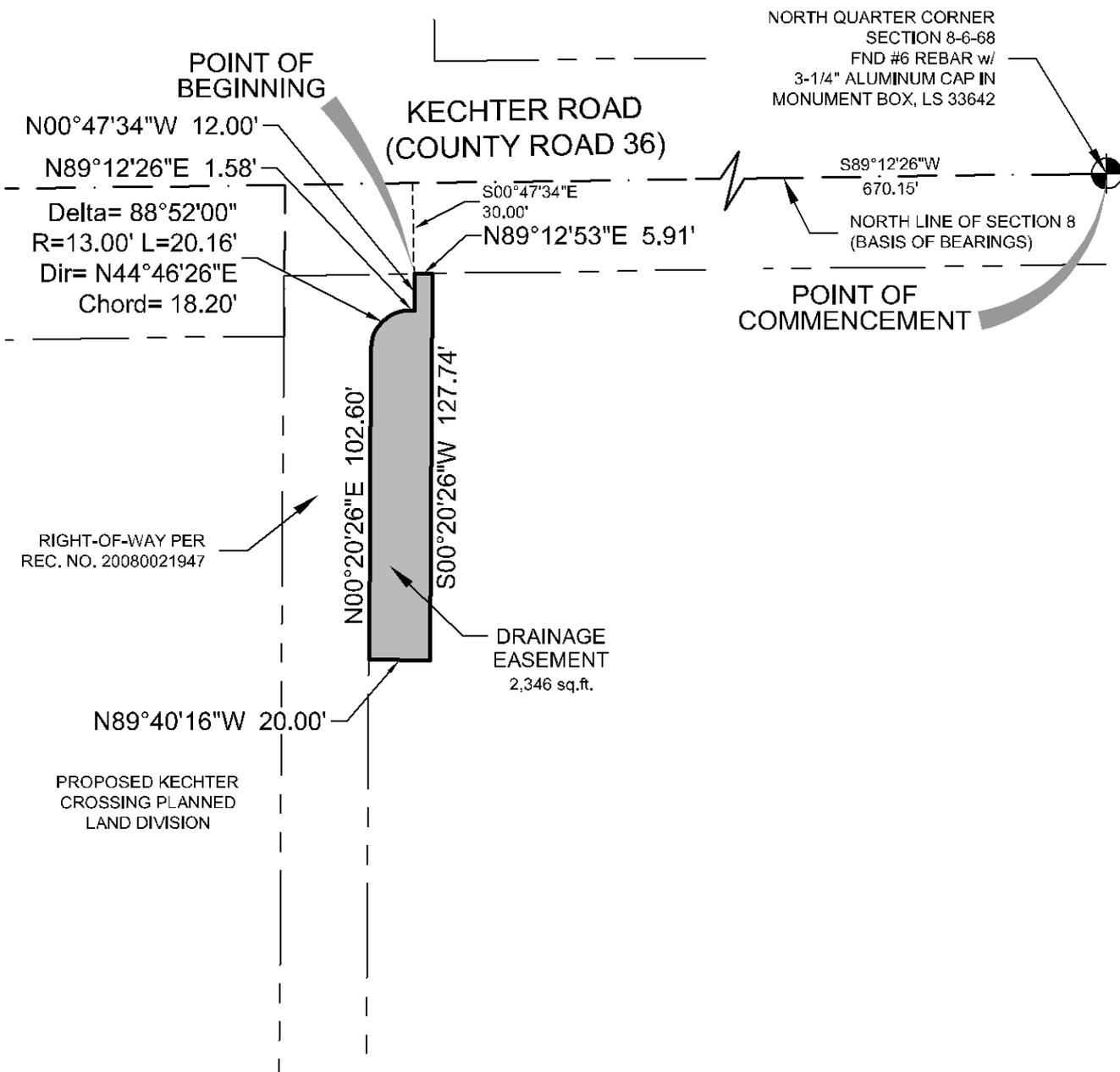
September 21, 2012

LMS

S:\Survey Jobs\379-017\Descriptions\379-017 Drainage Easement Description 9-21-12.doc

# EXHIBIT A

A DRAINAGE EASEMENT LOCATED IN THE NW  $\frac{1}{4}$  OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE 6th P.M., COUNTY OF LARIMER, STATE OF COLORADO



SCALE  
1" = 50'



**NORTHERN  
ENGINEERING**

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