

## **SUBJECT**

Items Relating to the Access Road at Soapstone Prairie Natural Area.

- A. Second Reading of Ordinance No. 083, 2011, Authorizing the Transfer to Larimer County of Public Right-of-Way Easements Acquired by the City for the Reconstruction of Rawhide Flats Road.
- B. Second Reading of Ordinance, No. 084, 2011, Authorizing the Conveyance of Access Easements to Three Private Land Owners within the Soapstone Prairie Natural Area.

## **EXECUTIVE SUMMARY**

---

To complete the process of improving Rawhide Flats Road, the City has requested that Larimer County vacate sections of road right-of-way that were abandoned in 2008 when the road was realigned and reconstructed by the City to provide access to Soapstone Prairie Natural Area. The County conditioned its approval of the road improvements on the City's follow up to request this vacation in order to stop the unnecessary public use of the old abandoned road areas and to allow the land to revert to the surrounding landowner(s). Once the sections of right-of-way are vacated, the ownership will revert to the adjacent landowners. In connection with the vacation of the unneeded sections of right-of-way, the City is proposing to transfer to the County six new right-of-way easements that the City acquired to build the realigned portions of the improved road. This transfer will establish that the easements are held by Larimer County as public road easements for Rawhide Flats Road along with the other segments of the Road, and that the right-of-way being vacated is no longer needed.

The City has also asked the County to vacate any remaining public road rights-of-way within Soapstone Prairie Natural Area. This action will establish that Rawhide Flats Road north of the Natural Area boundary line is a private road owned by the City for the sole purpose of providing access to Soapstone Prairie Natural Area. There are currently three property owners with in-holding properties within Soapstone Prairie Natural Area. When this section of Rawhide Flats Road is vacated, these owners will lose their legal access to their properties. In order to continue to provide these owners legal access to their property, the City will need to grant each owner an access easement from the boundary of the Natural Area to their property line. The access easements will follow the same alignment as the existing road on the Soapstone Prairie Natural Area. These Ordinances were unanimously adopted on First Reading on July 5, 2011.

## **STAFF RECOMMENDATION**

---

Staff recommends adoption of the Ordinance on Second Reading.

## **ATTACHMENTS**

---

- 1. Copy of First Reading Agenda Item Summary - July 5, 2011 (w/o attachments)

**DATE:** July 5, 2011  
**STAFF:** Lindsay Kuntz  
Mark Sears

**AGENDA ITEM SUMMARY**  
FORT COLLINS CITY COUNCIL

**17**

**SUBJECT**

Items Relating to the Access Road at Soapstone Prairie Natural Area.

- A. First Reading of Ordinance No. 083, 2011, Authorizing the Transfer to Larimer County of Public Right-of-Way Easements Acquired by the City for the Reconstruction of Rawhide Flats Road.
- B. First Reading of Ordinance, No. 084, 2011, Authorizing the Conveyance of Access Easements to Three Private Land Owners within the Soapstone Prairie Natural Area.

**EXECUTIVE SUMMARY**

To complete the process of improving Rawhide Flats Road, the City has requested that Larimer County vacate sections of road right-of-way that were abandoned in 2008 when the road was realigned and reconstructed by the City to provide access to Soapstone Prairie Natural Area. The County conditioned its approval of the road improvements on the City's follow up to request this vacation in order to stop the unnecessary public use of the old abandoned road areas and to allow the land to revert to the surrounding landowner(s). Once the sections of right-of-way are vacated, the ownership will revert to the adjacent landowners. In connection with the vacation of the unneeded sections of right-of-way, the City is proposing to transfer to the County six new right-of-way easements that the City acquired to build the realigned portions of the improved road. This transfer will establish that the easements are held by Larimer County as public road easements for Rawhide Flats Road along with the other segments of the Road, and that the right-of-way being vacated is no longer needed.

The City has also asked the County to vacate any remaining public road rights-of-way within Soapstone Prairie Natural Area. This action will establish that Rawhide Flats Road north of the Natural Area boundary line is a private road owned by the City for the sole purpose of providing access to Soapstone Prairie Natural Area. There are currently three property owners with in-holding properties within Soapstone Prairie Natural Area. When this section of Rawhide Flats Road is vacated, these owners will lose their legal access to their properties. In order to continue to provide these owners legal access to their property, the City will need to grant each owner an access easement from the boundary of the Natural Area to their property line. The access easements will follow the same alignment as the existing road on the Soapstone Prairie Natural Area.

**BACKGROUND / DISCUSSION**

To provide access to Soapstone Prairie Natural Area, the Natural Areas Program (NAP) reconstructed Rawhide Flats Road to meet the required County road standards. Prior to the reconstruction, the road went through several natural drainage channels. County road standards required the City to realign Rawhide Flats Road in several locations, out of the drainage ways and away from the existing right-of-way. The realignment of the road required the City to acquire six new public right-of-way easements from private property owners. At the time of approval of the new road, the County conditioned its approval on future vacation of the obsolete sections of the old right-of-way.

City staff plans to initiate the process of requesting that the County Commissioners vacate the abandoned road rights-of-way in an effort to stop the public use of these old road areas and to allow the land to revert to the surrounding landowner(s). The old road was removed, reseeded with native grass seed, and fenced off. However, neighboring residents have removed the fences and resumed driving across these abandoned rights-of-way, since, technically, they are still public road rights-of-way.

City staff is recommending that the City transfer these six right-of-way easements to Larimer County, to establish that these new easement areas are held by Larimer County as public road easements for Rawhide Flats Road, and to affirm that the sections of right-of-way being vacated are no longer needed.

The NAP has acquired all the land north of the Natural Area boundary line shown on Attachment 2, with the exception of three privately owned in-holdings. The NAP is requesting the County Commissioners vacate all remaining public rights-of-way, including prescriptive rights, across the land now known as Soapstone Prairie Natural Area. Vacating this right-of-way will establish that Rawhide Flats Road north of the Natural Area boundary line is a private road owned by the City for the sole purpose of providing access to Soapstone Prairie Natural Area. City staff is recommending that the City grant individual access easements to each of the three privately held in-holdings to maintain their ability to legally access their properties across the lower portion of Soapstone Prairie Natural Area.

Once the Ordinances have passed, the City will grant the access easements to the private in-holding owners contingent upon the road vacation, initiate the road vacation process with the County, and transfer the six right-of-way easements to the County.

---

### **ENVIRONMENTAL IMPACTS**

---

The abandoned portion of Rawhide Flats Road was reseeded to native grasses and forbs during the construction project. Also, three new stream crossings were constructed as part of the new road construction thereby eliminating three low water crossings.

---

### **STAFF RECOMMENDATION**

---

Staff recommends adoption of the Ordinances on First Reading.

---

### **BOARD / COMMISSION RECOMMENDATION**

---

On June 8, 2011, the Land Conservation and Stewardship Board voted unanimously to approve the recommendation that City Council approve an ordinance authorizing transfer of the six new public right-of-way easements to the County and three access easements to the private in-holding property owners.

---

### **PUBLIC OUTREACH**

---

Property owners surrounding the affected area of Rawhide Flats Road were contacted by mail detailing the City's plans of vacating the old right-of-way areas. This information also included a detailed map showing the proposed road vacations.

---

### **ATTACHMENTS**

---

1. Vicinity Map - Soapstone Prairie Natural Area
2. Map of Access Easements and Right of Way Areas to Be Conveyed
3. Map of Right-of-Way to Be Vacated
4. Land Conservation and Stewardship Board Minutes, June 8, 2011

ORDINANCE NO. 083, 2011  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING THE TRANSFER TO LARIMER COUNTY OF PUBLIC RIGHT OF WAY  
EASEMENTS ACQUIRED BY THE CITY FOR THE RECONSTRUCTION OF  
RAWHIDE FLATS ROAD

WHEREAS, in 2008, the City reconstructed Rawhide Flats Road (the "Road"), located in northern Larimer County, to provide better access to Soapstone Prairie Natural Area; and

WHEREAS, in order to meet the County's road standards the City was required to realign portions of the Road; and

WHEREAS, in connection with the County's approval of the City's improvements to the Road, the County conditioned its approval on the eventual vacation of the portions of the Road that would be abandoned under the new alignment; and

WHEREAS, the City obtained six right-of-way easements totaling approximately 33.5 acres from neighboring property owners in order to realign the Road (the "Easements"); and

WHEREAS, the City has asked Larimer County to vacate the portions of the old road right-of-way that were abandoned in the realignment and are no longer being used for the Road; and

WHEREAS, in conjunction with the County's vacation process, City staff would like to transfer the Easements to the County in order to appropriately establish that these new sections of the Road are County road right-of-way like the rest of the Road, and to ensure that the portions of the right-of-way being vacated by the County are no longer needed; 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 interests of the City.

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

Section 1. That the transfer of the Easements, 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 transfer the Easements to the County 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.

Introduced, considered favorably on first reading, and ordered published this 5th day of July, A.D. 2011, and to be presented for final passage on the 19th day of July, A.D. 2011.

---

Mayor

ATTEST:

---

City Clerk

Passed and adopted on final reading on the 19th day of July, A.D. 2011.

---

Mayor

ATTEST:

---

City Clerk

ORDINANCE NO. 084, 2011  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING THE CONVEYANCE OF ACCESS EASEMENTS TO THREE PRIVATE  
LAND HOLDERS WITHIN THE SOAPSTONE PRAIRIE NATURAL AREA

WHEREAS, the City is the owner of certain real property located in northern Larimer County known as Soapstone Prairie Natural Area (the “Natural Area”); and

WHEREAS, the City is planning to ask Larimer County to vacate all public rights-of-way, including any prescriptive rights, that may remain within the boundaries of the Natural Area, in order to ensure that any roads within the Natural Area, including the northern extension of Rawhide Flats Road north of the Natural Area’s southern boundary, are private roads owned by the City for the sole purpose of providing access to the Natural Area; and

WHEREAS, there are currently three privately-owned parcels of land that are inholdings within the Natural Area (the “Properties”); and

WHEREAS, upon the County’s vacation of the public rights-of-way within the Natural Area, the Properties would no longer be legally accessible; and

WHEREAS, therefore, in order to provide a substitute means of access to the Properties, City staff is recommending that the City grant the property owners access easements across a portion of the City’s access road; and

WHEREAS, the proposed access easements are described on Exhibit A, attached and incorporated herein by reference (the “Access Easements”); and

WHEREAS, the Access Easements would be contingent upon the vacation of the existing road right-of-way, and would not give the owners of the Properties more rights to use or access City property than they have prior to the vacation; 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 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 Easements, 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 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 are 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 5th day of July, A.D. 2011, and to be presented for final passage on the 19th day of July, A.D. 2011.

---

Mayor

ATTEST:

---

City Clerk

Passed and adopted on final reading on the 19th day of July, A.D. 2011.

---

Mayor

ATTEST:

---

City Clerk

## EXHIBIT A

**Easement 1**, City to the owner of E ½ of NE ¼ of Section 11, Township 11 North, Range 69 West of the 6<sup>th</sup> P.M., being Larimer County Assessor's Schedule Number R0599662, LESS approximately 44 acres west of easterly side of existing road extending north as or from County Road 15 in the East ½ of the Northeast ¼ of Section 11, Township 11 North, Range 69 West of the 6<sup>th</sup> Prime Meridian, Larimer County, Colorado, **and** NW ¼ of Section 7, Township 11 North, Range 68 West of the 6<sup>th</sup> P.M., being Larimer County Assessor's Schedule Number R0300381, **and** SW ¼ of Section 7, Township 11 North, Range 68 West of the 6<sup>th</sup> P.M., being Larimer County Assessor's Schedule Number R0599603, **and** W ½ of NE ¼ & W ½ of SE ¼ of Section 7, Township 11 North, Range 68 West of the 6<sup>th</sup> P.M., being Larimer County Assessor's Schedule Number R0599557, **and** all Section 12, Township 11 North, Range 69 West of the 6<sup>th</sup> P.M., being Larimer County Assessor's Schedule Number R0599697, Larimer County, State of Colorado (Kurt E. and Nancy Zimmerman):

A perpetual, non-exclusive access easement on, over, under and across Grantor's Property, from the south section line of Secs. 13 and 14, T11N, R69W to the north section line of Secs. 11 and 12, T11N, R69W along the existing improved roadway, as the same now exists or may hereafter be moved or modified.

**Easement 2**, City to the owner of E ½ of NW ¼ of Section 13, Township 11 North, Range 69 West of the 6<sup>th</sup> P.M., Larimer County, Colorado (Janalee McEwen Bowler):

A perpetual, non-exclusive access easement on, over, under and across Grantor's Property, from the south section line of Secs. 13 and 14, T11N, R69W to the north section line of Secs. 11 and 12, T11N, R69W along the existing improved roadway, as the same now exists or may hereafter be moved or modified.

**Easement 3**, City to the owner of S ½ of SE ¼ of Section 11, Township 11 North, Range 69 West of the 6<sup>th</sup> P.M., Larimer County, Colorado. (Kelly Noonan):

A perpetual, non-exclusive access easement on, over, under and across Grantor's Property, from the south section line of Secs. 13 and 14, T11N, R69W to the north line of the S ½ of the SE ¼ of Sec. 11, T11N, R69W along the existing improved roadway, as the same now exists or may hereafter be moved or modified.