

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 18

DATE: July 15, 2008

STAFF: Lindsay Kuntz

SUBJECT

First Reading of Ordinance No. 088, 2008, Authorizing the Conveyance of Two Waterline Easements and Two Temporary Construction Easements on City Property to the North Weld County Water District.

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 easement, processing, and administration fees.

EXECUTIVE SUMMARY

The North Weld County Water District and East Larimer County Water District are in the process of acquiring the necessary easements for their waterline transmission project ("NEWT") which is scheduled to begin construction in January 2009. The City of Fort Collins Parks Department owns two parcels of land on which the Districts have requested an easement for their project. The North Weld County Water District has agreed to pay the City a fee of \$1000 for the easements and will restore the easement areas when construction is complete.

BACKGROUND



The NEWT Project is designed to meet the water needs of the growing population in Northern Colorado, including the City of Fort Collins. The Project involves the installation of a large diameter pipeline (between 42 and 60 inches) from the Soldier Canyon Filter Plant near Horsetooth Reservoir to the two Districts. The Districts have requested the City convey a .266 acre and a .057 acre waterline easement and two temporary construction easements on a portion of two City properties for their waterline. One parcel is a strip of land located north of Vine Drive and west of Shields Street, which was acquired as part of the "Rails to Trails" acquisitions. The other parcel is a strip of land that lies along the southern border of the Poudre River, just west of Shields Street and was acquired for a bike trail project. The North Weld County Water District has agreed to pay the City a fee of \$1000 for the easements and will restore the easement areas when construction is complete. Parks Department staff has reviewed and agreed to the request for the conveyance of the easements.

ATTACHMENTS

1. Location Map

NEWT Transmission Project Waterline Easement Conveyances Location Map



-  Waterline Easement Conveyance Location
-  Waterline Easement Conveyance Location



ORDINANCE NO. 088, 2008
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF TWO WATERLINE EASEMENTS AND
TWO TEMPORARY CONSTRUCTION EASEMENTS ON CITY PROPERTY TO THE
NORTH WELD COUNTY WATER DISTRICT.

WHEREAS, the City is the owner of two parcels of real property located in Fort Collins, Colorado, identified in County records as parcels number 97032-00-949 and 97031-00-945 (the "City Property"); and

WHEREAS, the North Weld County Water District (NWCWD) and East Larimer County Water District (ELCO) (together, the "Districts") are in the process of acquiring the necessary easements for their waterline transmission project, which is scheduled to begin construction in January, 2009 (the "Project"); and

WHEREAS, the Districts have asked the City to convey to NWCWD two waterline easements for the Project on the City Property, as described on Exhibit "A", attached and incorporated herein (the "Waterline Easements"); and

WHEREAS, one Waterline Easement is .266 acres in size and the other is .057 acres; and

WHEREAS, to facilitate construction of the Project within the Waterline Easements, the Districts would also like the City to convey to NWCWD two temporary construction easements on the City Property, as described on Exhibit "B", attached and incorporated herein (the "TCEs"); and

WHEREAS, NWCWD has agreed to pay the City \$1,000 as compensation for the easements and has agreed to restore the easement areas upon completion of the Project to a condition comparable to that which existed prior to construction of the Districts' improvements, including the restoration of any improvements impacted by such construction or by the District's 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 waterline; 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 Waterline Easements and TCEs on the City Property to NWCWD as provided herein 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 Waterline Easements and TCEs to NWCWD on 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 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 15th day of July, A.D. 2008, and to be presented for final passage on the 19th day of August, A.D. 2008.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 19th day of August, A.D. 2008.

Mayor

ATTEST:

City Clerk

Exhibit "A"

Page 1 of 4

Waterline Easement 1
PROPERTY DESCRIPTION
Exhibit-The City of Fort Collins

A parcel of land, being dedicated as a waterline easement, being part of that parcel of land described in that Warranty Deed recorded May 8, 1979 in Book 1950 at Page 599 of the records of the Larimer County Clerk and Recorder, located in the Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4) of Section Three (3), Township Seven North (T.7N.), Range Sixty-nine West (R.69W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado, and being more particularly described as follows:

COMMENCING at the Center-East Sixteenth (C-E 1/16) corner of said Section 3, said point bearing North 89°46'12" West a distance of 1323.31 feet from the East Quarter (E1/4) corner of said Section 3, and assuming the West line of said SE1/4 NE1/4 as bearing North 00°31'15" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 1322.19 feet with all other bearings contained herein relative thereto:

THENCE North 00°31'15" East along the West line of said SE1/4 NE1/4 a distance of 146.65 feet;
THENCE North 89°53'36" East a distance of 447.02 feet to the Southwesterly line of said parcel of land described in Book 1950 at Page 599, said point being the POINT OF BEGINNING;

THENCE continuing North 89°53'36" East a distance of 18.06 feet;
THENCE North 33°38'36" East a distance of 38.75 feet to the Northeasterly line of said parcel of land described in Book 1950 at Page 599;
THENCE South 58°56'36" East along the Northeasterly line of said parcel of land described in Book 1950 at Page 599 a distance of 50.05 feet;
THENCE South 33°38'36" West a distance of 48.12 feet to the Southwesterly line of said parcel of land described in Book 1950 at Page 599;
THENCE North 58°56'06" West along the Southwesterly line of said parcel of land described in Book 1950 at Page 599 a distance of 65.09 feet to the POINT OF BEGINNING.

Said waterline easement contains 2,476 sq. ft. or 0.057 acre, more or less (±), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

Waterline Easement 1

WATERLINE EASEMENT & TEMPORARY CONSTRUCTION EASEMENT

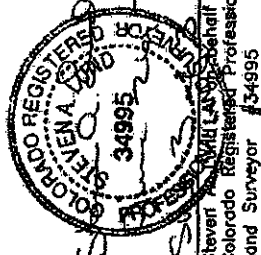
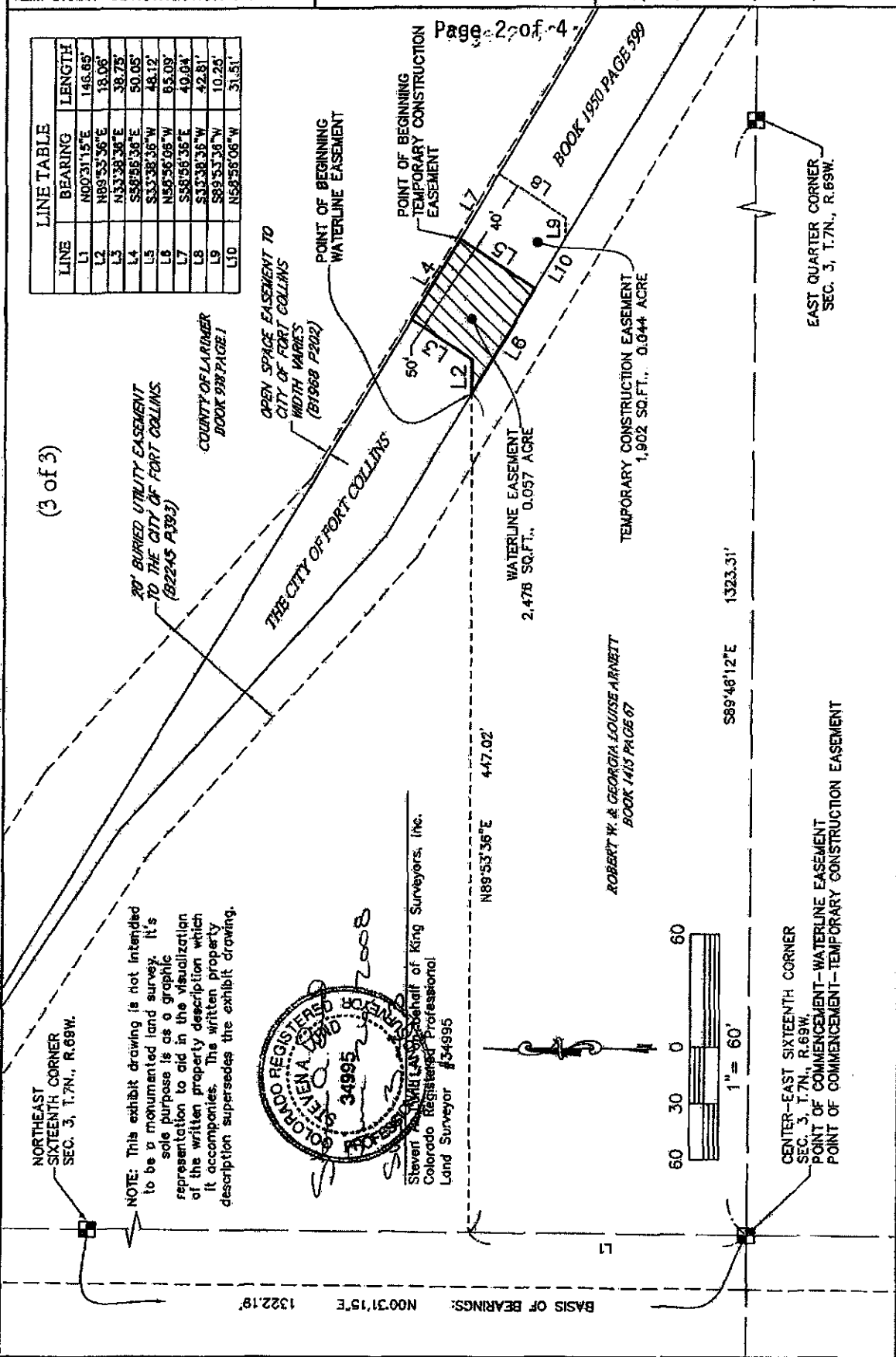
EXHIBIT "A"

THE CITY OF FORT COLLINS
SE¼NE¼ SEC. 3, T.7N., R.69W.

LINE TABLE

LINE	BEARING	LENGTH
L1	N00°31'15"E	146.85'
L2	N89°53'36"E	18.06'
L3	N33°38'36"E	38.75'
L4	S58°56'36"E	50.05'
L5	S33°38'36"W	48.12'
L6	N89°53'36"W	65.09'
L7	S58°56'36"E	40.04'
L8	S33°38'36"W	42.81'
L9	S89°48'12"W	10.26'
L10	N58°56'06"W	31.51'

Page 2 of 4



Steven W. Whitlatch
Colorado Registered Professional Land Surveyor #34995
behalf of King Surveyors, Inc.



KING SURVEYORS, INC.
650 Garden Drive | Windsor, Colorado 80550
phone: (970) 686-5011 | fax: (970) 686-5821
www.kingsurveyors.com

PROJECT NO: 2006271/2006272
DATE: 06/25/2008
CLIENT: BOYLE ENGINEERING
DWG: ESMT-FORT COLLINS-44-NEWT
DRAWN: MCD CHECKED: SAL

Waterline Easement 2

PROPERTY DESCRIPTION

Exhibit-The City of Fort Collins

A parcel of land, being dedicated as a waterline easement, being part of that strip of land described in Exhibit A-4 in that Quit Claim Deed recorded June 4, 1990 as Reception No. 90023707 of the records of the Larimer County Clerk and Recorder, located in the Southeast Quarter (SE1/4) of Section Three (3), Township Seven North (T.7N.), Range Sixty-nine West (R.69W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado, and being more particularly described as follows:

BEGINNING at the Southeast Sixteenth (SE1/16) corner of said Section 3, and assuming the West line of the Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) of said Section 3 as bearing North 00°33'33" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 1321.62 feet with all other bearings contained herein relative thereto:

THENCE North 00°33'33" East along the West line of said NE1/4 SE1/4 a distance of 28.69 feet to the Northerly sideline of said strip of land described in Exhibit A-4;

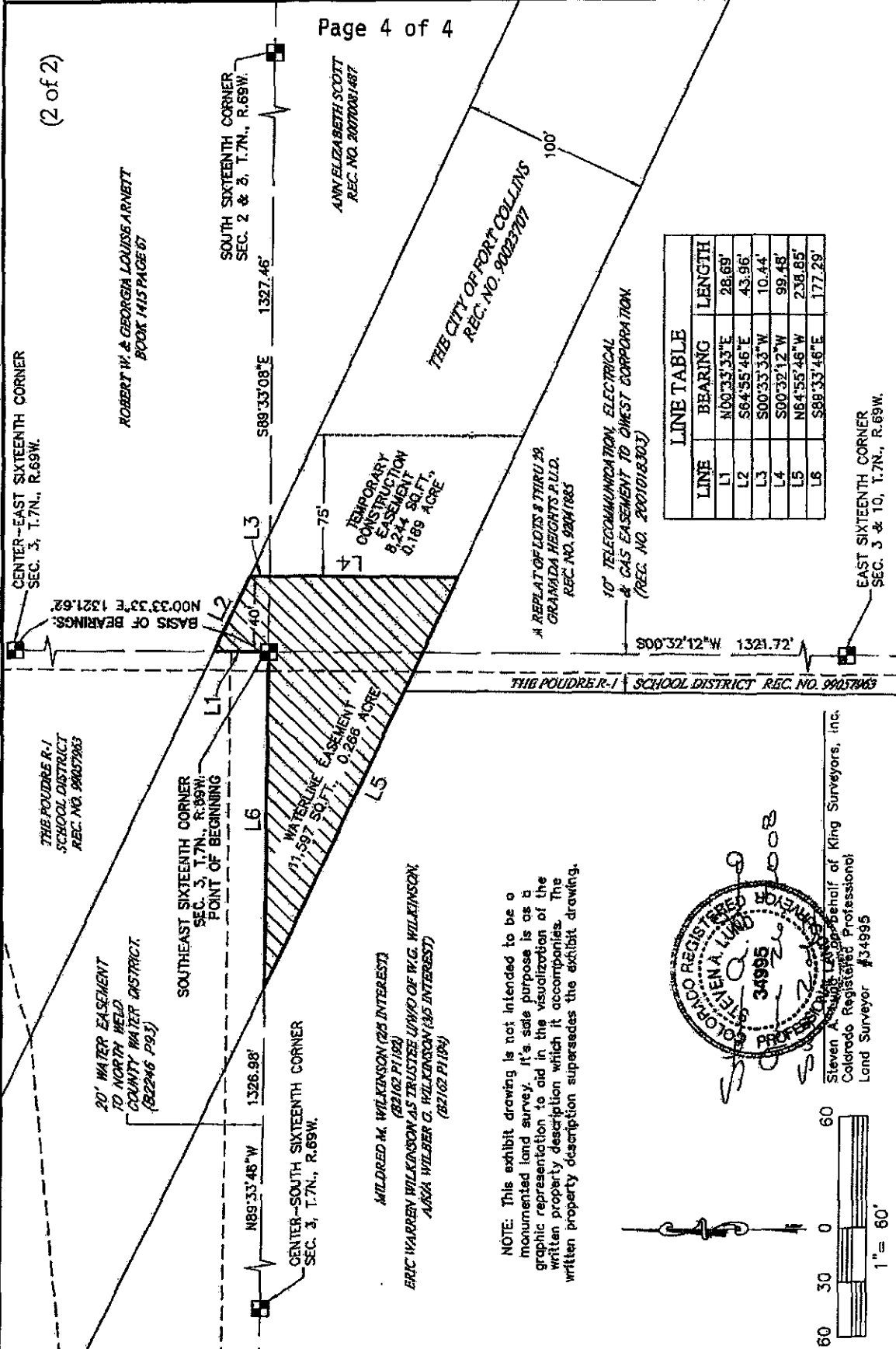
THENCE South 64°55'46" East along the Northerly sideline of said strip of land described in Exhibit A-4 a distance of 43.96 feet;

THENCE South 00°33'33" West along a line being Forty (40) feet, as measured at a right angle, East of and parallel with the West line of said NE1/4 SE1/4 a distance of 10.44 feet;

THENCE South 00°32'12" West along a line being Forty (40) feet, as measured at a right angle, East of and parallel with the West line of the Southeast Quarter of the Southeast Quarter (SE1/4 SE1/4) a distance of 99.48 feet to the Southerly sideline of said strip of land described in Exhibit A-4;

THENCE North 64°55'46" West along the Southerly sideline of said strip of land described in Exhibit A-4 a distance of 238.85 feet to the North line of the Southwest Quarter of the Southeast Quarter (SW1/4 SE1/4);

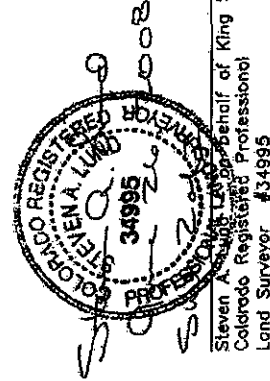
THENCE South 89°33'46" East along the North line of said SW1/4 SE1/4 a distance of 177.29 feet to the **POINT OF BEGINNING**.



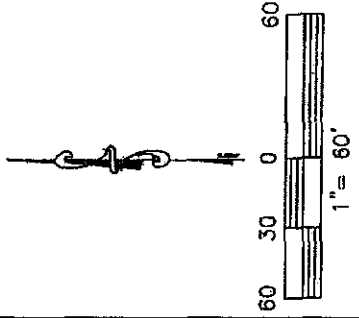
LINE TABLE

LINE	BEARING	LENGTH
L1	N00°33'33"E	28.69'
L2	S64°55'46"E	43.96'
L3	S00°33'33"W	10.44'
L4	S00°32'12"W	99.48'
L5	N84°55'46"W	238.85'
L6	S89°33'46"E	177.29'

NOTE: This exhibit drawing is not intended to be a monumented land survey. It's sole purpose is as a graphic representation to aid in the visualization of the written property description which it accompanies. The written property description supersedes the exhibit drawing.



Steven A. Lund, on behalf of King Surveyors, Inc.
 Colorado Registered Professional
 Land Surveyor #34995



KING SURVEYORS, INC.
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PROJECT NO: 2006271/2006272
 DATE: 06/26/2008
 CLIENT: BOYLE ENGINEERING
 DWG: ESMT-FORT COLLINS-47-NEWT
 DRAWN: MCD CHECKED: SAL

Exhibit "B"
Page 1 of 2
Temporary Construction Easement 1

Said waterline easement contains 2,476 sq. ft. or 0.057 acre, more or less (\pm), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

Said waterline easement will be benefited by a TEMPORARY CONSTRUCTION EASEMENT adjoining to the Southeasterly line of said waterline easement, and being more particularly described as follows:

COMMENCING at the Center-East Sixteenth (C-E 1/16) corner of said Section 3, said point bearing North 89°46'12" West a distance of 1323.31 feet from the East Quarter (E1/4) corner of said Section 3, and assuming the West line of said SE1/4 NE1/4 as bearing North 00°31'15" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 1322.19 feet with all other bearings contained herein relative thereto:

THENCE North 00°31'15" East along the West line of said SE1/4 NE1/4 a distance of 146.65 feet;
THENCE North 89°53'36" East a distance of 447.02 feet to the Southwesterly line of said parcel of land described in Book 1950 at Page 599;

THENCE continuing North 89°53'36" East a distance of 18.06 feet;

THENCE North 33°38'36" East a distance of 38.75 feet to the Northeasterly line of said parcel of land described in Book 1950 at Page 599;

THENCE South 58°56'36" East along the Northeasterly line of said parcel of land described in Book 1950 at Page 599 a distance of 50.05 feet to the Northeasterly corner of said waterline

THENCE continuing South 58°56'36" East along the Northeasterly line of said parcel of land described in Book 1950 at Page 599 a distance of 40.04 feet;

THENCE South 33°38'36" West a distance of 42.81 feet;

THENCE South 89°53'36" West a distance of 10.25 feet to the Southwesterly line of said parcel of land described in Book 1950 at Page 599;

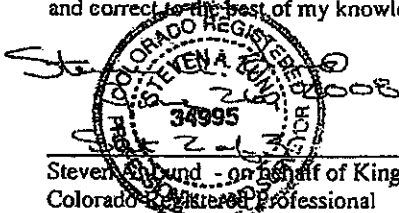
THENCE North 58°56'06" West along the Southwesterly line of said parcel of land described in Book 1950 at Page 599 a distance of 31.51 feet to the Southeasterly corner of said waterline easement;

THENCE North 33°38'36" East along the Southeasterly line of said waterline easement a distance of 48.12 feet to the POINT OF BEGINNING.

Said temporary construction easement contains 1,902 sq. ft. or 0.044 acre, more or less (\pm), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

SURVEYOR'S STATEMENT

I, Steven A. Lund, a Colorado Registered Professional Land Surveyor do hereby state that this Property Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.



Steven A. Lund - on behalf of King Surveyors, Inc.
Colorado Registered Professional
Land Surveyor #34995

KING SURVEYORS, INC.
650 East Garden Drive
Windsor, Colorado 80550
(970) 686-5011

JN: 2006271/2006272

Temprrary Construction Easement 2

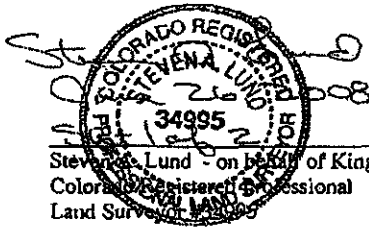
Said waterline easement contains 11,597 sq. ft. or 0.266 acre, more or less (\pm), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

Said waterline easement will be benefited by a TEMPORARY CONSTRUCTION EASEMENT being Seventy-five (75) feet wide adjoining to the Easterly sideline of said waterline easement, beginning on the Northerly sideline of said strip of land described in Exhibit A-4 and terminating on the Southerly sideline of said strip of land described in Exhibit A-4.

Said temporary construction easement contains 8,244 sq. ft. or 0.189 acre, more or less (\pm), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

SURVEYOR'S STATEMENT

I, Steven A. Lund, a Colorado Registered Professional Land Surveyor do hereby state that this Property Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.



Steven A. Lund - on behalf of King Surveyors, Inc.
Colorado Registered Professional
Land Surveyor

KING SURVEYORS, INC.
650 East Garden Drive
Windsor, Colorado 80550
(970) 686-5011

JN: 2006271/2006272

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