

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

**AGENDA ITEM SUMMARY**  
FORT COLLINS CITY COUNCIL

**25**

## **SUBJECT**

Resolution 2012-101 Authorizing a Revocable Permit for Brinkman Construction, Inc. to Access City Property to Complete Mitigation Activities for the Construction of Tilden Street.

## **EXECUTIVE SUMMARY**

In 2008, Council adopted Ordinance No. 030, 2008, authorizing the dedication of a portion of City property located at 2313 Kechter Road as Tilden Street. The property located west of the City property has been planned as the Kechter Crossing development. Tilden Street is located along the property boundary between the two properties. The developer of Kechter Crossing, Brinkman Construction, Inc., plans to begin construction of its development soon, including work within the new right-of-way of Tilden Street. This work will require the relocation of a number of site improvements in the right-of-way areas that are owned by the City. City staff has asked the Developer to relocate and replace a number of these site improvements elsewhere on the City property. The revocable permit will allow the developer access to the City property to perform the requested mitigation activities.

## **BACKGROUND / DISCUSSION**

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 and will continue to do so until the property is ready to be developed in the future. Tilden Street runs along the west boundary of the property where the existing driveway is located. Site improvements located within the new right-of-way include fencing, a small shed, and gates.

City staff has met with the developer and the City's current tenant at the property to evaluate the new right-of-way alignment and the affected site improvements. The developer has prepared a Mitigation Plan outlining the items that were identified that need to be relocated and replaced. The developer will also be required to install new driveway improvements to connect to the new road.

As part of the terms of the revocable permit, the developer will be required to restore the City property after the work is completed, as well as, maintain access for the City's tenant at all times. All work occurring on the property will be coordinated with City staff and the City's tenant.

## **FINANCIAL / ECONOMIC IMPACTS**

All mitigation activities on the City property will be done at the developer's cost. No additional fees will be charged for the revocable permit given the work has been requested by the City for the benefit of the City and the City's tenant.

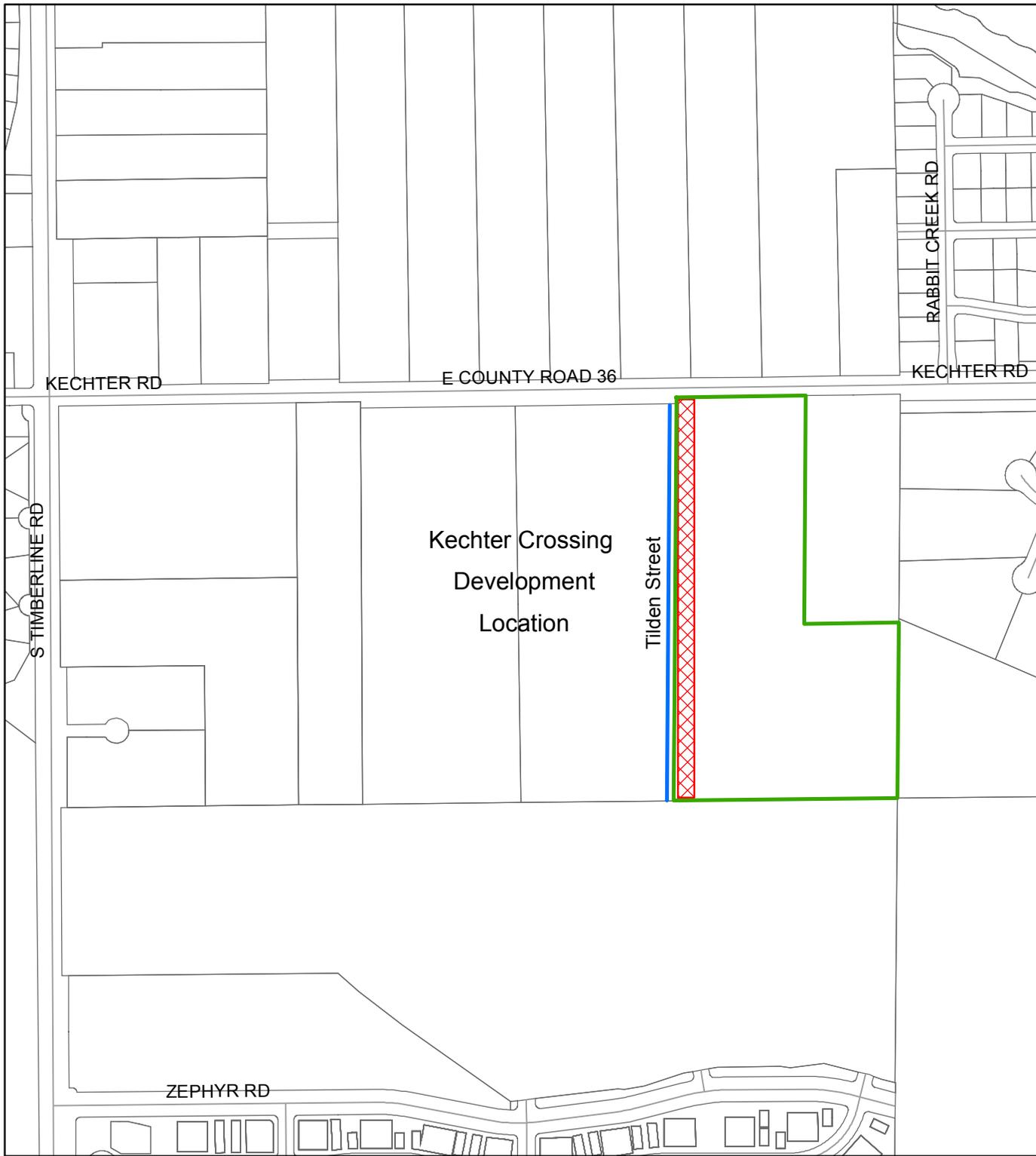
## **STAFF RECOMMENDATION**

Staff recommends adoption of the Resolution.

## **ATTACHMENTS**

1. Location Map
2. Mitigation Activities Summary

# Revocable Permit to Brinkman Construction Location Map



- Tilden Street Location
- City Property Boundary

⊠ Revocable Permit Area



**Attachment 2:**  
Mitigation Activities Summary

**Kechter Crossing Development  
Mitigation Activities on City Property at  
2313 Kechter Road**

- Driveway Connection - Provide new driveway connection for residence located on City Property. Driveway width shall be wide enough to accommodate large trucks and horse trailers used by City's tenant.
- Fence Relocation – Relocate all fences within Tilden Street right of way to a location 2 feet behind the right of way line. The existing fencing material may be reused provided that the materials are in good condition and any damage done to the fence during the relocation is repaired or replaced.
- Horse Pasture Alley Relocation – Relocate alley fencing in south pasture to provide pasture access as shown on Mitigation Plan.
- Temporary Fencing – Temporary fencing acceptable to the City shall be provided to keep the tenants horses safe and secure and out of the Permit Area during construction and establishment of the native grasses in the area disturbed.
- Shed Relocation – Relocate existing lean-to shed on south end of property. The existing shed material may be reused provided that the materials are in good condition. Should the materials not withstand relocation, the developer will provide a new replacement lean-to structure.
- Relocate gates and horse water trough as shown on Mitigation Plan.
- Construct new passage over existing ditch as shown on Mitigation Plan.
- Disturbed areas must be restored upon completion of all mitigation activities.

RESOLUTION 2012-101  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING A REVOCABLE PERMIT FOR BRINKMAN CONSTRUCTION, INC.  
TO ACCESS CITY PROPERTY TO COMPLETE MITIGATION ACTIVITIES FOR THE  
CONSTRUCTION OF TILDEN STREET

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, Brinkman Construction, Inc., (the "Developer") is constructing a development adjacent to the City Property known as Kechter Crossing (the "Development"); and

WHEREAS, on March 18, 2008, the City Council passed Ordinance 030, 2008 authorizing the dedication of a strip of property on the west boundary of the City Property as right-of-way for Tilden Street as part of the Development; and

WHEREAS, the Developer plans to construct improvements to Tilden Street as part of the Development; and

WHEREAS, as a condition of dedicating the right-of-way, City staff has asked the Developer to relocate and install elsewhere on the City Property a number of City-owned site improvements currently within the Tilden Street right-of-way as shown on Exhibit "A", attached and incorporated herein by reference (the "Mitigation Plan"); and

WHEREAS, the Developer has requested a revocable permit to access the City Property to complete the activities outlined on the Mitigation Plan; and

WHEREAS, the permit area would be in the location labeled "Permit Area" on Exhibit "A"; and

WHEREAS, it is in the City's best interest for the Developer to complete the requested activities; and

WHEREAS, Article XI, Section 10 of the City Charter authorizes the City Council to permit the use or occupancy of any street, alley, or public place, provided that such permit shall be revocable by the City Council at its pleasure, whether or not such right to revoke is expressly reserved in such permit.

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

Section 1. That the City Council hereby finds that the granting of a revocable permit, as described herein, is in the best interests of the City.

Section 2. That the City Manager is hereby authorized to execute such documents as are necessary to grant a revocable permit to Brinkman Construction, Inc., on terms and conditions consistent with this Resolution, together with such additional terms and conditions as the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to protect the interests of the City or to effectuate the purposes of this Resolution, including any necessary corrections to the description of the Permit Area, as long as such changes do not materially increase the size or change the character of the Permit Area.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 6th day of November A.D. 2012.

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Mayor

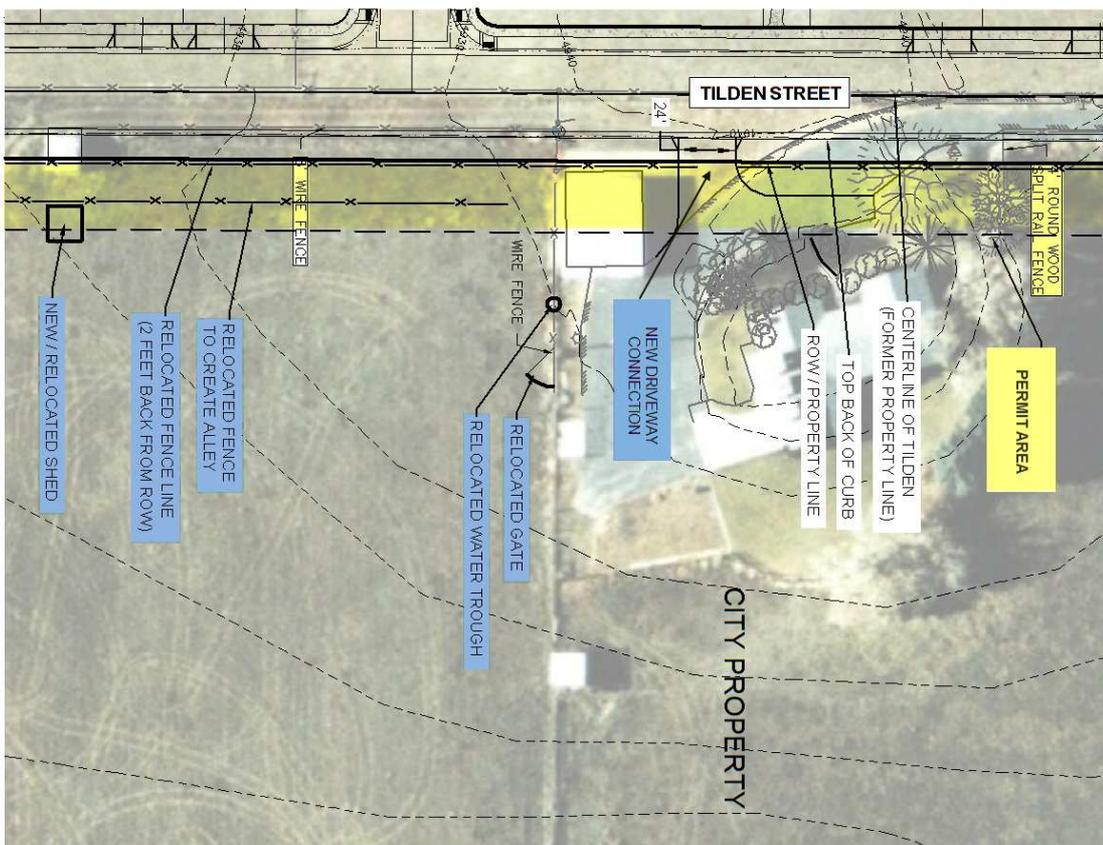
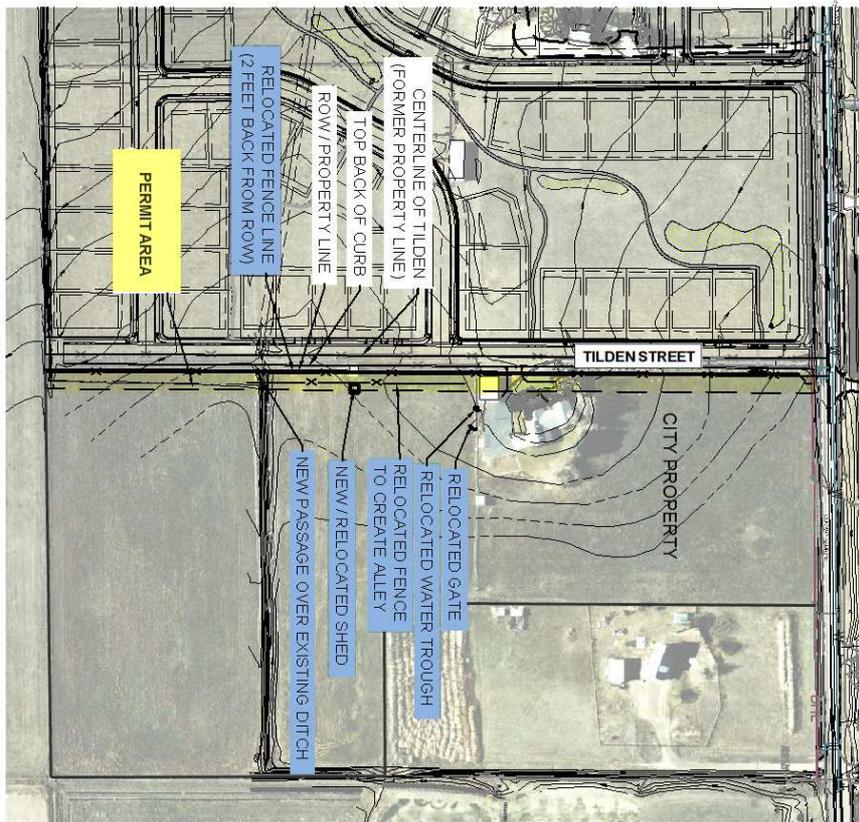
ATTEST:

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City Clerk

**Exhibit "A"**  
**Mitigation Activities Plan**

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<p>SCALE 1" = 50</p>	<p><b>KECHTER CROSSING</b> <b>ADJACENT PROPERTY</b> <b>EAST</b></p>	<p><b>JMS</b> JIM SELL DESIGN Landscape Architecture 1500 South Lincoln Fort Collins, CO 80521 970.226.5112 www.jmsdesign.com</p>
<p>JSD Proj # 24034 Date 2/16/2012 Drawn By RW</p>	<p>SHEET 1 OF 1</p>	