

# AGENDA ITEM SUMMARY

## FORT COLLINS CITY COUNCIL

**ITEM NUMBER:** 13 A-B

**DATE:** April 15, 2003

**FROM:** Rick Bachand  
Kimball Crangle-Krizman

### SUBJECT:

Items Relating to Riverbend Ponds Natural Area.

### RECOMMENDATION:

Staff recommend adoption of the Ordinances on Second Reading.

### EXECUTIVE SUMMARY:

- A. Second Reading of Ordinance No. 057, 2003, Authorizing Easements Across a Portion of Riverbend Ponds Natural Area for Construction and Operation of an 8-Inch Waterline.
- B. Second Reading of Ordinance No. 058, 2003, Authorizing Easements Across a Portion of Riverbend Ponds Natural Area for Construction and Operation of an 18-Inch Storm Sewerline.

The subject property is located on the east side of Timberline Road along Countryside Drive on Riverbend Ponds Natural Area. The easement areas are currently poorly vegetated and offer little beneficial habitat. Alternative easement areas were explored but not viable. Ordinance No. 057 and Ordinance No. 058, 2003, were both unanimously adopted on First Reading on April 1, 2003, authorizing easements across a portion of the Riverbend Ponds Natural Area.

For OS5, the Board recommended this alternative wording: The Poudre River Corridor, as a natural environmental system, becomes the centerpiece for environmental protection and open space.

On DRP5, according to Randy Fischer, the CAC was unanimous until it came to inclusion of the entire Fossil Creek CPA. The final vote was 12 to 5 to recommend inclusion of just the area bounded by Carpenter Road and Hwy 392. Kelly Ohlson felt there was no reason to include the CSU Foothills Campus.

In DRP7, there was much discussion of the unspecified nature of the criteria to be used to evaluate changes in the GMA boundary. Mr. Waido explained that the criteria will be developed in Phase II of the update process. The Board decided to attach the paragraph it had sent to Council in January as reference on its position that any modification of the GMA boundary should be for specific and limited reasons.

For DRP9, Mr. Waido explained that currently, a CPA is an intergovernmental agreement that exists for the purpose of preserving the opportunity for future urban growth and annexation, the definition favored by Larimer County. This characteristic calls for redefinition of the CPA for other purposes or development of a new tool to achieve different ends. Either option will require the cooperation of the County.

Randy Fischer will draft the Board's input, e-mail it to Board members for approval, and get it to Ken Waido in time for inclusion in the packet for City Council's March 18 meeting.

Riverbend Ponds Utility Easement -- presented by Mark Sears.

Don Rodriguez reported that the Natural Areas committee had reviewed the proposed easement twice and recommended the requesting party look at alternative routes. As a result, the request was scaled back to 100 feet from 300 feet. The committee felt that, given the nature of the area affected, the easement could result in some rehabilitation along the border of the natural area, and recommended approving it. Linda Knowlton passed out a map of the area in question.

Rick Bachand's time will be charged to the proposer, based on a log of the time he's spent on the project.

**Linda Knowlton moved to approve the Riverbend Ponds Utility Easement; Kelly Ohlson seconded. The motion passed unanimously.**

The recommendation will appear on City Council's summary agenda.

Natural Resource Buffers -- presented by Michelle Pawar and Greg Byrne.

The Land Use Code standards for natural area buffers were last reviewed five years ago. Is there a need to strengthen, change or modify them? The purpose of the buffers is to protect the existing resource as well as create new habitat whenever possible. Staff has been struggling with buffer

Mar. 25 2003 10:51AM P3

PHONE NO. : 970 224 6177

FROM : NATURAL RESOURCES

# AGENDA ITEM SUMMARY

## FORT COLLINS CITY COUNCIL

**ITEM NUMBER:** 19 A-B

**DATE:** April 1, 2003

**STAFF:** Rick Bachand  
Kimball Crangle-Krizman

### SUBJECT:

Items Relating to Riverbend Ponds Natural Area.

### RECOMMENDATION:

Staff recommend adoption of the Ordinances on First Reading. The Natural Resources Advisory Board reviewed the plans during its regular March 5, 2003, meeting and recommends to Council that the easements be authorized.

### FINANCIAL IMPACT:

The City will receive a total of \$3,300 for the easements and associated fees as follows:

Permanent Waterline Easement	\$ 100
Temporary Waterline Construction Easement	\$ 100
Permanent Storm Sewerline Easement	\$ 100
Temporary Storm Sewerline Construction Easement	\$ 100
Vegetation Management	\$2,450
Administrative Cost/Reimbursement	\$ 450
Sub-total Compensation	\$3,300

### EXECUTIVE SUMMARY:

- A. First Reading of Ordinance No. 057, 2003, Authorizing Easements Across a Portion of Riverbend Ponds Natural Area for Construction and Operation of an 8-Inch Waterline
- B. First Reading of Ordinance No. 058, 2003, Authorizing Easements Across a Portion of Riverbend Ponds Natural Area for Construction and Operation of an 18-Inch Storm Sewerline.

The subject property is located on the east side of Timberline Road along Countryside Drive on Riverbend Ponds Natural Area. Four separate easements are being requested:

1. Temporary Construction Easement of an area approximately 2,926 square feet for the installation of an 8" waterline along the north property line of Riverbend Ponds Natural Area.
2. A Permanent Easement of an area approximately 2,499 square feet for the operation and maintenance of the 8" waterline by East Larimer County Water District (ELCO).

DATE: April 1, 2003

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3. Temporary Construction Easement of an area approximately 2,340 square feet for installation and maintenance of an 18" storm sewerline from the proposed detention/water quality pond located on the Riverbend Condominiums property with discharge into an existing gravel pond on Riverbend Ponds Natural Area. The storm sewerline will be installed by Hooraz, Inc., developer of Riverbend Condominiums and owned and maintained by the homeowners association of the Riverbend Condominiums.
4. A Permanent Easement of an area approximately 1,525 square feet for the operation and maintenance of an 18" storm sewerline from the proposed detention/water quality pond located on the Riverbend Condominium property with discharge into an existing gravel pond on Riverbend Ponds Natural Area.

The proposed easement areas are currently poorly vegetated and offer little beneficial habitat. Alternative easement areas were explored but not viable.

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COPY

ORDINANCE NO. 057, 2003  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING EASEMENTS ACROSS A PORTION OF  
RIVERBEND PONDS NATURAL AREA  
FOR CONSTRUCTION AND OPERATION OF AN 8-INCH WATERLINE

WHEREAS, the City of Fort Collins is the owner of certain real property located south of Mulberry Street and generally east of Timberline Road known as the Riverbend Ponds Natural Area (the "Site"); and

WHEREAS, Hooraz, Inc. ("Hooraz"), is the developer of Riverbend Condominiums, a condominium development of eight units adjacent to the Site that is currently pending final approval from the City of Fort Collins (the "Development"); and

WHEREAS, Hooraz has requested that the City grant a temporary construction easement to Hooraz for the installation of an 8-inch waterline across the north end of the Site (the "Improvements") and a permanent easement to East Larimer County Water District ("ELCO") for the long term maintenance of the Improvements, in order to satisfy development requirements for the Development; and

WHEREAS, City staff has negotiated with Hooraz a nonexclusive temporary easement for the installation of the Improvements on the area described on attached Exhibit "A," attached hereto and incorporated herein by this reference (the "Temporary Easement Area"), for the sum of \$100; and

WHEREAS, City staff has negotiated with ELCO a nonexclusive permanent easement for the operation and maintenance of the Improvements on and under the area described on Exhibit "B," attached hereto and incorporated herein by this reference (the "Permanent Easement Area"), for the sum of \$100; and

WHEREAS, City staff has negotiated a temporary easement agreement and a permanent easement agreement to document the terms and conditions of the easements, both dated March 28, 2003 (the "Easement Agreements"), which agreements are on file in the office of the City Clerk and available for public review; and

WHEREAS, the Easement Agreements include specific resource protection and restoration requirements that are intended to result in an improved condition of the Temporary Easement Area and the Permanent Easement Area, and to advance the protection of existing resources on the Site, including revegetation of disturbed areas; and

WHEREAS, Hooraz has agreed to pay the City a total of \$2,450 for vegetation management to be carried out by the City on the areas revegetated pursuant to the temporary construction easement for the Improvements, together with the areas revegetated pursuant to the Temporary Construction Easement for the storm sewerline to be granted to Hooraz upon the adoption of Ordinance No. 058, 2003, of even date herewith; and

WHEREAS, Hooraz has also agreed to reimburse the City for the costs of processing these and the other easements requested from the City for the Development, in the amount of \$450; and

WHEREAS, the Natural Resources Advisory Board considered the proposed Improvements and the temporary construction easement and permanent easement at its regular meeting on March 5, 2003, and voted to recommend that the City Council authorize those easements; and


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

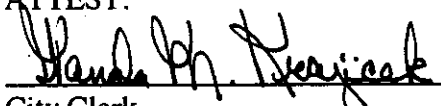
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the Council hereby finds that the grant of the temporary construction easement on the permanent easement area and the permanent easement on and under the Permanent Easement Area, as described herein and subject to the terms and conditions of the Easement Agreements, is in the best interests for the City of Fort Collins.

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

Introduced and 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.

  
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Mayor

ATTEST:  
  
\_\_\_\_\_  
City Clerk

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

\_\_\_\_\_  
Mayor

ATTEST:  
\_\_\_\_\_  
City Clerk

ORDINANCE NO. 058, 2003  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING EASEMENTS ACROSS A PORTION OF  
RIVERBEND PONDS NATURAL AREA  
FOR CONSTRUCTION AND OPERATION OF AN 18-INCH STORM SEWERLINE

WHEREAS, the City of Fort Collins is the owner of certain real property located south of Mulberry Street and generally East of Timberline Road known as the Riverbend Ponds Natural Area (the "Site"); and

WHEREAS, Hooraz, Inc. ("Hooraz"), is the developer of Riverbend Condominiums, a condominium development of eight units adjacent to the Site that is currently pending final approval from the City of Fort Collins (the "Development"); and

WHEREAS, Hooraz has requested that the City grant a temporary construction easement for the installation of, and a permanent easement for the long term maintenance of, an 18-inch storm sewerline across the north end of the Site (the "Improvements"), in order to satisfy development requirements for the Development; and

WHEREAS, City staff has negotiated with Hooraz a nonexclusive temporary easement for the installation of the Improvements on the area described on attached Exhibit "A," attached hereto and incorporated herein by this reference (the "Temporary Easement Area"), for the sum of \$100; and

WHEREAS, City staff has negotiated with Hooraz a nonexclusive permanent easement for the operation and maintenance of the Improvements on and under the area described on Exhibit "B," attached hereto and incorporated herein by this reference (the "Permanent Easement Area"), for the sum of \$100; and

WHEREAS, City staff has negotiated a temporary easement agreement and a permanent easement agreement to document the terms and conditions of the easements, both dated March 28, 2003 (the "Easement Agreements"), which agreements are on file in the office of the City Clerk and available for public review; and

WHEREAS, the Easement Agreements include specific resource protection and restoration requirements that are intended to result in an improved condition of the Temporary Easement Area and the Permanent Easement Area, and to advance the protection of existing resources on the Site, including revegetation of disturbed areas; and

WHEREAS, Hooraz has agreed to pay the City a total of \$2,450 for vegetation management to be carried out by the City on the areas revegetated pursuant to the temporary construction easement for the Improvements, together with the areas revegetated pursuant to the temporary construction easement for the waterline to be granted to Hooraz upon the adoption of Ordinance No. 057, 2003, of even date herewith; and

WHEREAS, Hooraz has also agreed to reimburse the City for the costs of processing these and the other easements requested from the City for the Development, in the amount of \$450; and

WHEREAS, the Natural Resources Advisory Board considered the proposed Improvements and the permanent easement at its regular meeting on March 5, 2003, and voted to recommend that the City Council authorize the permanent easement; and

WHEREAS, the Natural Resources Advisory Board considered the proposed temporary construction easement at its regular meeting on March 26, 2003, and voted to recommend that the City Council authorize the temporary construction easement; 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:

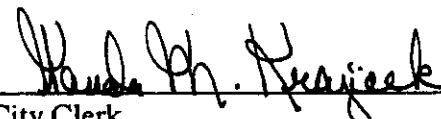
Section 1. That the Council hereby finds that the grant of the temporary construction easement on the permanent easement area and the permanent easement on and under the Permanent Easement Area, as described herein and subject to the terms and conditions of the Easement Agreements, is in the best interests for the City of Fort Collins.

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

Introduced and 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:

  
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City Clerk



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

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Mayor

ATTEST:

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City Clerk