

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 20

DATE: December 2, 2003

STAFF: Mark Sears

SUBJECT

Resolution 2003-133 Authorizing the Acceptance of a Donation by Lon J. and Jolene K. Jacobs of a Conservation Easement on Property Located at 4550 Hidden Springs Road.

RECOMMENDATION

Staff recommends adoption of the Resolution.

FINANCIAL IMPACT

The value of the conservation easement will be determined by independent City approved appraisal of fair market value of the conservation easement. The cost of monitoring the easement will be \$200 annually.

EXECUTIVE SUMMARY

Lon J. and Jolene K. Jacobs have proposed to donate to the City Natural Areas program a conservation easement on a property 35 acres in size in the Hidden Springs Subdivision at 4550 Hidden Springs Road in Fort Collins. This conservation easement will allow a five acre or less building envelope for the existing 3,650 square foot residential home and 768 square foot pole barn. The conservation easement will require that the entire property outside of the building envelope remain natural, with no four wheel vehicles or grazing of any animals permitted.

The Jacobs Property is adjacent to and situated immediately southwest of the Cathy Fromme Prairie Natural Area. It is adjacent to and immediately north of the Larimer County Landfill. The Conservation easement will afford additional scenic views of the foothills of the Rocky Mountains.

Mr. and Mrs. Jacobs will provide to the City a current appraisal, Phase One Site Assessment, Title Commitment and Survey defining the building envelope. The Conservation easement will be donated to the City as a charitable contribution.

The acceptance of the donation is contingent upon receipt of an acceptable appraisal and a fully-executed Conservation Easement.

RESOLUTION 2003-133
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE ACCEPTANCE OF A DONATION BY
LON J. AND JOLENE K. JACOBS OF A
CONSERVATION EASEMENT ON PROPERTY LOCATED AT
4550 HIDDEN SPRINGS ROAD

WHEREAS, Lon J. and Jolene K. Jacobs are the owners of certain 35 acre parcel of real property in the Hidden Springs Subdivision in Larimer County, more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, the Property possesses scenic, open space, and natural values (collectively, "Conservation Values") of significance to the citizens of Fort Collins, the preservation of which is consistent with the goals and objectives of the City's Natural Areas Policy; and

WHEREAS, the Conservation Values of the Property include a view of the foothills of the Rocky Mountains from Taft Hill Road, aesthetic value as open space within the Fort Collins-Loveland Corridor, and a buffer of undeveloped land to help preserve the high wildlife value of the adjacent Cathy Fromme Prairie Natural Area; and

WHEREAS, the Jacobs intend that the Conservation Values of the Property be preserved and maintained by the preservation of the Property, other than a five acre building envelope, in its current or restored natural condition, in order that habitat for plant and wildlife species present now and in the future and the visual openness of the Property, will not be harmed or impaired; and

WHEREAS, the Jacobs further intend, as owner of the Property, to convey to the City the right to preserve and protect the Conservation Values of the Property in perpetuity in accordance with the provisions of Colorado Revised Statutes Section 38-30.5-101, et seq.; and

WHEREAS, the Jacobs and the City have negotiated a conservation easement agreement, on file in the Office of the City Clerk and dated November 28, 2003 (the "Conservation Easement") to serve the governmental, conservation and agricultural policies set forth in state and federal law; and

WHEREAS, the City is a "qualified conservation organization" and agrees by accepting this grant to preserve and protect in perpetuity the Conservation Values of the Property for the benefit of this generation and the generations to come; and

WHEREAS, the Jacobs are also granting to the City a right of first refusal to acquire fee title to the Property, for a period of twenty (20) years from the date hereof.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the Mayor is hereby authorized to accept the donation of the Conservation Easement, contingent upon receipt of an acceptable appraisal.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins held this 2nd day of December, A. D. 2003.

Mayor

ATTEST:

Chief Deputy City Clerk