

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 12

DATE: April 15, 2003

FROM: Rick Bachand
Kimball Crangle-Krizman

SUBJECT:

Second Reading of Ordinance No. 056, 2003, Authorizing a Temporary Construction Easement for Construction of a Waterline Across a Portion of Reservoir Ridge Natural Area by the Northern Colorado Water Conservancy District.

RECOMMENDATION:

Staff recommends adoption of the Ordinance on Second Reading.

EXECUTIVE SUMMARY:

NCWCD requested a temporary construction easement (0.95 acres) from the Natural Areas Program for a portion of Reservoir Ridge (Udall addition) located at Michaud Lane. The request is for a construction easement to be used for the purposes of installing a waterline along a permanent easement that was previously granted to NCWCD prior to the City's ownership of the property. NCWCD is already working in the area of the previously granted permanent easement, and will begin work in the temporary construction easement area as soon as permitted hereunder. The term of the temporary construction easement expires upon completion of the work under the temporary easement, but not later than two years after the effective date of that easement. Ordinance No. 056, 2003, was unanimously adopted on First Reading on April 1, 2003, and authorizes a Temporary Construction Easement for the construction of a waterline across a portion of Reservoir Ridge Natural Area by the Northern Colorado Water Conservancy District.

mallard nesting. It is unlikely that coyote or badger would come in and den. If it sits very long, red fox could.

- ? Bachand: The gravel ponds offer little quality habitat. If we miss one season, any chance to make improvements could provide better habitat next season.
- ? Fischer: When does this go to Council?
- ? Sears: February 18 or March 4.

Linda Knowlton made a motion to support the staff recommendation regarding the Kehn Lease at Arapaho Bend. Arvind Panjabi seconded the motion. The motion passed unanimously (6-0).

- ? Fischer: It would help to have staff write a couple paragraphs regarding the recommendation for me to sign.
- ? Pawar: We will do it, but not to set a precedent.



Pleasant Valley Waterline through NCWCD

- ? Sears: The property, located on the south edge of Claymore Lake, was donated by Udall. There was an existing temporary easement across the southeastern corner of the property for access across the bridge at the Pleasant Valley Canal. The project was delayed and the temporary conservation easement expired. The NCWCD is requesting a temporary conservation easement from the City as new property owners.
- ? Rodriguez: The Natural Areas Committee reviewed this at the last meeting and are in agreement with approving it.
- ? Jim Struble, NCWCD Right-of-Way Agent: This project will attach pipeline from Soldier Canyon Dam to the North Poudre Supply Canal. The District is anticipating giving the notice to proceed to the contractor one week from Friday. We anticipate going through this land by late summer, early fall. A biological assessment has been prepared and reviewed by the City. We are asking for a two year extension to give us time to get the project going and make sure everything is going okay in case additional work is needed. We would pay \$2,700 in return for a two year temporary construction easement.
- ? Fischer: We are trying to get an idea of potential damages.
- ? Bachand: The site is not a big area. Both the temporary and permanent easements impact less than two acres. It is close to the foothills, some native vegetation and a lot of cheat grass. It is not a prime piece. There are no concerns about impact to wildlife. Once the site is restored, it should be okay.
- ? Rodriguez: The south facing slope and revegetation in drought conditions might be challenging.
- ? Robert Trout, NCWCD Attorney: The City has the right to inspect and accept revegetation.
- ? Fischer: Is there any other way to do this without an easement on the property? Have you looked at alternatives?
- ? Sears: Karen Mancini looked at the entire alignment two years ago and determined it was as good as it is going to get. There are very limited options for this size and type of pipeline.

- ? Fischer: I have concerns with nesting on Claymore Lake and winter raptor use.
- ? Jeff Drager, NCWCD Project Manager: The contractor anticipates starting in the middle of the pipe line, with one crew going north and the other going south. There are constraints related to wildlife with the biological assessment limiting when certain sections can be built

Linda Knowlton made a motion to approve the Pleasant Valley Pipeline temporary conservation easement. Don Rodriguez seconded the motion. The motion passed unanimously (6-0).

Fischer: We need to get a recommendation to Council.

Pawar: Staff will write the memo.

Update of the Natural Areas/Open Lands Extension

- ? Pawar: We were looking at an 8-12 month timeline for updating the Natural Areas Policy Plan (NAPP). We have now modified the timeline in order to allow more timely land acquisitions. The NAPP is written where only Chapter 5 needs Council and Board approval. The rest of the chapters are supporting data for the policy. Staff is working with legal and the process detailed is to bring the initial presentation to the NRAB on February 19. Staff will recommend to Council the establishment of a new board dedicated to open lands.
- ? Rodriguez: What process will you use to fine tune land conservation areas of focus?
- ? Pawar: We have considered reforming the task force and talk about prioritization from a land opportunity perspective. We would like to commit to Council that the area around Fort Collins would be Priority Area 1, based on willing sellers. There are more opportunities in Priority Areas 2 and 3 but that would not prevent us from pursuing them.
- ? Rodriguez: We should present opportunities to partner and leverage funds to get more bang for the buck.
- ? Pawar: We will not compromise the partnering ability. The County has significant opportunities and we will partner with them and share the financial burden. Our single-minded goal is to go out and buy land.
- ? Fischer: I am glad there will be a separate board.
- ? Pawar: Staff feels it's an opportune time to go forward with this now. The biggest affected interests are the Air Quality Advisory Board members. There is significant overlap between board agendas, actions are similar and staff recommends a dedicated open lands board and a merger of the Air Quality and Natural Resources Boards. There are five NRAB members and one AQAB member interested in joining the new open lands board. Nobody will be asked to step down from their board appointment. We anticipate about 12 members on the combined board.
- ? Ryder: Do you need a Council decision?
- ? Pawar: Yes. We will not go forward with the recommendation unless there is support from the NRAB and AQAB.
- ? Murphy: I hope there is an opportunity for both boards to sit together and talk about it.

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 18 A-B

DATE: April 1, 2003

STAFF: Rick Bachand
Kimball Crangle-Krizman

SUBJECT:

Items Relating to Construction of the Pleasant Valley Pipeline Across a Portion of Reservoir Ridge Natural Area by the Northern Colorado Water Conservancy District.

RECOMMENDATION:

Staff recommends adoption of the Resolution and of the Ordinance on First Reading. The Natural Resources Advisory Board reviewed the plans at its February 5, 2003, meeting and recommended approval of the Ordinance.

FINANCIAL IMPACT:

Northern Colorado Water Conservancy District (NCWCD) will be responsible for all costs associated with the waterline installation, maintenance, and initial revegetation and restoration of disturbed areas in the Natural Area. NCWCD has agreed to pay a total of \$2,700 for the temporary construction easement and a \$4,800 fee for vegetation stewardship (reseeding, weed control, and other management activities) after the initial revegetation and restoration of the site. The total reimbursement to the City is \$7,500.

EXECUTIVE SUMMARY:

- A. Resolution 2003-045 Authorizing a Revocable Permit over a Portion of Reservoir Ridge Natural Area for Construction of Pleasant Valley Pipeline by the Northern Colorado Water Conservancy District.
- B. First Reading of Ordinance No. 056, 2003, Authorizing a Temporary Construction Easement for Construction of a Waterline Across a Portion of Reservoir Ridge Natural Area by the Northern Colorado Water Conservancy District.

NCWCD requested a temporary construction easement (0.95 acres) from the Natural Areas Program for a portion of Reservoir Ridge (Udall addition) located at Michaud Lane. The request is for a construction easement to be used for the purposes of installing a waterline along a permanent easement that was previously granted to NCWCD prior to the City's ownership of the property. NCWCD is already working in the area of the previously granted permanent easement, and will begin work in the temporary construction easement area as soon as permitted hereunder. The term of the temporary construction easement expires upon completion of the work under the temporary easement, but not later than two years after the effective date of that easement.

DATE: April 1, 2003

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ITEM NUMBER: 18 A-B

In the easement agreement, Natural Resources has defined specific resource protection standards that NCWCD must meet in order to minimize the long-term impacts to the Natural Area. In addition, NCWCD agreed to complete the initial revegetation and restoration of the site. NCWCD will also reimburse the City \$2,400/acre for long term vegetation management of the site, including the area of the Permanent Easement. In this way, the City's Natural Area Program will control the future management of the site while reducing the administrative costs of monitoring activities by outside entities on the Natural Area.

As a result of the construction schedule for NCWCD on the Natural Area, NCWCD has requested that the City expedite to the extent possible the completion of the process for allowing its work to proceed in the temporary construction easement area. The Ordinance authorizing the Temporary Construction Easement will not be effective until April 25. Therefore, staff has also prepared a Revocable Permit for Temporary Construction Activities that allows NCWCD to proceed on a revocable basis to carry out work in the temporary construction easement. The Resolution authorizes the Mayor to sign the Revocable Permit after the April 1 City Council meeting to allow NCWCD activities to begin in the temporary construction easement area. All of the resource protection and other requirements of the Temporary Construction Easement have been included in the Revocable Permit, and the Revocable Permit will expire upon the sooner of the end of April, or the signing of the Temporary Construction Easement.

COPY

COPY

ORDINANCE NO. 056, 2003
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING A TEMPORARY CONSTRUCTION EASEMENT
FOR CONSTRUCTION OF A WATERLINE ACROSS A PORTION OF
RESERVOIR RIDGE NATURAL AREA
BY THE NORTHERN COLORADO WATER CONSERVANCY DISTRICT

WHEREAS, the City of Fort Collins is the owner of the property located west of Michaud Lane known as the Reservoir Ridge Natural Area (the "Natural Area"); and

WHEREAS, the Northern Colorado Water Conservancy District ("NCWCD") is in the process of constructing the Pleasant Valley Pipeline, a 67-inch diameter pipeline across the east end of the Natural Area that will be located in a permanent easement granted to NCWCD by the prior owner of the Natural Area; and

WHEREAS because the temporary construction easement originally acquired by NCWCD along with the permanent easement expired before construction could begin, NCWCD has requested that the City grant a new temporary construction easement (the "TCE") across two areas, as described on Exhibit "A" and Exhibit "B", attached hereto and incorporated herein by this reference (together referred to as the "Easement Area"); and

WHEREAS, in exchange for the grant of the TCE, NCWCD has agreed to pay to the City the sum of \$2,700 as compensation for the use of the City's property, together with the amount of \$4,800 vegetation stewardship by the City; and

WHEREAS, City staff has negotiated with NCWCD an easement agreement entitled Pleasant Valley Pipeline Construction Easement on Reservoir Ridge Natural Area and dated March 28, 2003 (the "Easement Agreement"), which Easement Agreement is on file in the office of the City Clerk and is available for public review; and

WHEREAS, the Easement Agreement includes specific resource protection and restoration requirements that are intended to result in an improved condition of the Easement Area and protection of existing resources on the Easement Area, including revegetation of disturbed areas; and

WHEREAS, the Natural Resources Advisory Board considered the proposed grant of the TCE to NCWCD, and the terms of the Easement Agreement, at its regular meeting on February 5, 2003, and voted to recommend that the City Council authorize the grant of the TCE; and

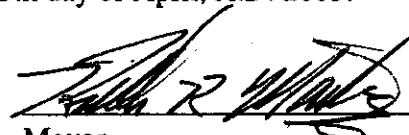
WHEREAS, Section 23-111 of the City Code provides that the City Council is authorized to sell, convey or otherwise dispose of an interest in real property owned by the City, provided the Council first finds by ordinance that any sale or disposition of that real property interest will be for the benefit of the City's citizens, and will be in the best interests of the City.

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

Section 1. That the Council hereby finds that the grant of the TCE as described herein, subject to the terms and conditions in the Easement Agreement, is in the best interests of the City of Fort Collins.

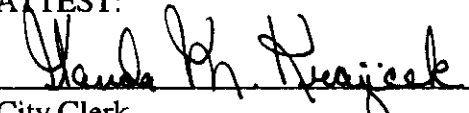
Section 2. That the Mayor is hereby authorized to execute the Easement Agreement, together with such additional terms and conditions as the City Manager, in consultation with the City Attorney, determines to be necessary or appropriate to carry out the terms of this Ordinance and protect the interests of the City.

Introduced, considered favorably on first reading, and ordered published this 1st day of April, A.D. 2003, and to be presented for final passage on the 15th day of April, A.D. 2003.



Mayor

ATTEST:



City Clerk

Passed and adopted on final reading this 15th day of April, A.D. 2003.

Mayor

ATTEST:

City Clerk