

DATE: November 3, 2009
STAFF: Daylan Figgs
Lindsay Kuntz

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

13

SUBJECT

Second 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.

EXECUTIVE SUMMARY

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"). This Ordinance, unanimously adopted on First Reading on October 20, 2009, authorizes the conveyance of a drainage easement across the Natural Area to allow for stormwater flows in case of storm events larger than a 100-year flood event.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

ATTACHMENTS

1. Copy of First Reading Agenda Item Summary - October 20, 2009.
(w/o original attachments)

AGENDA ITEM SUMMARY FORT COLLINS CITY COUNCIL

ITEM NUMBER: 18

DATE: October 20, 2009

STAFF: Daylan Figgs
Lindsay Kuntz

SUBJECT

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.

COPY

RECOMMENDATION

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.

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FINANCIAL IMPACT

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

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.

BACKGROUND

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.

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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.

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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.

ATTACHMENTS

- 1. Location Map

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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

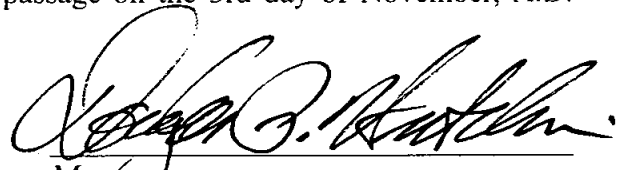
WHEREAS, Section 23-111(a) of the City Code authorizes the City Council to sell, convey, or otherwise dispose of any and all interests in real property owned by the City, provided the City Council first finds, by ordinance, that such sale or other disposition is in the best interests of the City.

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.

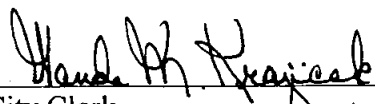
Section 2. That the Mayor is hereby authorized to execute such documents as are necessary to convey the Easement to UDP on terms and conditions consistent with this Ordinance, along with such additional terms and conditions as the City Manager, in consultation with the City Attorney, determines to be 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.



Mayor

ATTEST:



City Clerk

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

Mayor

ATTEST:

City Clerk