

DATE: July 20, 2010
STAFF: Daylan Figgs
Lindsay Kuntz

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

8

SUBJECT

Second Reading of Ordinance No. 079, 2010, Authorizing Conveyance of a Non-Exclusive Drainage Easement and Non-Exclusive Access Easement on City Property to New Prospect, LLC.

EXECUTIVE SUMMARY

New Prospect, LLC (the "Developer") is planning a development in the 800 block of East Prospect called New Prospect (the "Development"). As part of the requirements and design of the Development, the Developer has asked to purchase two easements on Mallards Nest Natural Area, owned by the City's Natural Resources Department. This Ordinance, unanimously adopted on First Reading on July 6, 2010, authorizes the conveyances of two easements consisting of a drainage easement to meet the required stormwater retention criteria and stormwater outfall to Spring Creek and an access easement providing a pedestrian connection from East Prospect Road to the Spring Creek Trail.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

ATTACHMENTS

1. Copy of First Reading Agenda Item Summary - July 6, 2010
(w/o attachments)
2. Staff memo re: Non-Exclusive Drainage Easement and Trail Easement for New Prospect Development

DATE: July 6, 2010
STAFF: Daylan Figgs
 Lindsay Kuntz

AGENDA ITEM SUMMARY
 FORT COLLINS CITY COUNCIL

13

SUBJECT

First Reading of Ordinance No. 079, 2010, Authorizing Conveyance of a Non-Exclusive Drainage Easement and Non-Exclusive Access Easement on City Property to New Prospect, LLC.

EXECUTIVE SUMMARY

New Prospect, LLC (the "Developer") is planning a development in the 800 block of East Prospect called New Prospect (the "Development"). As part of the requirements and design of the Development, the Developer has asked to purchase two easements on Mallard's Nest Natural Area, owned by the City's Natural Resources Department. The easements consist of a drainage easement to meet the required stormwater retention criteria and stormwater outfall to Spring Creek and an access easement providing a pedestrian connection from East Prospect Road to the Spring Creek Trail.

BACKGROUND / DISCUSSION

Mallard's Nest Natural Area (the "Natural Area") is a 2.484-acre property purchased by the City in 2002. The Natural Area runs along the Spring Creek Trail between Spring Park and the East Stuart Street underpass.

New Prospect is a proposed development located north of the Natural Area at 805 East Prospect Road. The Development is a 4.63-acre infill residential development with a mix of single-family detached homes and duplex homes. An extensive pedestrian network with connectivity to the adjacent Spring Creek Trail has been included in the Development's plan.

The Developer has requested two easements on the Natural Area as part of its development proposal. As part of the stormwater management and outlet design, New Prospect is requesting a non-exclusive drainage easement approximately 20 feet wide and 60 feet in length across a portion of Mallard's Nest Natural Area (Attachment 1). In keeping with the historic drainage pattern and utilizing the existing topography of the area, a stormwater detention/water quality pond will be constructed in the southeast corner of the property. An 18-inch buried outlet pipe will be installed and will discharge water from the detention/water quality pond built on private property into Spring Creek.

Three alternatives for the detention pond and outlet structure were evaluated. Based on limitations posed by the elevations within the development and Spring Creek, the detention pond and outlet design described above was selected as the desired option. All three design alternatives were considered by City's stormwater review staff. The proposed design was selected as the best option to meet the design criteria for the project.

Vegetation within the area to be disturbed consists of smooth brome, a non-native grass. Once the outlet pipe is constructed, topsoil will be replaced and seeded with a native grass mix. The detention/water quality pond will be vegetated with a mix of native grasses and shrubs. This feature is directly adjacent to Mallard's Nest Natural Area and will extend native habitat onto private property.

A trail easement has also been requested by the Developer that provides a direct connection between the residential development and the Spring Creek Trail (Attachment 1). This easement totals approximately 5,462 square feet in size. The proposed trail alignment is through an area previously occupied by a tennis court and has recently been restored to native vegetation. All areas impacted by construction activities will be seeded with the same seed mix used in the initial restoration effort.

Natural Resources staff has reviewed the plan for the drainage easement and access easement alignment and has identified no negative impacts to the Natural Area property as a result of the new easement.

FINANCIAL / ECONOMIC IMPACTS

New Prospect, LLC has agreed to compensate the City of Fort Collins \$2,016 for the easements, and will pay the required processing fees as per the Natural Resources Easement Policy. Conveyance of the new easement areas will facilitate the development of the New Prospect Neighborhood and create pedestrian connections for the use by citizens in the surrounding neighborhoods.

ENVIRONMENTAL IMPACTS

Disturbed areas within the drainage easement will be vegetated with native grasses and shrubs. Other than the trail itself, the areas disturbed by the construction of the trail will also be reseeded. The detention/water quality pond will extend native habitat onto the Development property.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BOARD / COMMISSION RECOMMENDATION

Staff presented the proposal to the Land Conservation and Stewardship Board (LCSB) at its May 12, 2010 meeting. The LCSB recommended by unanimous vote, that Council authorize the conveyance of the drainage easement as recommended by staff.

ATTACHMENTS

1. Location map
2. Land Conservation and Stewardship Board minutes, May 12, 2010

COPY

COPY



Natural Resources Department
 Natural Areas Program
 215 North Mason St
 PO Box 580
 Fort Collins, CO 80522-0580
 970.221.6600
 FAX 970.224.6177
 www.fcgov.com

MEMORANDUM

TO: Leadership Team

FROM: Daylan Figgs, Senior Environmental Planner
 Lindsay Kuntz, Real Estate Specialist III

THROUGH: John Stokes, Director of Natural Resources Department
 Marty Heffernan, CPRE Director

DATE: June 16, 2010

RE: Non-Exclusive Drainage Easement and Trail Easement for New Prospect development (Item #21 June 15 Council meeting Leadership Team follow-up)

The Leadership Team wrote:

Item #21 Non-Exclusive Drainage Easement/Daylan Figgs and Lindsay Kuntz--this item was pulled and will be considered July 6. Please explain how the easement facility will function--are we doing more to control the flow of water than merely piping it out? Compliments from Council to staff on the photos and graphics for this item!

Also, for this particular Natural Area and the related drainage easement there is a concern related to the habitat and the easement/trail. The Natural Areas Plan is based on the principle of conserving and preserving habitat. Yet, the more easements that crisscross the natural areas and upon which trails are constructed impacts the natural areas (habitat can be negatively impacted by the fragmentation and disruption from human use of the trails. Please describe your assessment of the balance between the function of the natural area to preserve habitat and the impact of the proposed trail on the easement.

In response to "how the easement facility will function." The stormwater collected in the water quality/detention pond (on New Prospect, LLC property) will be detained in the pond by restricting the outflow from the pond and then slowly releasing it through the pipe across the natural area into Spring Creek. This design will be reviewed and approved by City staff in the Engineering Development Review Division and the Stormwater Engineering Unit prior to construction, and will conform to City adopted engineering design standards. This review will be part of the overall development review for the New Prospect development, and the Natural Areas Program will only be providing an easement for placement of approved facilities.

In response to the concern related to "habitat protection versus the trail connection." Staff and the Land Conservation and Stewardship Board gave this issue careful consideration. The Natural

where renewal is a way of life

Areas Program (NAP) does operate under the mission of protecting natural habitats and features, while providing for education and appropriate recreation for the Fort Collins community. The habitat values were carefully looked at, not allowing the trail connection was seriously discussed and multiple alignments were considered for the trail connection. Staff's primary reason to recommend the trail connection is that if a trail connection was not provided, residents of the New Prospect development would soon establish social trails through Mallard's Nest Natural Area to access the Spring Creek trail. Providing the trail connection allows it to be located in the most suitable location and helps protect against higher levels of fragmentation caused by multiple social trails.

Staff believes the alignment proposed will minimize impacts to wildlife habitat and will have minimal impacts on wildlife habitat. Placing it further west would interfere with a small shelter belt of trees and placing it further east would encroach on a small wetland area adjacent to Spring Creek. The grassland area the trail is proposed to go through (which was recently reclaimed from a former tennis court) has less wildlife habitat value. Also, wildlife that inhabit this area tend to be "generalists" and are well-adapted to the urban environment. When considering all the factors, the proposed trail connection will cause minimal additional impact to the overall habitat values of the area while providing a great opportunity for citizens to enjoy the natural area and Spring Creek Trail:

ORDINANCE NO. 079, 2010
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF A NON-EXCLUSIVE DRAINAGE
EASEMENT AND A NON-EXCLUSIVE ACCESS EASEMENT ON CITY
PROPERTY TO NEW PROSPECT, LLC

WHEREAS, the City is the owner of a parcel of real property located in Fort Collins, Colorado, identified in County records as parcel number 97241-20-905, known as Mallard's Nest Natural Area (the "Natural Area"); and

WHEREAS, New Prospect, LLC (the "Developer") has requested a drainage easement and an access easement (the "Easements") on the Natural Area for the benefit of the New Prospect development (the "Development"); and

WHEREAS, the proposed drainage easement would be used to provide stormwater outfall from the Development's detention pond to Spring Creek within the Natural Area, as described on Exhibit "A", attached and incorporated herein (the "Drainage Easement"); and

WHEREAS, the proposed access easement would be used to provide a public pedestrian connection from East Prospect Road, through the Development, to the Spring Creek Trail located in the Natural Area, as described on Exhibit "B", attached and incorporated herein (the "Access Easement"); and

WHEREAS, as consideration for the grant of the Easements the Developer will pay the City \$2,016.00 plus processing fees as required by the Natural Areas Easement Policy; and

WHEREAS, City staff has identified no negative impacts to the City resulting from the grant of the Easements; and

WHEREAS, Section 23-111(a) of the City Code states 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 City Council first finds, by ordinance, that such sale or other disposition is in the best interests of the City.

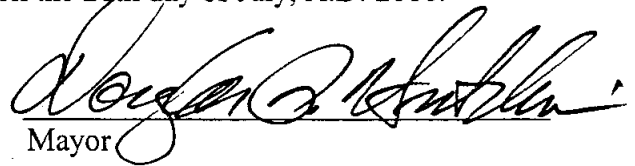
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the conveyance of the Drainage Easement and Access Easement on the Natural Area property to New Prospect, LLC as provided herein is in the best interests of the City.

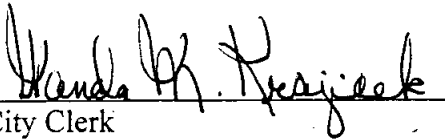
Section 2. That the Mayor is hereby authorized to execute such documents as are necessary to convey the Drainage Easement and Access Easement to New Prospect, LLC on terms and conditions consistent with this Ordinance, together with such additional terms and conditions as the City Manager, in consultation 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.

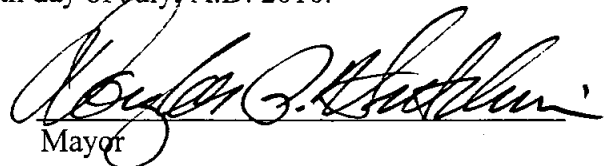
Introduced, considered favorably on first reading, and ordered published this 6th day of July, A.D. 2010, and to be presented for final passage on the 20th day of July, A.D. 2010.


Mayor

ATTEST:


City Clerk

Passed and adopted on final reading on the 20th day of July, A.D. 2010.


Mayor

ATTEST:

City Clerk