

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 26

DATE: July 1, 2008

STAFF: Patrick Rowe
Tim Buchanan

SUBJECT

First Reading of Ordinance No. 080, 2008, Authorizing the Conveyance of a Stormwater Filtration and Detention Easement at the Gardens on Spring Creek (Horticulture Center) to Colorado State University.

SUBJECT

Staff recommends adoption of the Ordinance on First Reading.

FINANCIAL IMPACT

In lieu of monetary compensation the City will receive the benefit of a minimum of 500 cubic yards of "excavation credits", the value of which exceeds the value of the proposed real estate interest as calculated by Real Estate Services (approximately \$1,400). Additionally, Colorado State University ("CSU") will reimburse the City for Real Estate Services processing expenses; currently approximately \$1,700.

EXECUTIVE SUMMARY

CSU has approached the City with an interest in constructing a water quality control project to treat storm flows from CSU's main campus. The majority of the project will occur on CSU's property adjacent to the City's Horticulture Center property. However, due to design constraints, CSU is requesting a stormwater easement to accommodate a portion of this project on City property. The University has requested that the City convey a 28,581 square foot permanent easement for stormwater filtration and detention over a portion of the Horticulture Center property.

BACKGROUND

The Gardens on Spring Creek Horticulture Center property was originally purchased with Natural Areas funds and careful attention will be taken to ensure that CSU's proposed project is carried out in a manner that complies with Natural Areas stated values.

As consideration for the easement, the City will receive ownership and future benefit of what is being termed an "excavation credit." CSU's project will result in a net excavation (less soil) on the City's property. Because the excavation area is within a mapped City floodplain, there is a value attributable to the excavation because it can be used to offset future City projects having a net fill

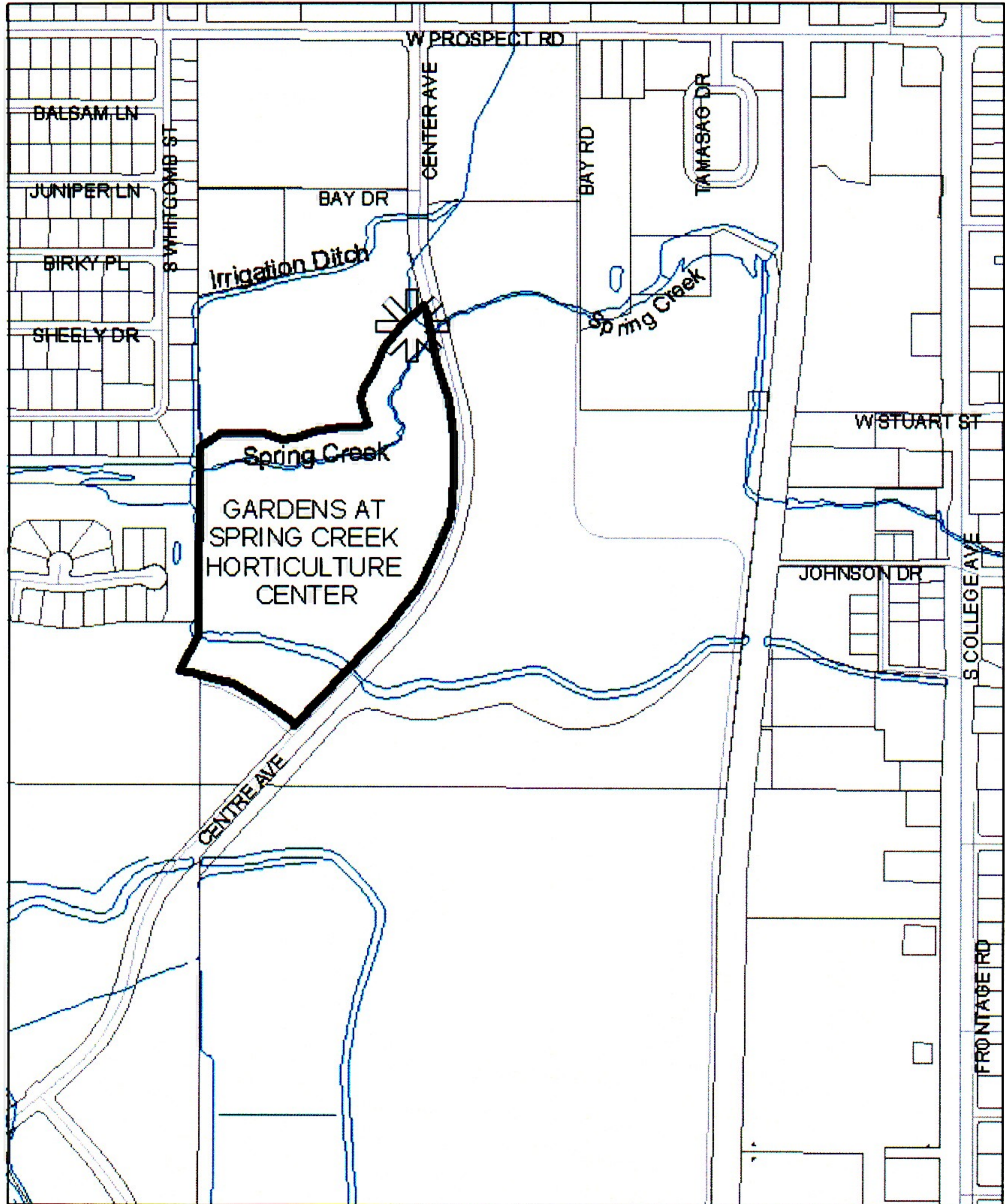
(as a general statement, projects within City floodplains cannot cause a net “rise”, therefore any fill must be offset by excavating out a similar amount of material).

Given the limited use of the proposed easement area, the value gained from the excavation credits, the perceived water quality enhancement benefits of flows entering Spring Creek, and because the use is complimentary to the Horticulture Center, staff recommends adoption of this Ordinance. No negative impacts are anticipated as a result of this project.

ATTACHMENTS

1. Location Map.

Gardens at Spring Creek Horticulture Center Stormwater Easement Location Map



 Approximate Location of Easement



ORDINANCE NO. 080, 2008
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF A STORMWATER FILTRATION
AND DETENTION EASEMENT AT THE GARDENS ON SPRING CREEK
(HORTICULTURE CENTER) TO COLORADO STATE UNIVERSITY.

WHEREAS, the City is the owner of real property known as the Center for Advanced Technology 22nd Filing, Community Horticulture Center (the "Property"); and

WHEREAS, the Property is the site of the Gardens on Spring Creek and is located in a mapped City floodplain; and

WHEREAS, Colorado State University ("CSU") wishes to acquire a permanent, non-exclusive easement over a portion of the Property as part of a larger water quality control project that CSU is constructing on its adjoining property; and

WHEREAS, the easement would cover a 28,581 square foot portion of the Property, as described on Exhibit "A", attached hereto and incorporated herein by this reference (the "Easement"); and

WHEREAS, the Easement would be for stormwater filtration and detention purposes; and

WHEREAS, staff has determined that the Easement will not have any adverse effects on the Gardens on Spring Creek and that CSU's project will enhance the quality of water flowing into Spring Creek adjacent to the Property; and

WHEREAS, CSU has agreed to compensate the City for its administrative costs to process the easement, currently estimated at approximately \$1,700; and

WHEREAS, in addition, the City will receive the benefit of an excavation credit for the removal of dirt on the City Property, which can be used to offset the impact of future City projects within the same floodway that would create a net fill on the City Property; and

WHEREAS, although the total amount of dirt removed from the City Property cannot be calculated until CSU's project is complete, CSU will guarantee the City a minimum excavation credit of 500 cubic yards, and the total will likely be over 1,000 cubic yards; and

WHEREAS, based on the approximate cost of excavating 500 cubic yards of dirt, staff has calculated that the value of the excavation credit exceeds the value of the Easement, which is estimated to be worth \$1,400; and

WHEREAS, Section 23-111(a) 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 that the City Council first finds, by ordinance, that such sale or other disposition is in the best interests of the City.

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

Section 1. That the conveyance to CSU of the Easement over, under and across the Property on terms and conditions consistent with this Ordinance is in the best interests 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 Easement to CSU upon terms and conditions consistent with this Ordinance, together with such additional terms and conditions as the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to protect the interests of the City, including any necessary changes to the legal description of the Easement, as long as such changes do not materially increase the size or change the character of the Easement.

Introduced, considered favorably on first reading, and ordered published this 1st day of July, A.D. 2008, and to be presented for final passage on the 15th day of July, A.D. 2008.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 15th day of July, A.D. 2008.

Mayor

ATTEST:

City Clerk

EXHIBIT A

Description of Parcel

A portion of Tract A, Centre for Advanced Technology 22nd Filing, located in the Northeast Quarter of Section 23, Township 7 North, Range 69 West of the Sixth Principal Meridian; City of Fort Collins, County of Larmer, State of Colorado; being more particularly described as follows:

Basis of Bearings: The West line of the Northeast Quarter of said Section 23 is assumed to bear South 00°16'54" West;

COMMENCING at the North Quarter Corner of said Section 23;
Thence South 38°24'13" East, a distance of 1246.73 feet to the northernmost corner of said Tract A also being a point on the westerly right of way line of Centre Avenue; Thence along the westerly boundary of said Tract A, South 47°42'00" West, a distance of 67.48 feet to the **POINT OF BEGINNING**;

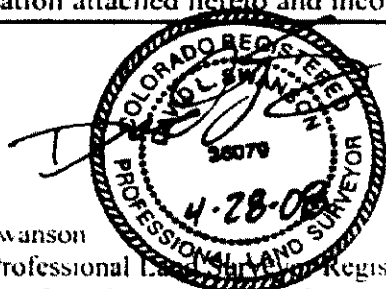
Thence South 00°00'00" East, a distance of 161.75 feet;
Thence South 25°00'00" West, a distance of 50.00 feet;
Thence South 65°00'00" West, a distance of 60.00 feet;
Thence South 00°00'00" East, a distance of 91.00 feet;
Thence South 60°00'00" West, a distance of 77.00 feet to the westerly boundary of said Tract A;

Thence along the westerly boundary of said Tract A, the following five (5) courses:

1. North 25°16'37" West, a distance of 20.00 feet to a point of curvature;
2. along the arc of a tangent curve to the right having a radius of 150.00 feet, a central angle of 56°14'33" and an arc length of 147.24 feet;
3. North 30°57'56" East, a distance of 140.40 feet to a point of curvature;
4. along the arc of a tangent curve to the right having a radius of 300.00 feet, a central angle of 16°44'04" and an arc length of 87.62 feet;
5. North 47°42'00" East, a distance of 21.82 feet to the **POINT OF BEGINNING**;

Containing a calculated area of 28,581 square feet or 0.656 acres, more or less and is subject to all easements and rights of way on record or existing.

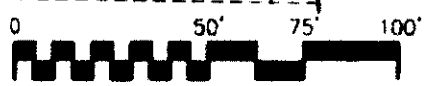
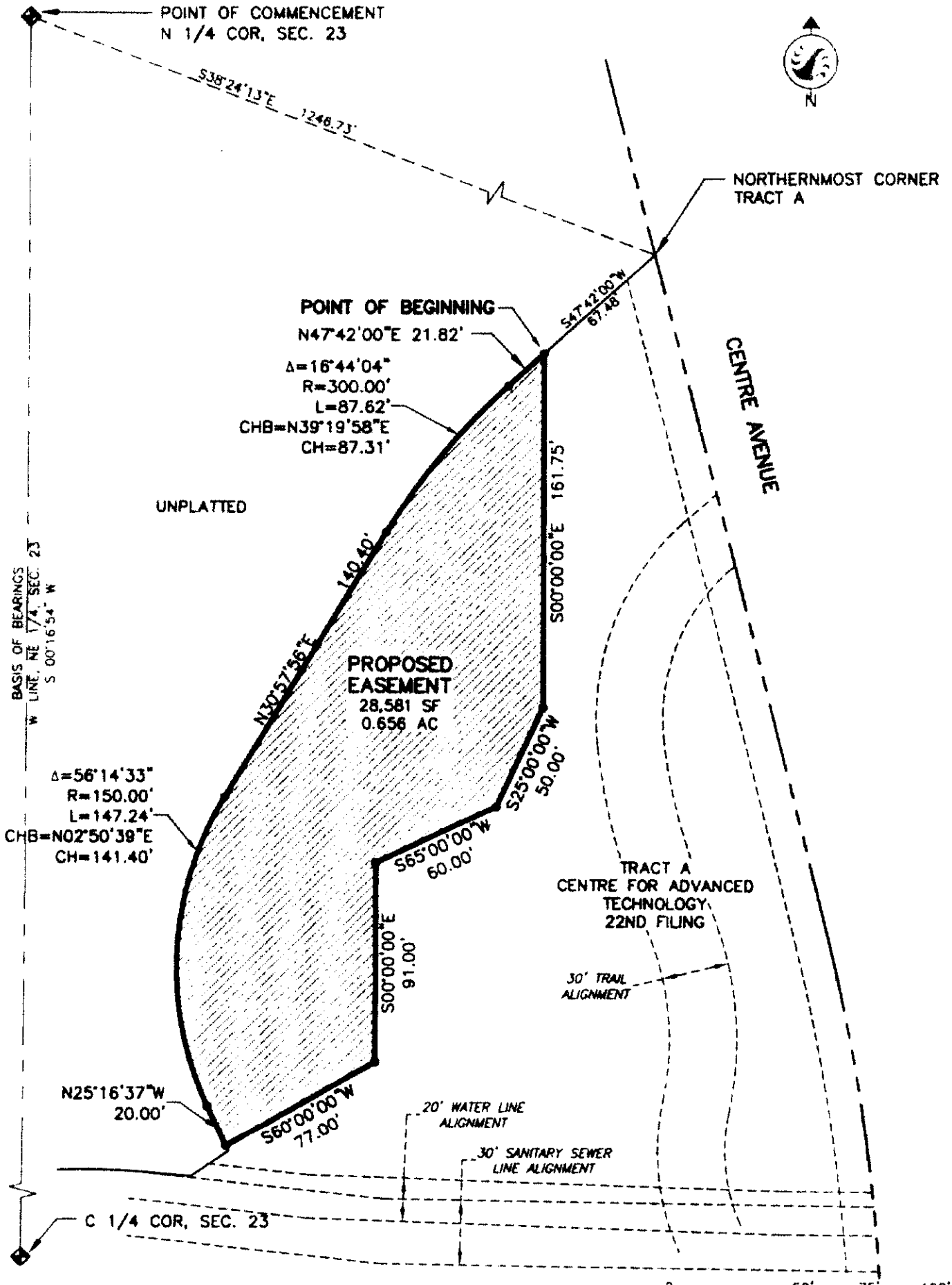
Representation attached hereto and incorporated herein by reference.



David L. Swanson

Colorado Professional Land Surveyor Registration Number 36070

Active 18710182 survey exhibit 10182v-ex1.doc April 23, 2008



THIS REPRESENTATION DOES NOT REPRESENT A MONUMENTED LAND SURVEY.
 IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.

ORIGINAL SCALE: 1"=50'