

# AGENDA ITEM SUMMARY

## FORT COLLINS CITY COUNCIL

ITEM NUMBER: 18

DATE: October 20, 2009

STAFF: Daylan Figgs  
Lindsay Kuntz

### SUBJECT

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First Reading of Ordinance No. 109, 2009, Authorizing the Conveyance of a Non-Exclusive Drainage Easement on the Gustav Swanson Natural Area to Urban Development Partners, LLC.

### RECOMMENDATION

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Staff recommends adoption of the Ordinance on First Reading.

At its October 14, 2009 meeting, the Land Conservation and Stewardship Advisory Board will review the plans for the easements and its recommendation will be provided to Council before First Reading on October 20.

### FINANCIAL IMPACT

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No negative financial impact is expected from this action.

The applicant has agreed to pay \$1,400 in total compensation to the City's Natural Areas Program for the easement. The fee includes the \$500 application fee pursuant to the requirements of the City's Natural Areas and Open Lands Easement Policy

### EXECUTIVE SUMMARY

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Urban Development Partners, LLC (the "Developer") is proposing to build an industrial/office development which is commonly known as the Inverness Innovation Park (the "Project"), located on East Vine Drive and north of the City's Gustav Swanson Natural Area (the "Natural Area"). The storm drainage in this area has historically flowed to the Cache La Poudre River. In the spring of 2009, the Developer requested a small drainage easement and access easement on the Natural Area to construct the stormwater improvements needed for the Project. On April 21, 2009, Council adopted Ordinance No. 031, 2009, authorizing these easements. In that Ordinance, the City reserved the right to require additional storm water management improvements if further review of the Development indicated additional storm water improvements were necessary. As the Project has moved through the City approval process, the need for an additional drainage easement across the Natural Area has been identified. As recommended by staff, the Developer is now requesting a drainage easement across the Natural Area to allow for stormwater flows in case of storm events larger than a 100-year flood event.

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**BACKGROUND**

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As part of the Project, the Developer is proposing a multi-use stormwater management pond consisting of detention and infiltration for both flood control and water quality purposes. The pond will be designed to contain the entire 100-year runoff event, so the pond will have no surface discharge from the 100-year or more frequent storm. Staff has been supportive of this proposed approach; however, there is some concern that storm events larger than the 100-year or other emergency events may cause overtopping of the pond and subsequent flows towards the Natural Area. In that event, stormwater flows would travel through the Natural Area towards the Poudre River.

As recommended by staff, the Developer is now requesting a storm drainage easement across the Natural Area to allow for stormwater flows in case of storm events larger than a 100-year flood event. In the event that the proposed pond is overtopped, the entire area is likely to be underwater from the river itself.

The proposed non-exclusive drainage easement will encompass approximately the north 4.16 acres of the Natural Area. Since no installation of improvements is necessary for this easement, and since stormwater has historically flowed across the Natural Area which lies entirely within the 100-year floodplain, there are no anticipated ecological impacts to the property by granting this easement.

The City's Stormwater Department has evaluated and approved the applicant's request. The Land Conservation and Stewardship Board will review the request on October 14, 2009 at its regular meeting and its recommendation will be provided to Council before the October 20 meeting.

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**ATTACHMENTS**

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1. Location Map

# Gustav Swanson Natural Area Drainage Easement Location Map



-  Drainage Easement Location
-  Gustav Swanson Natural Area



ORDINANCE NO. 109, 2009  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING THE CONVEYANCE OF A NON-EXCLUSIVE DRAINAGE  
EASEMENT ON THE GUSTAV SWANSON NATURAL AREA TO  
URBAN DEVELOPMENT PARTNERS, LLC

WHEREAS, the City owns a certain parcel of real property located in the City of Fort Collins, Larimer County, Colorado, known as the Gustav Swanson Natural Area (the "City Property"); and

WHEREAS, Urban Development Partners, LLC ("UDP") is proposing the development of a commercial office and industrial properties business park, which is presently referred to as the Inverness Innovation Park (the "Development"), on private land adjacent to the northern boundary of the City Property (the "UDP Property"); and

WHEREAS, the City Property is situated between the UDP Property and the Cache La Poudre River; and

WHEREAS, On April 21, 2009, the City Council passed Ordinance No. 031, 2009, authorizing the granting of two access easements and one drainage easement on and across the City Property to UDP; and

WHEREAS, since that time, UDP has determined that it will need an additional drainage easement on and across the City property; and

WHEREAS, UDP has represented to City staff that the current drainage plan for the Development, which includes a pond for stormwater detention and infiltration, will retain 100% of storm water on the UDP Property under conditions up to 100-year flood levels; and

WHEREAS, in the event that the proposed pond is not able to contain the excess stormwater flows during a particular flood event, UDP desires to deliver excess stormwater from the Development across the City Property to the Poudre River; and

WHEREAS, UDP has requested a non-exclusive drainage easement for stormwater discharge from the UDP Property during events larger than a 100-year flood event across the north 4.16 acres of the City Property; and

WHEREAS, the proposed easement is shown and described as "Drainage Easement No. 1" on Exhibit "A," attached and incorporated herein by this reference (the "Easement"); and

WHEREAS, City staff has determined the Easement would not adversely impact the City's use of the City Property as a natural area; and

WHEREAS, UDP has agreed to pay \$1,400, which includes a \$500 application fee, to the City's Natural Resources Department for the Easement; and

WHEREAS, at its regular meeting on October 14, 2009, the Land Conservation and Stewardship Board reviewed and approved the conveyance of the proposed Easement; and

WHEREAS, Section 23-111(a) of the City Code authorizes the City Council to sell, convey, or otherwise dispose of any and all interests in real property owned by the City, provided the City Council first finds, by ordinance, that such sale or other 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 conveyance of the Easement to Urban Development Partners, LLC, as set forth herein, is in the best interests of the City.

Section 2. That the Mayor is hereby authorized to execute such documents as are necessary to convey the Easement to UDP on terms and conditions consistent with this Ordinance, along 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 Easement, as long as such changes do not materially increase the size or change the character of the Easement.

Introduced, considered favorably on first reading, and ordered published this 20th day of October, A.D. 2009, and to be presented for final passage on the 3rd day of November, A.D. 2009.

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Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading on the 3rd day of November, A.D. 2009.

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Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**Exhibit "A"**

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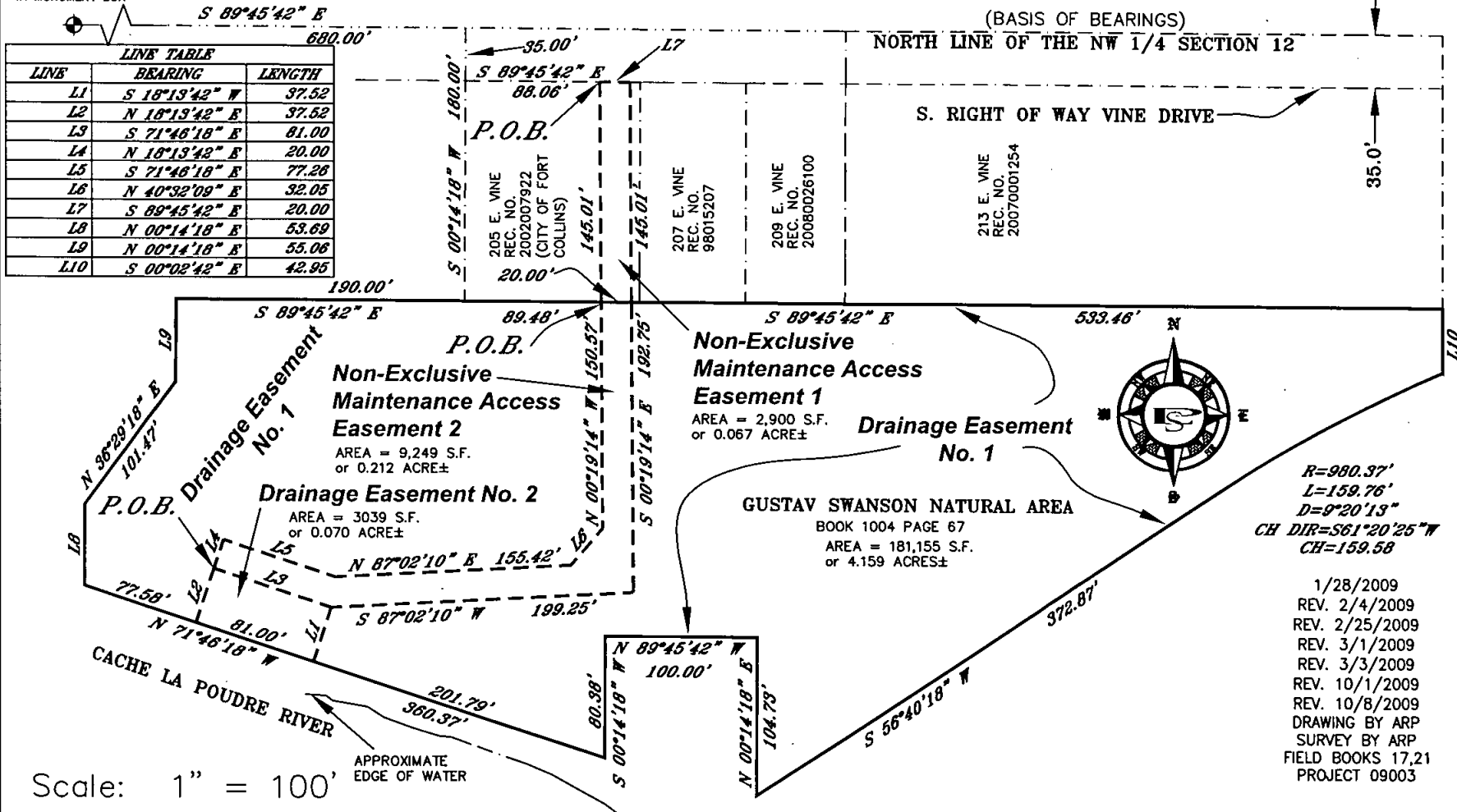
**Drainage Easement No. 1 on Gustav Swanson Natural Area**

Considering the north line of Section 12, Township 7 North, Range 69 West of the 6<sup>th</sup> P.P. as bearing S 89 degrees 46 minutes E, and with all bearings herein relative therto; beginning at a point which bears S 89 degrees 46 minutes E 430.00 feet; and again, S 00 degrees 14 minutes W 370.58 feet from the Northwest corner of said Section 12, said point of beginning being a chiseled cross on the northerly face of the concrete headgate structure of the Coy Ditch, at a point 1.00 foot north 71 degrees 47 minutes west from the southeasterly end of the southeasterly wing of the said structure; thence N 00 degrees 14 minutes E 53.69 feet; thence N 36 degrees 31 minutes east 101.40; thence N 00 degrees 14 minutes E 55.06 feet; thence S 89 degrees 46 minutes E 832.05 feet to the east line of the Northwest Quarter of the Northwest Quarter of said Section 12; thence along said line, S 00 degrees 03 minutes E 42.88 feet to a point on the northerly line of the right-of-way of the Colorado and Southern Railroad, which point is a point on a curve, to the left, whose radius bears S 23 degrees 59 minutes E 980.37 feet and whose long chord bears S 61 degrees 20.5 W 159.1 feet from said point; thence along the said curve, southwesterly, a distance of 160.19 feet to the end of said curve; thence along the north line of said right-of-way, S 56 degrees 40 minutes W 372.87 feet; thence N 00 degrees 14 minutes east 104.73 feet; thence N 89 degrees 46 minutes W 100.00 feet; thence S 00 degrees 14 minutes W 80.38 feet to a point on the northerly bank of the Cache la Poudre River; thence on a line which is the approximate average of the meandering river bank, N 71 degrees 47 minutes W 360.45 feet to the point of beginning; together with a permanent easement for ingress and egress to the public, over and across the East 20.00 feet of the West 804.75 feet of the South 145.00 feet of the North 180.00 feet of the Northwest Quarter of the Northwest Quarter of said Section 12, and subject to right of way of record.

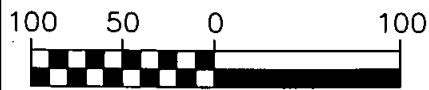
# SKETCH

## A TRACT OF LAND LOCATED IN SECTION 12, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO

NW CORNER SECTION 12-7-69  
RECOVERED 3.25" CDOT BRASS CAP  
IN MONUMENT BOX




LINE	BEARING	LENGTH
L1	S 18°13'42" W	37.52
L2	N 18°13'42" E	37.52
L3	S 71°46'18" E	81.00
L4	N 18°13'42" E	20.00
L5	S 71°46'18" E	77.28
L6	N 40°32'09" E	32.05
L7	S 89°45'42" E	20.00
L8	N 00°14'18" E	53.69
L9	N 00°14'18" E	55.08
L10	S 00°02'42" E	42.95



Graphic Scale in Feet

NOTE: THIS DRAWING IS ONLY A GRAPHICAL REPRESENTATION OF THE ATTACHED PROPERTY DESCRIPTIONS AND IS NOT A LAND SURVEY PLAT OR IMPROVEMENT SURVEY PLAT.

**PERKINS LAND SURVEYING, INC.**  
  
 171 NORTH COLLEGE AVENUE  
 FORT COLLINS, COLORADO 80524  
 PHONE: (970)407-9220 FAX: (970)407-9244 EMAIL: pls@verinet.com