

# AGENDA ITEM SUMMARY

## FORT COLLINS CITY COUNCIL

**ITEM NUMBER:** 19

**DATE:** February 18, 2003

**STAFF:** Craig Foreman/  
Deborah Myer

### **SUBJECT:**

First Reading of Ordinance No. 028, 2003, Authorizing the City to Grant a Non-exclusive Drainage Easement to Eagle Cliffs, LLC and Appropriating the Easement Compensation as Unanticipated Revenue in Building Community Choices Capital Projects Fund - Fossil Creek Community Park Project.

### **RECOMMENDATION:**

Staff recommends adoption of the Ordinance on First Reading.

### **FINANCIAL IMPACT:**

The conveyance of the easement will result in a payment to the City of compensation in the amount of \$500. The payment will be recorded in the Building Community Choices Capital Projects Fund - Fossil Creek Community Park project. Eagle Cliffs will bear all costs associated with this easement for the restoration of the area following construction.

### **EXECUTIVE SUMMARY:**

The Eagle Cliff Development is located adjacent to the north boundary, near Lemay Avenue, of Fossil Creek Community Park. The Park includes land on the north side of Fossil Creek that is in the floodplain for the creek. The Eagle Cliff Development will need to extend stormwater drainage improvements across this portion of the Park to allow storm flows to discharge into Fossil Creek.

The planned stormwater improvements meet the applicable City requirements and will not impact the developed Park.

**ORDINANCE NO. 028, 2003**  
**OF THE COUNCIL OF THE CITY OF FORT COLLINS**  
**AUTHORIZING THE CITY TO GRANT A NON-EXCLUSIVE**  
**DRAINAGE EASEMENT TO EAGLE CLIFFS, LLC AND APPROPRIATING THE**  
**EASEMENT COMPENSATION AS UNANTICIPATED REVENUE**  
**IN BUILDING COMMUNITY CHOICES CAPITAL PROJECTS FUND -**  
**FOSSIL CREEK COMMUNITY PARK PROJECT**

WHEREAS, the City of Fort Collins is the owner of the property known as the Fossil Creek Community Park in Larimer County, Colorado (the "Park Property"); and

WHEREAS, Eagle Cliffs, LLC ("Eagle Cliffs") wishes to acquire a non-exclusive easement under and across a portion of the Park Property approximately 0.123 acre (or 5,342 square feet) in size, as described on Exhibit "A", attached hereto and incorporated herein by this reference (the "Easement Area") in order to construct, operate, maintain required storm drainage improvements; and

WHEREAS, City staff has estimated that the fair market value of the requested easement is \$500, and Eagle Cliffs has agreed to compensate the City in that amount; 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; and

WHEREAS, Article V, Section 9, of the Charter of the City of Fort Collins permits the City Council to make supplemental appropriations by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriations, in combination with all previous appropriations for that fiscal year, does not exceed the then current estimate of actual and anticipated revenues to be received during the fiscal year; and

WHEREAS, City staff has determined that the appropriation of \$500 from Eagle Cliffs, for conveyance of the easement under and across a portion of the Park Property, to be added with previously appropriated Building Community Choices funds, will not cause the total amount appropriated in the Capital Projects Fund - Fossil Creek Community Park project to exceed the current estimate of actual and anticipated revenues to be received during any fiscal year; and

WHEREAS, it is the desire of the Council to appropriate \$500 received from Eagle Cliffs for the above-described easement in the Building Community Choices Capital Projects Fund - Fossil Creek Community Park project.

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

Section 1. That the above described conveyance of a non-exclusive storm drainage easement under and across the Easement Area 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 a non-exclusive storm drainage easement under and across the Easement Area to Eagle Cliffs, upon the terms and conditions described above, and subject to such other 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.

Section 3. That there is hereby appropriated from unanticipated revenue, upon receipt, the sum of FIVE HUNDRED DOLLARS (\$500), for expenditure in the Building Community Choices Capital Projects Fund - Fossil Creek Community Park project.

Introduced, considered favorably on first reading and ordered published this 18th day of February, A.D. 2003, and to be presented for final passage on the 4th day of March, A.D. 2003.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading this 4th day of March, A.D. 2003.

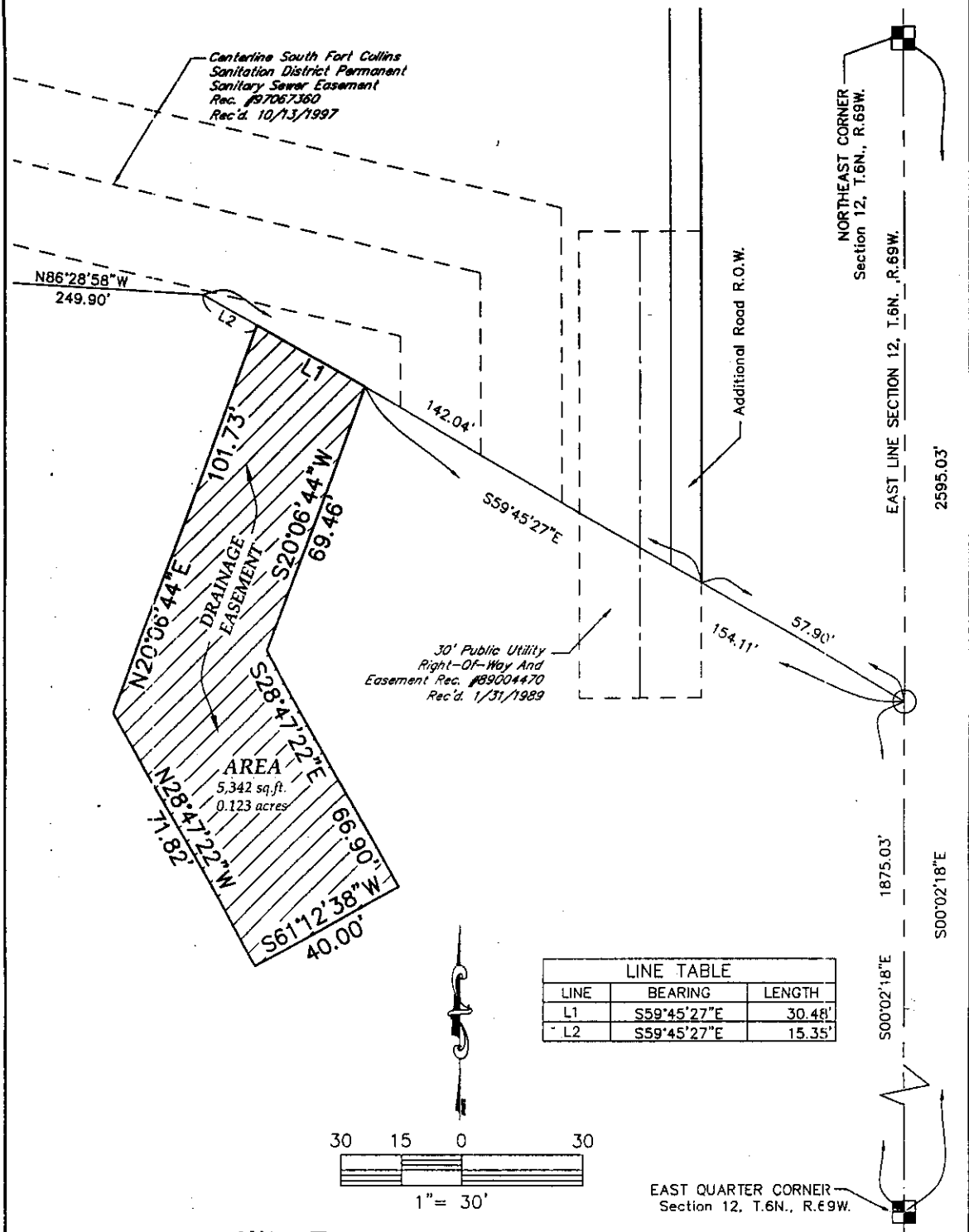
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Mayor

ATTEST:

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City Clerk



*Charles B. Jones*  
 Charles B. Jones - on behalf of King Surveyors, Inc.  
 Colorado Registered Professional  
 Land Surveyor #22288



**KING SURVEYORS, INC.**  
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PROJECT NO: 2001389  
 DATE: 10/21/2002  
 CLIENT: NORTH STAR DESIGN  
 DWG: 2001389EAS

# Location Map Eagle Cliffs Drainage Easement

