

# **AGENDA ITEM SUMMARY**

## **FORT COLLINS CITY COUNCIL**

**ITEM NUMBER: 9**

**DATE: April 17, 2007**

**STAFF: Lindsay Kuntz**

### **SUBJECT**

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Second Reading of Ordinance No. 048, 2007, Authorizing the Conveyance of a Perpetual Easement for a Sanitary Sewer Line and Temporary Construction Easement for the Registry Ridge, 5th Filing PDP Project.

### **RECOMMENDATION**

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Staff recommends adoption of the Ordinance on Second Reading.

### **EXECUTIVE SUMMARY**

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The City owns a tract of land in the Registry Ridge development that was dedicated as a future park site. The developer of Registry Ridge, 5th Filing PDP, Lennar Colorado, LLC, wishes to acquire an 8,850 square foot easement for a sanitary sewer line and a 10,256 square foot temporary construction easement through the future park site for the benefit of the development. The City will be able to use this same line for the restroom planned for construction in the park at a future date. This Ordinance, unanimously adopted on First Reading on March 20, 2007, authorizes the conveyance of these easements.

### **ATTACHMENTS**

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1. Copy of First Reading Agenda Item Summary - March 20, 2007.

## AGENDA ITEM SUMMARY

### FORT COLLINS CITY COUNCIL

ITEM NUMBER: 17

DATE: March 20, 2007

STAFF: Lindsay Kuntz

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#### SUBJECT

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First Reading of Ordinance No. 048, 2007, Authorizing the Conveyance of a Perpetual Easement for a Sanitary Sewer Line and Temporary Construction Easement for the Registry Ridge, 5th Filing PDP Project.

#### RECOMMENDATION

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Staff recommends adoption of the Ordinance on First Reading.

#### FINANCIAL IMPACT

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There is no financial impact. By granting this easement, the City will save future construction costs since the distance to hook up to the sanitary sewer line will be reduced and the need to cut into and repair the street will be eliminated.

#### EXECUTIVE SUMMARY

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The developer of Registry Ridge, 5th Filing PDP, Lennar Colorado, LLC wishes to acquire an 8,850 square foot easement for a sanitary sewer line and a 10,256 square foot temporary construction easement through a future City park site for the benefit of the development.

#### BACKGROUND

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The City owns a tract of land in the Registry Ridge development that was dedicated as a future park site. The developer of Registry Ridge, 5th Filing PDP, Lennar Colorado, LLC wishes to acquire an 8,850 square foot easement for a sanitary sewer line and 10,256 square foot temporary construction easement through the future park site for the benefit of the development. The City will be able to use this same line for the restroom planned for construction in the park at a future date. By granting this easement, the City will save construction costs since the distance to hook up to the sanitary sewer line will be reduced and the need to cut into and repair the street will be eliminated.

The City Parks and Recreation department has reviewed and approved the plans for the proposed easement areas.

ORDINANCE NO. 048, 2007  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING THE CONVEYANCE OF A PERPETUAL EASEMENT  
FOR A SANITARY SEWER LINE AND TEMPORARY  
CONSTRUCTION EASEMENT FOR THE REGISTRY RIDGE,  
5TH FILING PDP DEVELOPMENT PROJECT

WHEREAS, the City is the owner of the property described as Tract A, Registry Ridge, 5th Filing PDP Development, which was dedicated to the City as a future park site (the "Property"); and

WHEREAS, Lennar Colorado, LLC, a Colorado limited liability company (the "Developer") is developing the Registry Ridge, 5th Filing PDP Development (the "Project") east of the Property; and

WHEREAS, in order to provide a sanitary sewer line for the Project, the Developer wishes to acquire a perpetual utility easement on and across the Property, as described in Exhibit "A", attached hereto; and

WHEREAS, in order to construct and provide proper grading for the easement, the Developer wishes to also acquire a temporary construction easement on the Property, as described in Exhibit "B", attached hereto; and

WHEREAS, the proposed utility easement will also benefit the City by providing a sewer line necessary for a restroom to be constructed on the Property in the future, and

WHEREAS, based on a review of this request by staff, it has been determined that granting the easements requested by the Developer will not have any adverse effects on the Property; and

WHEREAS, Section 23-111 of the City Code provides that the City Council is authorized to sell, convey, or otherwise dispose of real property owned by the City, provided the Council first finds by ordinance that any sale or other disposition of real property owned by the City is in the best interest of the City of Fort Collins.

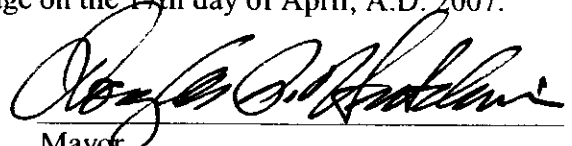
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the conveyance of the Utility Easement and the Temporary Construction Easement on the Property, consistent with the terms of this Ordinance, will benefit the City's citizens and is in the best interest of the City of Fort Collins.

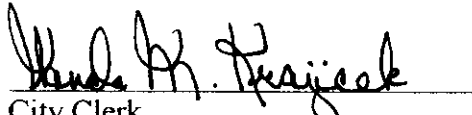
Section 2. That the Mayor is hereby authorized to execute such documents of conveyance as are necessary to convey the easements to Lennar Colorado, LLC, a Colorado limited liability company, upon the terms and conditions described above, along with such other

terms and conditions as the City Manager, in consultation with the City Attorney, determines to be necessary to protect the interests of the City.

Introduced, considered favorably on first reading, and ordered published this 20th day of March, A.D. 2007, and to be presented for final passage on the 17th day of April, A.D. 2007.

  
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Mayor

ATTEST:

  
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City Clerk

Passed and adopted on final reading on the 17th day of April, A.D. 2007.

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Mayor

ATTEST:

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City Clerk