

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 12

DATE: July 15, 2008

STAFF: Lindsay Kuntz

SUBJECT

Second 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 this Ordinance on Second Reading.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on July 1, 2008, authorizes the conveyance of a sanitary sewer easement and a temporary construction easement on City property, located at 625 Ninth Street, to the owner of the adjacent property, New Belgium Brewery, Inc., 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.

ATTACHMENTS

1. Copy of First Reading Agenda Item Summary - July 1, 2008.
(w/o original attachments)

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

ITEM NUMBER: 27

DATE: July 1, 2008

STAFF: Lindsay Kuntz

COPY

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.

COPY

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.

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

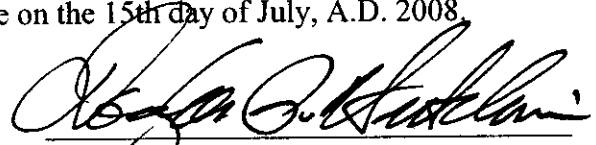
WHEREAS, Section 23-111(a) of the City Code provides that the City Council is authorized to sell, convey, or otherwise dispose of any and all interests in real property owned in the name of the City, provided that the Council first finds, by ordinance, that such sale or other disposition is in the best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

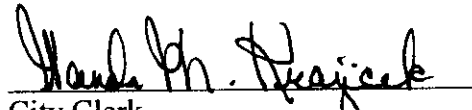
Section 2. That the Mayor is hereby authorized to execute such documents as are necessary to convey the Sewer Easement and TCE to New Belgium Brewery, Inc., on terms and conditions consistent with the terms of this Ordinance, together with such additional terms and conditions as the City Manager, in 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