

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 15

DATE: October 21, 2008

**STAFF: Daylan Figgs
Wally Cameron**

SUBJECT

Second Reading of Ordinance No. 123, 2008, Authorizing the Conveyance to the Platte River Power Authority of an Easement and Right-of-Way and a Temporary Construction Easement on the City-Owned Fossil Creek Wetlands Natural Area.

RECOMMENDATION

Staff recommends adoption of this Ordinance on Second Reading.

EXECUTIVE SUMMARY

Platte River Power Authority is constructing a new transmission line in southeast Fort Collins to support a request from the City for a new substation at Trilby Road and Portner Road. The new transmission line will cross a portion of the Fossil Creek Wetlands Natural Area. The transmission line will be constructed using a direct drilling procedure that will not result in any surface disturbance within the permanent easement. A temporary easement consisting of 0.493 acres will be used to stage and operate the drilling equipment. Surface disturbance and subsequent restoration activities will occur within the temporary easement. This Ordinance, unanimously adopted on First Reading on October 7, 2008, authorizes the conveyance of the easements.

ATTACHMENTS

1. Copy of First Reading Agenda Item Summary - October 7, 2008.
(w/o original attachments)

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

ITEM NUMBER: 18

DATE: October 7, 2008

STAFF: Daylan Figgs
Wally Cameron

COPY

SUBJECT

First Reading of Ordinance No. 123, 2008 Authorizing the Conveyance to the Platte River Power Authority of an Easement and Right-of-Way and a Temporary Construction Easement on the City-Owned Fossil Creek Wetlands Natural Area.

RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

At its September 10, 2008 meeting, the Land Conservation and Stewardship Board reviewed the plans for the transmission line and recommended to Council that the easement under and across the Natural Area be granted.

COPY

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 and will be required to compensate the City Natural Areas Program \$6,160 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 \$986 for the grant of the temporary construction easement and \$1,232 for the restoration fee.

EXECUTIVE SUMMARY

Platte River Power Authority is constructing a new transmission line in southeast Fort Collins to support a request from the City for a new substation at Trilby Road and Portner Road. The new transmission line, referred to as the Harmony-Portner-Boyd 20kV transmission line, will cross a portion of the Fossil Creek Wetlands Natural Area. The transmission line will be constructed using a direct drilling procedure that will not result in any surface disturbance within the permanent easement. A temporary easement consisting of 0.493 acres will be used to stage and operate the drilling equipment. Surface disturbance and subsequent restoration activities will occur within the temporary easement.

BACKGROUND

Platte River Power Authority is constructing a new transmission line in southeast Fort Collins to support a request from the City for a new substation at Truby Road and Portner Road. The new transmission line, referred to as the Harmony-Portner-Boyd 23 kV transmission line, will cross the Fossil Creek Wetlands Natural Area. The transmission line will be constructed using a direct drilling procedure that will not result in any surface disturbance with the exception of the equipment staging area.

The equipment staging area will be in the location of the temporary easement. Two drill entry locations will be established and routes bored within the permanent easement area at a depth of approximately 50 feet below the surface and exit the ground on adjacent property owned by the neighboring home owners association. Two borings spaced 15 feet apart are needed to maintain the electrical capacity of the underground cable.

Natural Resource Description

The vegetation community is dominated by weeds with some occurrence of smooth brome and western wheat. Surface disturbance and restoration will be limited to the temporary easement area. The applicant will restore all areas disturbed as outlined in the City of Fort Collins Natural Area and Open Lands Easement Policy and the Natural Areas General Resource Protection and Restoration and using a specified native seed mix.

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. Of these key species and habitats, prairie dogs have been known to utilize the area of the temporary construction easement. While burrows located within the temporary easement are no longer active, additional surveys will be conducted prior to any construction activities.

Prior to the initiation of the project, 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.

ATTACHMENTS

1. Location Map.
2. Natural Areas and Open Lands Easement Policy.
3. Minutes from the Land Conservation and Stewardship Board meeting - September 10, 2008.

ORDINANCE NO. 123, 2008
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE TO THE PLATTE RIVER POWER AUTHORITY
OF AN EASEMENT AND RIGHT-OF-WAY AND A TEMPORARY CONSTRUCTION
EASEMENT ON THE CITY-OWNED FOSSIL CREEK WETLANDS NATURAL AREA

WHEREAS, the City is the owner of certain real property known as the Fossil Creek Wetlands Natural Area ("Natural Area") located at Section 18 T6N R69W in Larimer County, Colorado; and

WHEREAS, Platte River Power Authority ("PRPA") is a municipal electric utility responsible for meeting the wholesale electric energy requirements of Fort Collins, Loveland, Longmont, and Estes Park; and

WHEREAS, in order to support a request from the City for a new substation at Trilby Road and Portner Road, PRPA has identified the need to construct a new transmission line to be referred to as the Harmony-Portner-Boyd 230kV transmission line; and

WHEREAS, PRPA has requested that the City grant a permanent, nonexclusive easement and right-of-way and a temporary construction easement (the "Easements") for the construction of the new underground transmission line, which will cross a portion of the Natural Area more specifically described in Exhibit "A" attached hereto and incorporated herein by this reference (the "Easement Area"); and

WHEREAS, PRPA has agreed to pay the fair market value of the Easements in the amount of \$6,846 plus an application fee of \$500; and

WHEREAS, PRPA has agreed to make extensive efforts to mitigate the impact of construction to the Natural Area and surrounding open spaces, and to restore all areas disturbed, as required by the City of Fort Collins Natural Area and Open Lands Easement Policy and the Natural Areas General Resource Protection Standards; and

WHEREAS, at its September 10, 2008, meeting, the Land Conservation and Stewardship Advisory Board reviewed the proposed project and easements, and recommended that the City Council grant them; and

WHEREAS, the Land Conservation and Stewardship Advisory Board and City staff have concluded that the placement of the new transmission line through the Natural Area is the only reasonable alignment of the transmission line; and

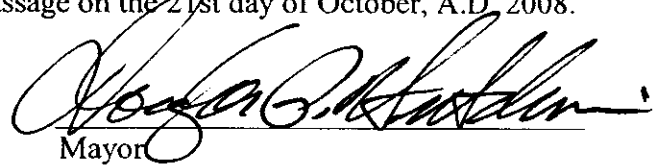
WHEREAS, Section 23-111 of the City Code provides that the City Council is authorized to sell, convey or otherwise dispose of an interest in real property owned by the City, provided that the City Council first finds, by ordinance, that such sale or disposition is in the best interests of the City.

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

Section 1. That the grant of the Easements as described herein is in the best interests for the City.

Section 2. That the Mayor is hereby authorized to execute such documents of conveyance as are necessary for the City to convey the Easements 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 to be necessary or appropriate to protect the interests of the City, including any necessary changes to the legal descriptions of the Easements, as long as such changes to not materially increase the size or change the character of the Easements.

Introduced, considered favorably on first reading, and ordered published this 7th day of October, A.D. 2008, and to be presented for final passage on the 21st day of October, A.D. 2008.



Mayor

ATTEST:



Chief Deputy City Clerk

Passed and adopted on final reading on the 21st day of October, A.D. 2008.

Mayor

ATTEST:

City Clerk