

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 7

DATE: October 7, 2008

STAFF: Lindsay Kuntz
Daylan Figgs

SUBJECT

Second Reading of Ordinance No. 107, 2008, Authorizing the Conveyance to the City of Greeley of a Permanent Waterline Easement and a Temporary Construction Easement on the City-Owned Dry Creek Stormwater Wetland.

RECOMMENDATION

Staff recommends adoption of this Ordinance on Second Reading.

EXECUTIVE SUMMARY

The City of Greeley is in the process of building a 30-mile, 60-inch pipeline that will provide water from its Bellvue water treatment plant located northwest of the City of Fort Collins to the residents of the City of Greeley and surrounding towns. As part of this project, the City of Greeley is constructing a portion of the new waterline across the Dry Creek Stormwater Wetland located south of Vine Drive and east of North Lemay Avenue. Greeley has requested a 50-foot permanent easement and a 75-foot temporary construction easement from the Natural Areas Program. The area to be impacted by this project consists of 0.449 acres within the permanent easement and another 0.656 within the temporary easement. This Ordinance, unanimously adopted on First Reading on September 16, 2008, authorizes the conveyance of the permanent waterline easement and the temporary construction easement.

ATTACHMENTS

1. Copy of First Reading Agenda Item Summary - September 16, 2008.
(w/o original attachments)

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 12

DATE: September 16, 2008

STAFF: Lindsay Kuntz
Daylan Figgs

COPY

SUBJECT

First Reading of Ordinance No. 107, 2008, Authorizing the Conveyance to the City of Greeley of a Permanent Waterline Easement and a Temporary Construction Easement on the City-Owned Dry Creek Stormwater Wetland.

RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

At its September 10, 2008 meeting the Land Conservation and Stewardship Advisory Board reviewed the plans for the easements and recommends to Council that the easements be granted.

FINANCIAL IMPACT

No negative financial impact is expected from this action. As required by the City's Natural Area and Open Lands Easement Policy and the Natural Areas General Resource Protection and Restoration Standards, the applicant has paid the initial application fee of \$500; will be required to compensate the City Natural Areas Program \$1500 for the grant of the non-exclusive easement and \$400 for the grant of the temporary construction easement, based on current land values as determined by Real Estate Services; and will be required to pay the City Natural Areas Program a reclamation fee of \$2,762.50 for future maintenance of vegetation within the easement area after the construction project is completed and the property has been restored.

EXECUTIVE SUMMARY

The City of Greeley is in the process of building a 30-mile, 60-inch pipeline that will provide water from its Bellvue water treatment plant located northwest of the City of Fort Collins to the residents of the City of Greeley and surrounding towns.

As part of this project, the City of Greeley is constructing a portion of the new waterline across the Dry Creek Stormwater Wetland located south of Vine Drive and east of North Lemay Avenue. Greeley has requested a 50-foot permanent easement and a 75-foot temporary construction easement from the Natural Areas Program. The area to be impacted by this project consists of 0.449 acres within the permanent easement and another 0.656 within the temporary easement.

BACKGROUND

Dry Creek Stormwater Wetland was purchased in partnership with the Fort Collins Utilities Department in anticipation of the property being modified as part of the Dry Creek Stormwater Plan. This Stormwater Plan currently is in the design phase and is limited to the eastern side of the property. The waterline easement is located to the west of the area within the Stormwater Plan. Staff from the Utilities Department have reviewed Greeley's request for waterline easement and have not identified any concerns within Dry Creek Stormwater Wetland.

Natural Resource Description

Vegetation is dominated by smooth brome with some occurrence of leafy spurge. Mature Russian olive trees are found along the edge of the proposed easement. This property is closed to public use and hay is harvested on the property by a local tenant.

The Resource Protection Standards (RPS) identifies several key wildlife species and habitats that are considered for each proposed project. Included on the list are raptor nests, eagle winter roosts, raptor winter feeding areas, den sites, and prairie dog colonies. No key species or habitats are known to occur in the area at this time. Natural Areas staff will continue to monitor the site and if key species or habitat is documented, the project will be modified as outlined in the RPS. The applicant did conduct surveys for Preble's meadow jumping mouse and no individuals were found in the project area. Habitat for Ute Ladies'-tresses is not found within the easement area but marginal habitat is found to the north of Dry Creek Stormwater Wetland. No Ute Ladies'-tresses are known to occur in the project area.

Ecological impacts to the property from these activities are minimal. Loss of vegetation cover will occur during and immediately after construction. However, native vegetation will be restored to the site as outlined in the Resource Protection Standards. Once the project has been completed a Natural Areas representative will inspect the project site to verify that the project was completed and the site restored according to the plans and agreements.

No negative financial impact is expected from this action. Pursuant to the requirements of the City of Fort Collins Natural Area and Open Lands Easement Policy and the Natural Areas General Resource Protection and Restoration Standards, the applicant has paid the initial application fee of \$500 and will be required to compensate the City Natural Areas Program \$1500 for the grant of the non-exclusive easement based on current land values as determined by Real Estate Services. In addition, the applicant will be required to compensate the City Natural Areas Program \$400 for the grant of the temporary construction easement.

This waterline easement was requested by the City of Greeley in June 2008. The City of Greeley has been working with Natural Areas staff since that time to satisfy the application requirements, as well as, conduct any necessary surveys. After satisfying these requirements, the easement request was then scheduled for consideration and approved at the Land Conservation and Stewardship Board Meeting held on September 10, 2008.

ATTACHMENTS

1. Location Map.

ORDINANCE NO. 107, 2008
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE TO THE CITY OF GREELEY OF A
PERMANENT WATERLINE EASEMENT AND A TEMPORARY CONSTRUCTION
EASEMENT ON THE CITY-OWNED DRY CREEK STORMWATER WETLAND

WHEREAS, the City owns a certain parcel of real property located in the City of Fort Collins, Larimer County, Colorado, known as the Dry Creek Stormwater Wetland (the "Property"); and

WHEREAS, the Property was purchased by the City's Natural Areas program and the City's Stormwater Utility in anticipation of the Property being modified as part of the Dry Creek Stormwater plan; and

WHEREAS, the City of Greeley ("Greeley") is in the process of building a 30-mile pipeline to transport water from Greeley's Bellvue water treatment plant to residents of Greeley and surrounding towns; and

WHEREAS, as part of this project, Greeley has requested a 50-foot wide permanent waterline easement and a 75-foot temporary construction easement on and across a portion of the Property; and

WHEREAS, the proposed easements are shown and described on Exhibit "A", attached hereto and incorporated herein by this reference ("the Easements"); and

WHEREAS, City staff has determined that the Easements would not interfere with the City's intended use of the Property, either as a natural area, or as part of the City's stormwater system; and

WHEREAS, as a condition of granting the Easements, the City would require Greeley to restore the Easement areas in accordance with the Natural Areas Resource Protection Standards; and

WHEREAS, City staff will assist Larimer County in upholding the conditions for approval of Greeley's project as set forth by the Larimer County Planning Commission on October 17, 2007, for areas within the County's jurisdiction that are affected by the project; and

WHEREAS, Greeley has paid a \$500 application fee and would pay the City a total of \$1,900 as consideration for the two easements, as well as \$2,762.50 for future maintenance of the Easement areas after Greeley restores them; and

WHEREAS, at its regular meeting on September 10, 2008, the Land Conservation and Stewardship Advisory Board reviewed the proposed Easements and recommended that the City Council grant them; 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 by the City, provided that the City Council first finds, by ordinance, that such sale or other disposition is in the best interest of the City; and

WHEREAS, with respect to property that is a part of the City's water or utility systems, Section 23-111(b) of the City Code requires that the City Council also find that the disposition will not materially impair the viability of the particular utility system as a whole and that it will be for the benefit of the citizens of the City; and

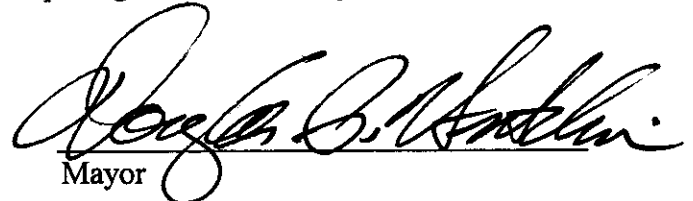
WHEREAS, the City has a close, collaborative relationship with Greeley on water-related issues, and City staff believes it is a benefit to the citizens of the City that this cooperative relationship be maintained.

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

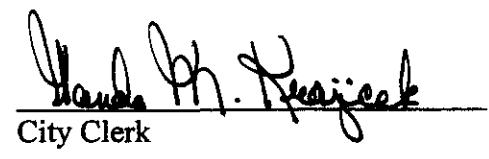
Section 1. That the conveyance of the Easements, as set forth herein, is in the best interests of the City, will not impair the viability of the stormwater system, and will be for the benefit of the citizens of the City.

Section 2. That the Mayor is hereby authorized to execute the Easement Deed and Agreement, 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, including, but not limited to, any necessary changes to the legal description 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 16th day of September, A.D. 2008, and to be presented for final passage on the 7th day of October, A.D. 2008.


Mayor

ATTEST:


City Clerk

Passed and adopted on final reading on the 7th day of October, A.D. 2008.

Mayor

ATTEST:

City Clerk