

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 24
DATE: February 18, 2003
STAFF: Karen Mancini/
Deborah Myer

SUBJECT:

Resolution 2003-020 Authorizing the Lease of a 6.183 Acre Portion of Arapaho Bend Natural Area to Don Kehn Construction, LLC.

RECOMMENDATION:

Staff recommends adoption of the Resolution.

FINANCIAL IMPACT:

Rent collected from this lease will result in at least \$230 per month in unanticipated revenue negotiated at market value for the 6.183 acres of the Arapaho Bend Natural Area for a term of up to two years. Additionally, the Tenant is responsible for a revegetation management payment of \$7,693.00. This is calculated based on a charge of \$2,450 for 3.14 acres of disturbed or filled area within the lease area.

EXECUTIVE SUMMARY:

The property was purchased on January 20, 1995. Prior to City ownership of the Arapaho Bend Natural Area, Don Kehn Construction, LLC had a mining permit for a portion of the property. The mining was completed prior to the City's purchase. Don Kehn Construction is required by the Colorado Division of Minerals and Geology permit to reclaim the site. Approval of the mining reclamation agreement gives Don Kehn Construction LLC access to the property to complete the required reclamation activities, which include the filling of approximately three acres of gravel pond.

On February 5, 2003, the Natural Resources Advisory Board unanimously approved this lease.

**RESOLUTION 2003-020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE LEASE OF A 6.183 ACRE PORTION OF
ARAPAHO BEND NATURAL AREA TO DON KEHN CONSTRUCTION, LLC**

WHEREAS, the City of Fort Collins is the owner of a parcel of property approximately 278 acres in size located along Strauss Cabin Road north of Harmony Road, and known as the Arapaho Bend Natural Area (the "Site"); and

WHEREAS, at the time the City purchased the initial 240-acre portion of the Site in 1995, mining had been completed on that portion of the Site, leaving a number of gravel ponds and other disturbed areas in that area; and

WHEREAS, Don Kehn Construction, LLC ("Kehn"), the company that had previously mined portions of the Site, has requested that the City allow him to proceed with completion of certain reclamation activities, in order to allow the final closure and release of the mining reclamation permit under which Kehn had mined the Site; and

WHEREAS, City staff has negotiated with Kehn a lease of a 6.183 acre portion of the Site, as described on Exhibit "A," attached hereto and incorporated herein by this reference (the "Lease Area"), for a term of up to two years at a monthly lease rate of \$230; and

WHEREAS, the lease agreement that staff has negotiated with Kehn, called Mining Reclamation Agreement and dated February 14, 2003, is on file in the office of the City Clerk and is available for public review (the "Lease"); and

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

WHEREAS, the Lease further requires Kehn to pay the City a one-time fee of \$7,693 for ongoing vegetation management; and

WHEREAS, the Natural Resources Advisory Board considered the proposed lease of the Lease Area to Kehn, and the terms of the Lease, at its regular meeting on February 5, 2003, and voted to recommend that the City Council approve the Lease; and

WHEREAS, Section 23-114 of the City Code authorizes the Council to approve by resolution the lease of any and all interests in real property owned in the name of the City for a period of two years or less, provided that Council first finds that the lease is 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 lease of the Lease Area as described herein and as set forth in the Lease is in the best interests for the City of Fort Collins.

Section 2. That the City Manager is hereby authorized to execute the Lease, 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.

Passed and adopted at a regular meeting of the City Council held this 18th day of February, A.D. 2003.

Mayor

ATTEST:

City Clerk

Exhibit "A"

DESCRIPTION OF THE ARAPAHO BEND NATURAL AREA KEHN MINING PERMIT

A tract of land located in the Northwest Quarter of Section 34, Township 7 North, Range 68 West of the Sixth Principal Meridian, City of Fort Collins, Larimer County, Colorado, more particularly described as follows;

Considering the west line of the said northwest quarter of Section 34 as bearing North 00 degrees 09 minutes 55 seconds West between a LS 25384 aluminum cap monument at the west quarter corner, and a Larimer County Brass Cap at the northwest corner of the said Section 34, based upon G.P.S. observation, and with all bearings contained herein relative thereto:

Commencing at the said west quarter corner of Section 34;

THENCE along the said west line of the northwest quarter, North 00 degrees 09 minutes 55 seconds West for a distance of 637.28 feet;

THENCE leaving the said west line, North 89 degrees 50 minutes 05 seconds East for a distance of 251.38 feet to the TRUE POINT OF BEGINNING of this description;

THENCE North 37 degrees 00 minutes 38 seconds East for a distance of 315.31 feet;

THENCE North 01 degrees 51 minutes 45 seconds West for a distance of 389.35 feet;

THENCE South 28 degrees 10 minutes 43 seconds East for a distance of 516.13 feet;

THENCE North 58 degrees 28 minutes 42 seconds East for a distance of 291.97 feet;

THENCE South 38 degrees 50 minutes 23 seconds East for a distance of 160.07 feet;

THENCE South 49 degrees 30 minutes 50 seconds West for a distance of 447.37 feet;

THENCE North 61 degrees 00 minutes 56 seconds West for a distance of 31.42 feet;

THENCE South 00 degrees 00 minutes 00 seconds East for a distance of 330.23 feet;

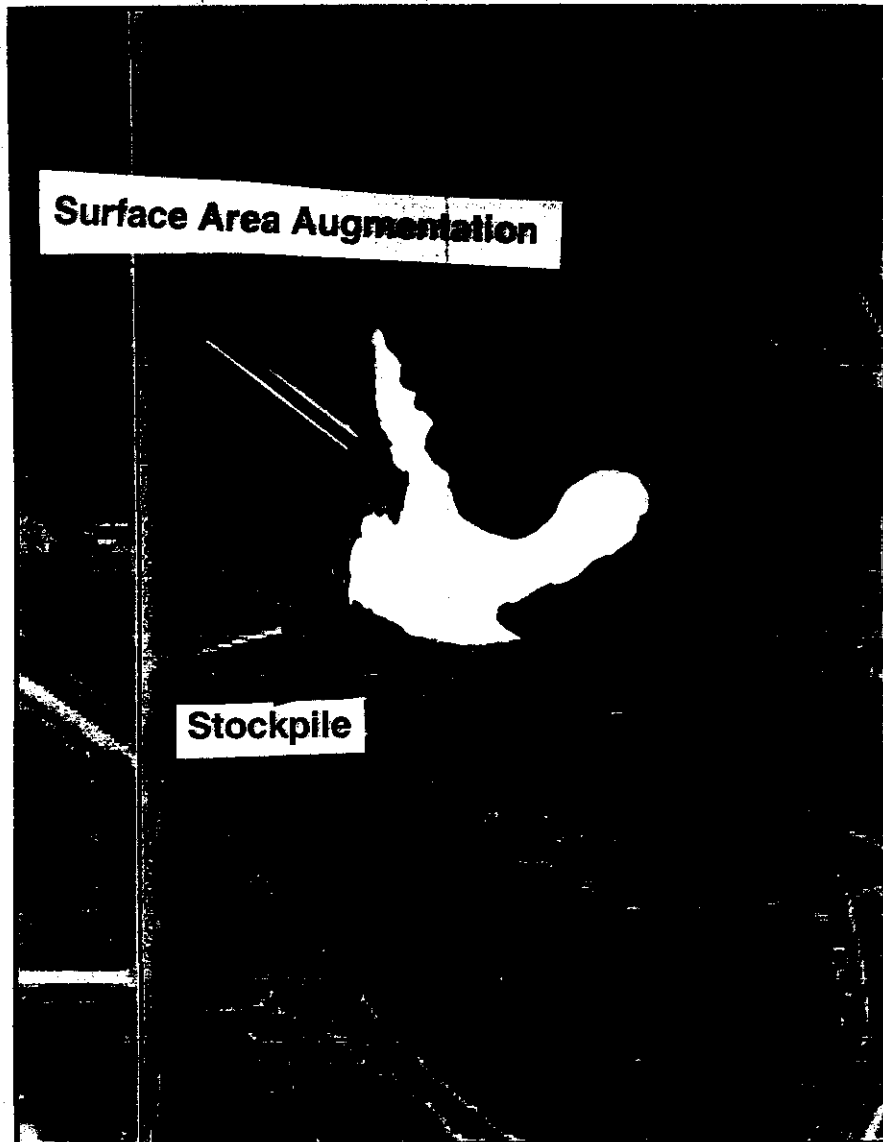
THENCE North 45 degrees 47 minutes 05 seconds West for a distance of 561.45 feet to the point of beginning. Containing 6.183 Acres more less.

The above described tract is subject to all easements and rights of ways now existing or of record.

I hereby state that the above description was prepared by me and is true and correct to the best of my professional knowledge, belief and opinion. The description is based upon previously recorded plats and deeds and not upon a actual field survey.

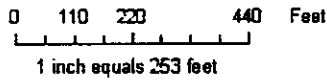
WALLACE C. MUSCOTT COLORADO P.L.S. 17497
P.O. BOX 580 FORT COLLINS, CO 80522

Arapaho Bend Natural Area
Kehn Mining Permit



Legend

-  Stockpile
-  Surface Area Augmentation



ARAPAHO BEND LOCATION MAP

