

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 27

DATE: July 1, 2008

STAFF: Lindsay Kuntz

SUBJECT

First Reading of Ordinance No. 081, 2008, Authorizing the Conveyance of a Sanitary Sewer Easement and a Temporary Construction Easement on City Property to New Belgium Brewing Company, Inc.

RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

FINANCIAL IMPACT

The total amount of consideration to be paid to the City for the easements is \$1000. This will include the cost of the easements, processing, and administration fees.

EXECUTIVE SUMMARY

The City of Fort Collins Streets Department owns a parcel of land at 625 Ninth Street. The owner of the adjacent property, New Belgium Brewery, Inc., has asked the City to convey a sanitary sewer easement and a temporary construction easement on its property to connect the Brewery's new building to the City of Fort Collins sewer system. The Brewery has agreed to pay the City a fee of \$1000 for the easements and to restore the easement areas when construction is complete.

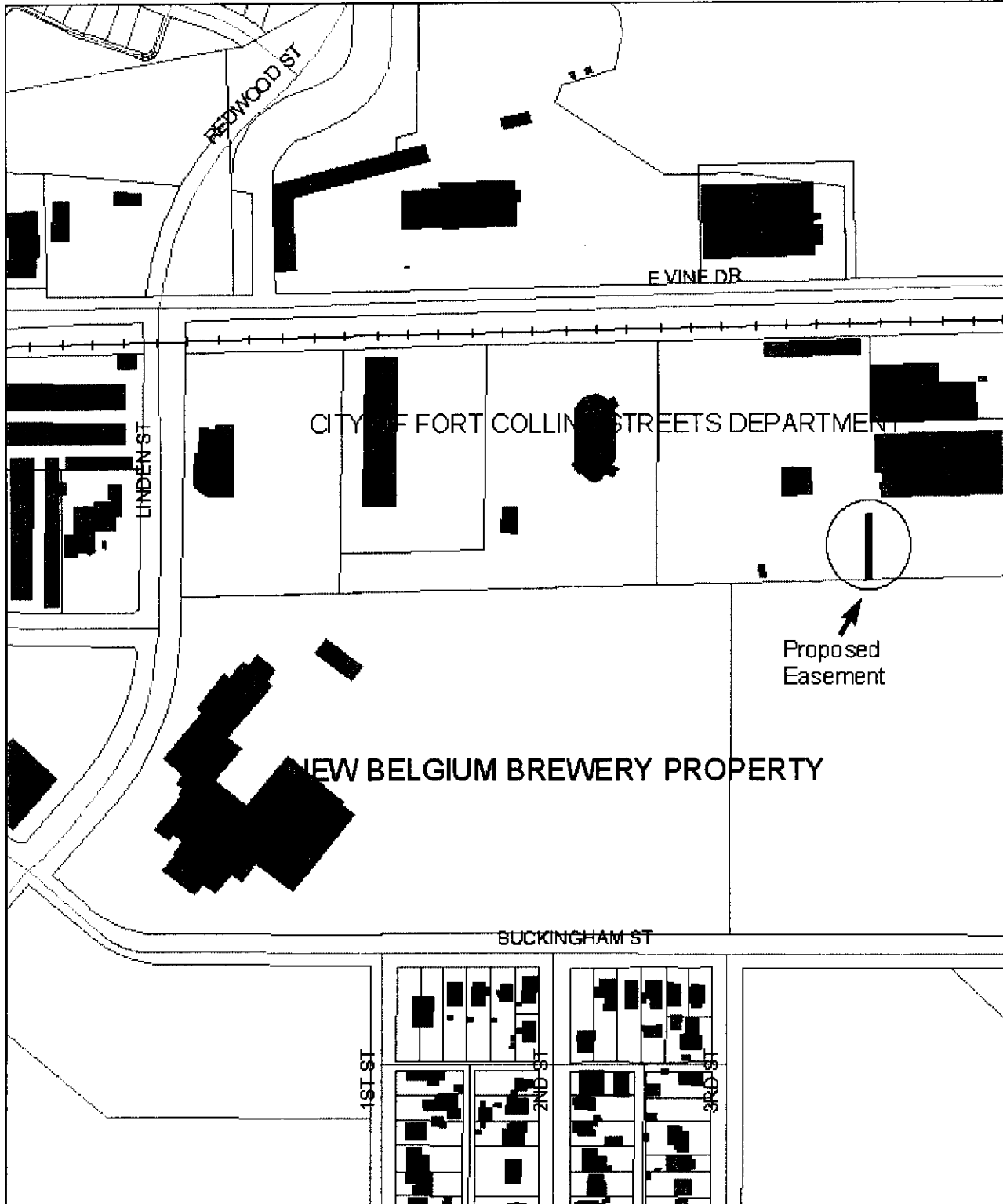
BACKGROUND


The City of Fort Collins Streets Department owns a property at 625 Ninth Street which is used as the City's Streets facility. New Belgium Brewery, Inc., owns an adjacent parcel to the south of the City's property. New Belgium Brewery has asked the City to convey a .06 acre sanitary sewer easement and a .061 acre temporary construction easement to connect to a new building they plan to construct. This new building will be used for research by Solix BioFuels, Incorporated. Solix BioFuels plans to research a technology that uses algae to generate oils that can be used as fuel for vehicles. New Belgium Brewery has agreed to pay a fee of \$1000 to the City to cover the cost of the easements and processing fees, and to restore the easement areas after construction. Streets Department staff has reviewed and agreed to the request for the conveyance of the easements.

ATTACHMENTS

1. Location Map.

New Belgium Brewery Sewer Easement Location Map



 Location of Proposed Easement



ORDINANCE NO. 081, 2008
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF A SANITARY SEWER EASEMENT AND A
TEMPORARY CONSTRUCTION EASEMENT ON CITY PROPERTY TO NEW BELGIUM
BREWING COMPANY, INC.

WHEREAS, the City is the owner of certain real property known as Lot 1A, Replat of Lots 1 & 2, East Vine Streets Facility P.U.D. located in Fort Collins, Colorado (the "City Property"); and

WHEREAS, New Belgium Brewing Company, Inc. (the "Brewery") is the owner of property adjacent to the City Property known as Lot 2, New Belgium Brewery Fourth Filing (the "Brewery Property"); and

WHEREAS, the Brewery is building a new building for research purposes and wishes to acquire a sanitary sewer easement on the City Property, as described on Exhibit "A", attached hereto, to connect the Brewery Property to the City of Fort Collins sewer system (the "Sewer Easement"); and

WHEREAS, to facilitate construction in the Sewer Easement, the Brewery also wishes to acquire a temporary construction easement on the City Property, as described on Exhibit "B", attached hereto (the "TCE"); and

WHEREAS, the Brewery has agreed to pay the City \$1,000 as compensation for the easements; and

WHEREAS, the Brewery has agreed to restore the easement areas after completion of the project to a condition comparable to their condition prior to construction, including the restoration of any improvements or conditions impacted by the construction of improvements or use of the easement areas; and

WHEREAS, City staff has identified no negative impacts to the City resulting from the grant of the requested easements or installation of the sewer line; and

WHEREAS, Section 23-111(a) of the City Code provides that the City Council is authorized to sell, convey, or otherwise dispose of any and all interests in real property owned in the name of the City, provided that the Council first finds, by ordinance, that such sale or other disposition is in the best interest of the City.

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

Section 1. That the conveyance of the Sewer Easement and TCE on the City Property is in the best interest of the City.

Section 2. That the Mayor is hereby authorized to execute such documents as are necessary to convey the Sewer Easement and TCE to New Belgium Brewery, Inc., on terms and conditions consistent with the terms of this Ordinance, together with such additional terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City, including, but not limited to, any necessary changes to the legal descriptions of the Easements, as long as such changes do not materially increase the size or change the character of the Easements.

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"
Page 1 of 2

LEGAL DESCRIPTION
UTILITY EASEMENT

A PORTION OF THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 12, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH PM, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

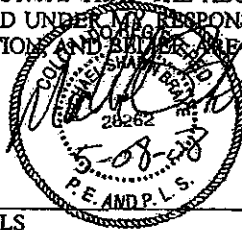
BASIS OF BEARING: THE SOUTH LINE OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH PM, BEING MONUMENTED AT THE WEST BY A 2-1/2" ALUMINUM CAP AND AT THE EAST BY A 2-1/2" ALUMINUM CAP, IS ASSUMED TO BEAR N89°50'34"W.

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH PM, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO;

THENCE N51°15'53"E, A DISTANCE OF 1150.14 TO A POINT ON THE SOUTH LINE OF EAST VINE STREETS FACILITY P.U.D. PROPERTY DESCRIBED IN RECEPTION NO.93064812 OF THE LARIMER COUNTY CLERK AND RECORDERS OFFICE, SAID POINT BEING THE POINT OF BEGINNING;
THENCE N45°00'00"E, A DISTANCE OF 28.86 FEET;
THENCE N00°07'40"W, A DISTANCE OF 100.84 FEET;
THENCE N89°52'20"E, A DISTANCE OF 20.00 FEET;
THENCE S00°07'40"E, A DISTANCE OF 109.15 FEET;
THENCE S45°00'00"W, A DISTANCE OF 16.09 FEET, TO A POINT ON SAID SOUTH LINE OF EAST VINE STREETS FACILITY P.U.D. PROPERTY;
THENCE S88°30'00"W, ON SAID SOUTH LINE OF EAST VINE STREETS FACILITY P.U.D. PROPERTY, A DISTANCE OF 29.05 FEET TO THE POINT OF BEGINNING.

CONTAINING AN OVERALL AREA OF 0.06 ACRES.

I, MICHAEL S. BRAKE, A COLORADO LICENSED PROFESSIONAL LAND SURVEYOR AND ENGINEER, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED UNDER MY RESPONSIBLE CHARGE AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION, AND BELIEF ARE CORRECT.



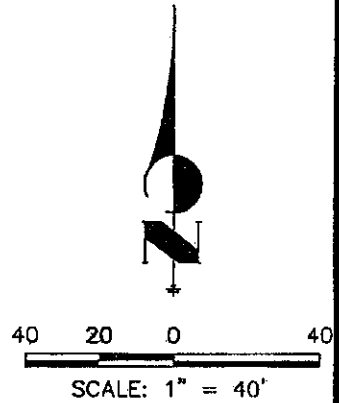
MICHAEL S. BRAKE, PE-PLS
COLORADO PE-PLS NO. 28262
FOR AND ON THE BEHALF OF JR ENGINEERING LLC
2620 EAST PROSPECT ROAD, SUITE 190
FORT COLLINS, CO. 80525

THIS LEGAL DESCRIPTION DOES NOT CONSTITUTE A TITLE SEARCH BY JR ENGINEERING TO DETERMINE OWNERSHIP OF THIS TRACT OR VERIFY EASEMENTS OF RECORD. JR ENGINEERING AND THE SURVEYOR OF RECORD ASSUMES NO RESPONSIBILITY FOR OWNERSHIP RIGHTS OR EXISTING EASEMENT RIGHTS AND RECOMMENDS CONSULTATION WITH AN ATTORNEY.

UTILITY EASEMENT
NW 1/4, NE 1/4, SECTION 12, TOWNSHIP 7 NORTH, RANGE 69 WEST, 6th P.M.
COUNTY OF LARIMER, STATE OF COLORADO

UTILITY EASEMENT
0.06 ACRES

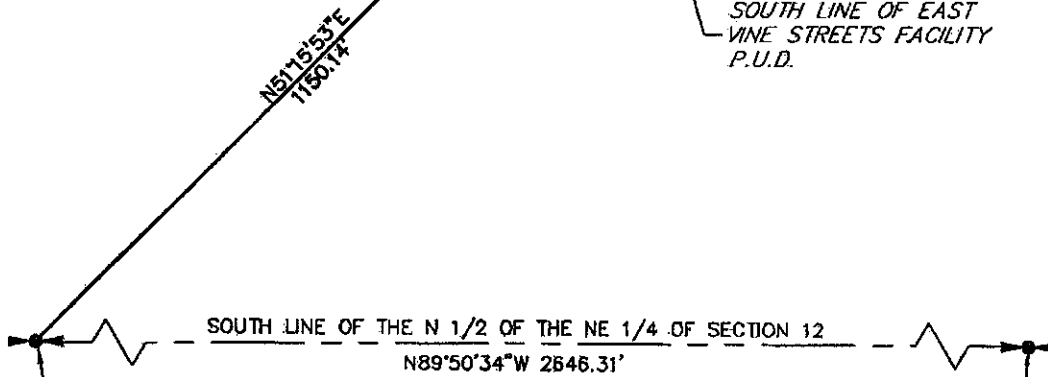
LINE TABLE		
LINE	BEARING	LENGTH
L-1	N45°00'00"E	28.86
L-2	S45°00'00"W	16.09
L-3	S88°30'00"W	29.05



POINT OF BEGINNING

EAST VINE STREETS FACILITY P.U.D.
RECEPTION NO. 9.3064812

SOUTH LINE OF EAST
VINE STREETS FACILITY
P.U.D.



POINT OF COMMENCEMENT
SW CORNER OF THE NW 1/4, NE 1/4
SEC. 12, T7N, R69W
FOUND 2-1/2" ALUMINUM CAP
STAMPED "PLS 74B1 1995" IN A
RANGE BOX.

SE CORNER OF THE NE 1/4, NE 1/4
SEC. 12, T7N, R69W
FOUND 2-1/2" ALUMINUM
CAP STAMPED "LS 32825, JR ENG"
IN A RANGE BOX.

PROPERTY DESCRIPTION
CONTAINS 2,549 S.F.
(0.06 AC.)

UTILITY EASEMENT
NEW BELGIUM BREWERY
JOB NO. 3947000
05/06/08
SHEET 1 OF 1



6020 Greenwood Plaza Blvd. • Englewood, CO 80111
303-740-8383 • Fax: 303-721-9019 • www.jr-engineering.com

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LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT

A PORTION OF THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 12, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH PM, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING: THE SOUTH LINE OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH PM, BEING MONUMENTED AT THE WEST BY A 2-1/2" ALUMINUM CAP AND AT THE EAST BY A 2-1/2" ALUMINUM CAP, IS ASSUMED TO BEAR N89°50'34"W.

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH PM, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO;

THENCE N51°15'53"E, A DISTANCE OF 1150.14 TO A POINT ON THE SOUTH LINE OF EAST VINE STREETS FACILITY P.U.D. PROPERTY DESCRIBED IN RECEPTION NO.93064812 OF THE LARIMER COUNTY CLERK AND RECORDERS OFFICE, SAID POINT BEING THE POINT OF BEGINNING;

THENCE S88°30'00"W, ON SAID SOUTH LINE OF EAST VINE STREETS FACILITY P.U.D. PROPERTY, A DISTANCE OF 29.05 FEET;

THENCE N45°00'00"E, A DISTANCE OF 41.62 FEET;

THENCE N00°07'40"W, A DISTANCE OF 92.53 FEET;

THENCE N89°52'20"E, A DISTANCE OF 20.00 FEET;

THENCE S00°07'40"E, A DISTANCE OF 100.84 FEET;

THENCE S45°00'00"W, A DISTANCE OF 28.86 FEET TO THE POINT OF BEGINNING.

CONTAINING AN OVERALL AREA OF 0.061 ACRES.

I, CHAD R. WASHBURN, A COLORADO LICENSED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED UNDER MY RESPONSIBLE CHARGE AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION, AND BELIEF, ARE CORRECT.



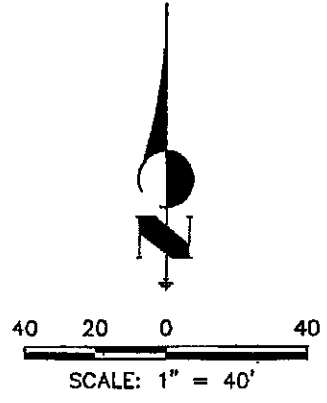
CHAD R. WASHBURN, PLS
COLORADO PLS NO. 37963
FOR AND ON THE BEHALF OF JR ENGINEERING LLC
2620 EAST PROSPECT ROAD, SUITE 190
FORT COLLINS, CO. 80525

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TEMPORARY CONSTRUCTION EASEMENT
NW 1/4, NE 1/4, SECTION 12, TOWNSHIP 7 NORTH, RANGE 69 WEST, 6th P.M.
COUNTY OF LARIMER, STATE OF COLORADO

TEMPORARY CONSTRUCTION
EASEMENT 0.061 ACRES

LINE	BEARING	LENGTH
L1	S88°30'00"W	29.05
L2	N45°00'00"E	41.62
L3	S45°00'00"W	28.86



N89°52'20"E
20.00'

20.00'

N00°07'40"W
92.53'

92.53'

S00°07'40"E
100.84'

100.84'

PROPOSED UTILITY
EASEMENT

EAST VINE STREETS FACILITY P.U.D.
RECEPTION NO. 9.3064812

POINT OF BEGINNING

SOUTH LINE OF EAST
VINE STREETS FACILITY
P.U.D.

N81°15'33"E
1150.14'

SOUTH LINE OF THE N 1/2 OF THE NE 1/4 OF SECTION 12

N89°50'34"W 2646.31'

POINT OF COMMENCEMENT
SW CORNER OF THE NW 1/4, NE 1/4
SEC. 12, T7N, R69W
FOUND 2-1/2" ALUMINUM CAP
STAMPED "PLS 7481 1995" IN A
RANGE BOX.

SE CORNER OF THE NE 1/4, NE 1/4
SEC. 12, T7N, R69W
FOUND 2-1/2" ALUMINUM
CAP STAMPED "LS 32825, JR ENG"
IN A RANGE BOX.

PROPERTY DESCRIPTION
CONTAINS 2,639 S.F.
(0.061 AC.)

TEMPORARY CONSTRUCTION EASEMENT
NEW BELGIUM BREWERY
JOB NO. 3947000
06/18/08
SHEET 2 OF 2

 **J-R ENGINEERING**
A Western Company

6020 Greenwood Plaza Blvd • Englewood, CO 80110
303-740-8838 • Fax 303-721-0038 • www.jrengr.com

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