

SUBJECT

Items Relating to the Archery Range Natural Area.

- A. First Reading of Ordinance No. 024, 2012, Authorizing the Conveyance of a Non-Exclusive Easement on Portions of Archery Range Natural Area to Boxelder Sanitation District.
- B. Resolution 2012-016 Authorizing a Revocable Permit to Boxelder Sanitation District on the Archery Range Natural Area to Repair Flood Damage to the Riverbank.

EXECUTIVE SUMMARY

Boxelder Sanitation District is seeking a non-exclusive permanent easement and a revocable permit to access and install rock rip rap armoring along the north bank of the Cache la Poudre River within the Archery Range Natural Area. The river bank armoring is being installed to protect the Boxelder Wastewater Treatment Facility from further flood damage.

BACKGROUND / DISCUSSION

In August 1999, City Council approved two ordinances that granted temporary and permanent non-exclusive easements for flood control structures to be constructed by the Boxelder Sanitation District (Boxelder) on the Archery Range Natural Area. The purpose of the structures was to reduce the risk of flood damage to the wastewater treatment facility. The flood control structures were not constructed.

During the spring runoff event in 2011, the north bank of the Cache la Poudre River eroded back towards Boxelder's treatment facility. In response, Boxelder installed rip rap armoring in the general area of the 1999 easements on the Archery Range Natural Area. Boxelder completed the roughly 100 feet by 25 feet armoring project in the fall of 2011.

Natural Areas Department staff was contacted by Boxelder after the completion of the project to discuss site restoration. At that time it was determined the project, completed in 2011, was constructed, at least in part, outside of the easements authorized in 1999. Additionally, Boxelder had not acquired all necessary floodplain permits and project design approvals from the City. To meet the floodplain requirements and gain project design approval from the City, Boxelder will remove the majority of the rip rap placed in 2011 and reconstruct the project following a newly approved design. Based on the location of the 2011 work relative to the 1999 easements and the need to remove much of the work performed in 2011, staff determined to pursue a new non-exclusive easement for the project.

Boxelder has worked to secure all permits and gain approval on the redesign for the project to comply with City floodplain requirements. Further, Boxelder has agreed to complete mitigation and restoration as outlined in the 2012 Natural Areas and Conserved Lands Easement Policy.

City Council recently authorized a revocable permit for Lafarge West, Inc. to access and conduct the work necessary to repair a breach in the river bank within the Archery Range Natural Area (Resolution 2012-012). The Lafarge project occurs along the south bank of the Poudre River, just upstream of the Boxelder project. Repair of the river breach will redirect the river flow back into river channel where Boxelder will be working. To help reduce the overall cost of the project, Boxelder requested a revocable permit to complete the redesigned rip rap project before the river flow is restored to the channel. The Lafarge project is currently scheduled to be completed on approximately April 1, 2012. The Resolution authorizing a revocable permit is to allow Boxelder access to complete the rip rap project in March 2012, prior to the April completion of the Lafarge riverbank breach repair, and while approval and execution of the proposed permanent easement is pending.

The Boxelder project area is approximately 100 feet by 25 feet. Construction will consist of excavating a portion of the riverbank, placing erosion fabric and rock rip rap onto the bank, and covering the rock riprap with topsoil. The site will be seeded with a native grass mix approved by Natural Areas staff. In addition, coyote willows will be planted on four foot centers within the lower sections (wetter soils) of the project area.

Mitigation for the project will occur on site. Coyote willow will be established immediately upstream and downstream of the project area. This will help protect the bank from further erosion as well as provide additional wildlife habitat along this portion of the Poudre River. A second phase of the mitigation project will occur at the confluence of Boxelder Creek and the Cache la Poudre River, just downstream of the project area. Treated water from the Boxelder facility is released into Boxelder Creek and enters the Poudre River at this confluence. Banks along Boxelder Creek lack a strong shrub and willow community and are exposed to water erosion. Native willows will be established along both banks of Boxelder Creek above the confluence. Mitigation efforts will increase wildlife habitat values and help protect stream banks from erosion along Boxelder Creek and the Cache la Poudre River. The area included in the revocable permit would be larger than the area of the permanent easement in order to allow for this mitigation work.

The project will be subject to the Natural Areas and Conserved Lands Easement Policy and all of its requirements, including the Natural Areas Department General Resource Protection Standards, mitigation requirements, and public outreach.

FINANCIAL / ECONOMIC IMPACTS

The administration fee was paid to the City under the previous easement policy. As such, an administration fee of \$500 has been paid and the cost to administer the easement is being tracked; Boxelder will reimburse the City for all costs in excess of \$500.

The value for the easement will be calculated as outlined in the 2012 Easement Policy. The value of the non-exclusive easement will be provided by Real Estate Services based on standard appraisal techniques. The value of the ecological goods and services has been calculated to be \$355, as established by methods outlined in the Easement Policy.

ENVIRONMENTAL IMPACTS

The project will be restored as outlined by the Easement Policy. Natural Areas will be compensated for the loss of ecological goods and services by habitat mitigation that will occur in close proximity to the project. Mitigation will consist of native willow establishment along the riverbanks of Cache la Poudre River and along the banks of Boxelder Creek. The location of this work is shown in Attachment 2.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution and the Ordinance on First Reading.

BOARD / COMMISSION RECOMMENDATION

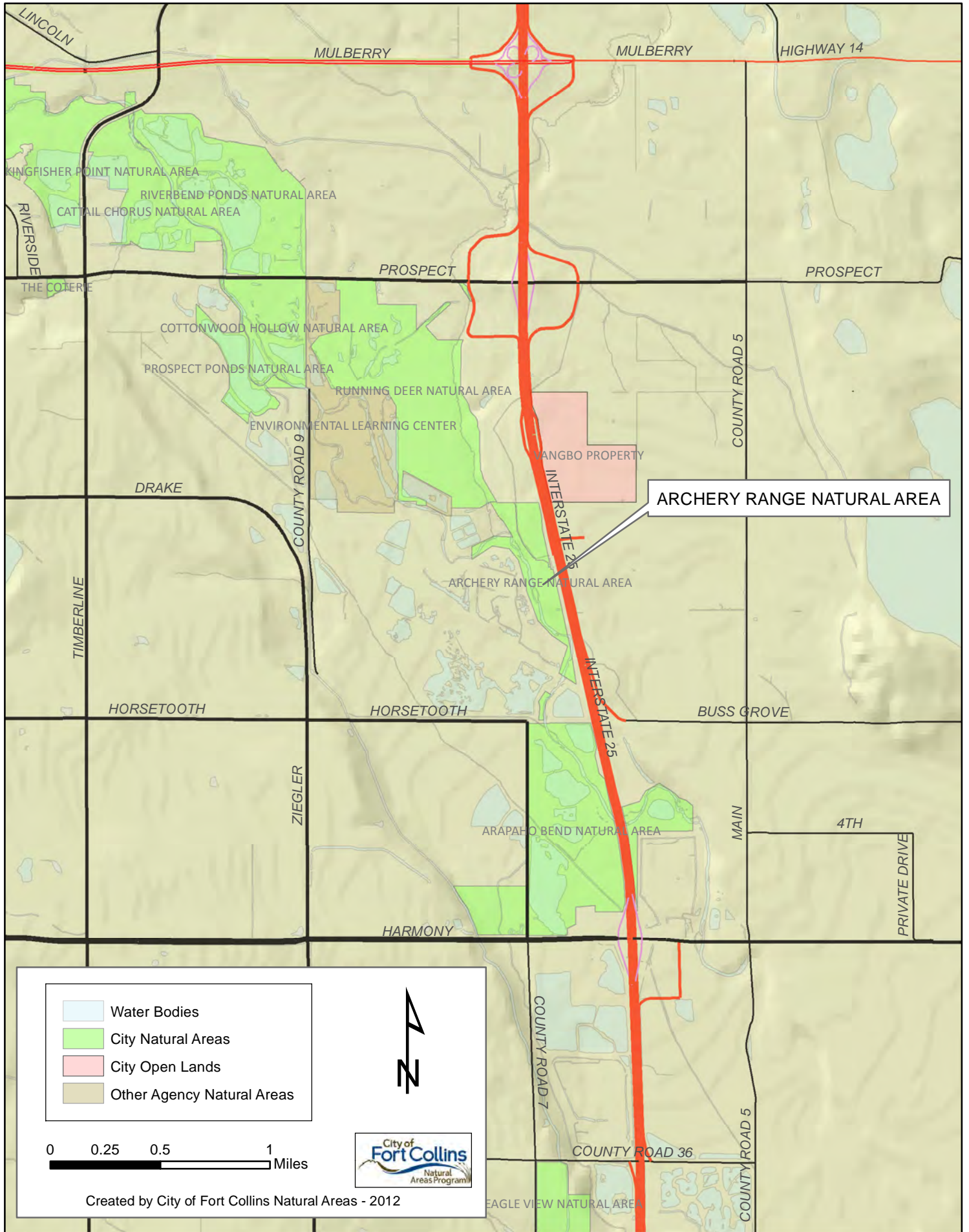
At its March 14, 2012 meeting, the Land Conservation Stewardship Board voted to recommend approval of the easement conveyance and the revocable permit. Draft minutes will be provided to Council in its read before packet on March 20, 2012.

PUBLIC OUTREACH

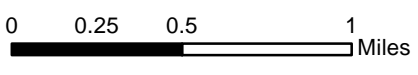
Boxelder Sanitation District held a public meeting regarding the project on March 8, 2012. No one from the public attended.

ATTACHMENTS

1. Location Map
2. Easement and Mitigation Map



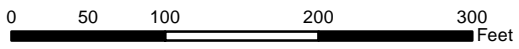
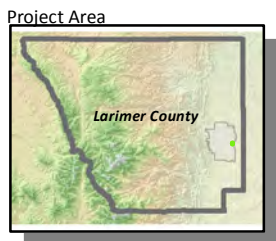
	Water Bodies
	City Natural Areas
	City Open Lands
	Other Agency Natural Areas



Created by City of Fort Collins Natural Areas - 2012



- Lafarge Project Extent
- 2012 Box Elder Sanitation Easement Location
- CITY OF FORT COLLINS NATURAL AREA



ORDINANCE NO. 024, 2012
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF A NON-EXCLUSIVE EASEMENT
ON PORTIONS OF ARCHERY RANGE NATURAL AREA
TO BOXELDER SANITATION DISTRICT

WHEREAS, the City is the owner of that certain parcel of real property located west of Interstate 25 and north of Horsetooth Road known as the Archery Range Natural Area (the “Natural Area”); and

WHEREAS, Boxelder Sanitation District (“Boxelder”) owns and operates a wastewater treatment facility on land north of and adjacent to the Natural Area; and

WHEREAS, in 1999, pursuant to Ordinance No. 113, 1999 and Ordinance No. 186, 1999, the City granted to Boxelder several easements for flood control structures on the Natural Area (the “1999 Easements”) for the purpose of reducing the risk of flood damage to the wastewater treatment facility; and

WHEREAS, the flood control structures authorized under the 1999 Easements were never constructed; and

WHEREAS, during spring runoff in 2011, the north bank of the Cache la Poudre River, located within the Natural Area, eroded back towards Boxelder’s facilities and, in response to the erosion, Boxelder armored the north bank of the river with rip rap in the approximate area of the 1999 Easements (the “2011 Project”); and

WHEREAS, because the 2011 Project design was not approved by the City, the work was not within the scope of the 1999 Easements, and the work was done without the necessary floodplain permits, Boxelder is proposing to redo the 2011 Project following a new design and with proper approvals and permits (the “2012 Project”); and

WHEREAS, on February 21, 2012, the City Council approved Resolution 2012-012, authorizing a revocable permit to Lafarge West, Inc. (“Lafarge”), to repair a breach in the riverbank within the Natural Area upstream from the Boxelder facility; and

WHEREAS, when Lafarge completes its work, the river flow will be directed back into the channel where Boxelder is proposing to do the 2012 Project; and

WHEREAS, by separate Resolution, the City Council is considering authorizing a revocable permit to Boxelder to do the 2012 Project, including access to and reconstruction of the riverbank and mitigation of project impacts on habitat along the riverbank, so that Boxelder can begin work as quickly as possible; and

WHEREAS, City staff is recommending that the City also enter into a permanent, non-exclusive easement with Boxelder (the “Easement”) that would permit and require Boxelder’s long term maintenance and repair of the 2012 Project; and

WHEREAS, the area of the proposed Easement is described on Exhibit “A”, attached and incorporated herein by reference; and

WHEREAS, Boxelder has paid \$500 to cover City administrative costs associated with processing the requested revocable permit and Easement, and will reimburse the City for costs in excess of \$500; and

WHEREAS, Boxelder will also pay the City the value of the Easement, to be calculated as described in the 2012 Natural Areas Easement Policy, and will provide habitat mitigation worth \$355 by planting willows in the general area of the 2012 Project, to help stabilize the banks of the river and Boxelder Creek; and

WHEREAS, it is in the City’s interest that Boxelder maintain its improvements within the river on the Natural Area over time; and

WHEREAS, at its regular meeting on March 14, 2012, the Land Conservation and Stewardship Board voted to recommend approval of the revocable permit and Easement conveyance; and

WHEREAS, Section 23-111 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 Easement to Boxelder, as described 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 Boxelder 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 and appropriate to protect the interests of the City or to effectuate the purposes of this Ordinance, including any necessary corrections to the legal description of the Easement, as long as such changes do not materially increase the size or change in character of the Easement.

Introduced, considered favorably on first reading, and ordered published this 20th day of March, A.D. 2012, and to be presented for final passage on the 3rd day of April, A.D. 2012.

Mayor

ATTEST:

Interim City Clerk

Passed and adopted on final reading on the 3rd day of April, A.D. 2012.

Mayor

ATTEST:

Interim City Clerk



2310 East Prospect
Fort Collins, CO 80525

ph: 970.484.7477
fa: 970.484.7488

www.tec-engrs.com

LEGAL DESCRIPTION

A 45.00 FOOT WIDE **EASEMENT** LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 28, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO, LYING SOUTHEASTERLY OF THE FOLLOWING DESCRIBED LINE:

BASIS OF BEARINGS: THE NORTH LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 28 BEING MONUMENTED AT THE EAST END BY A 3" ALUMINUM CAP STAMPED "T7N R68W, 21, 22, 27, 28, LS 17497, 1997" AND AT THE WEST END BY A 3 1/4" ALUMINUM CAP STAMPED "T7N R68W, 1/4, S21, S28, LS 20685, 1994" IS ASSUMED TO BEAR N89°01'47"W.

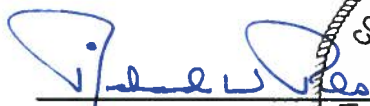
COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 28;
THENCE S44°40'04"W A DISTANCE OF 1110.95 FEET TO AN ANGLE POINT IN THE SOUTHERLY LINE OF THAT TRACT OF LAND DESCRIBED AT RECEPTION NUMBER 20010074379, LARIMER COUNTY RECORDS;
THENCE S63°45'13"W ON SAID SOUTHERLY LINE A DISTANCE OF 19.32 FEET TO THE **POINT OF BEGINNING**;
THENCE CONTINUING S63°45'13"W ON SAID SOUTHERLY LINE A DISTANCE OF 110.00 FEET TO THE **POINT OF TERMINUS**.

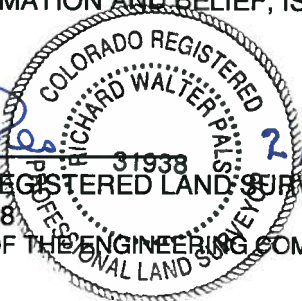
CONTAINING A CALCULATED AREA OF 0.114 ACRES (4,950 SQUARE FEET, MORE OR LESS).

SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD OR EXISTING.

LEGAL DESCRIPTION STATEMENT:

I, RICHARD W. PALS, A REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED BY ME OR UNDER MY DIRECT RESPONSIBLE CHARGE, AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, IS CORRECT.


 RICHARD W. PALS, REGISTERED LAND SURVEYOR
 COLORADO NO. 31938
 FOR AND ON BEHALF OF THE ENGINEERING COMPANY



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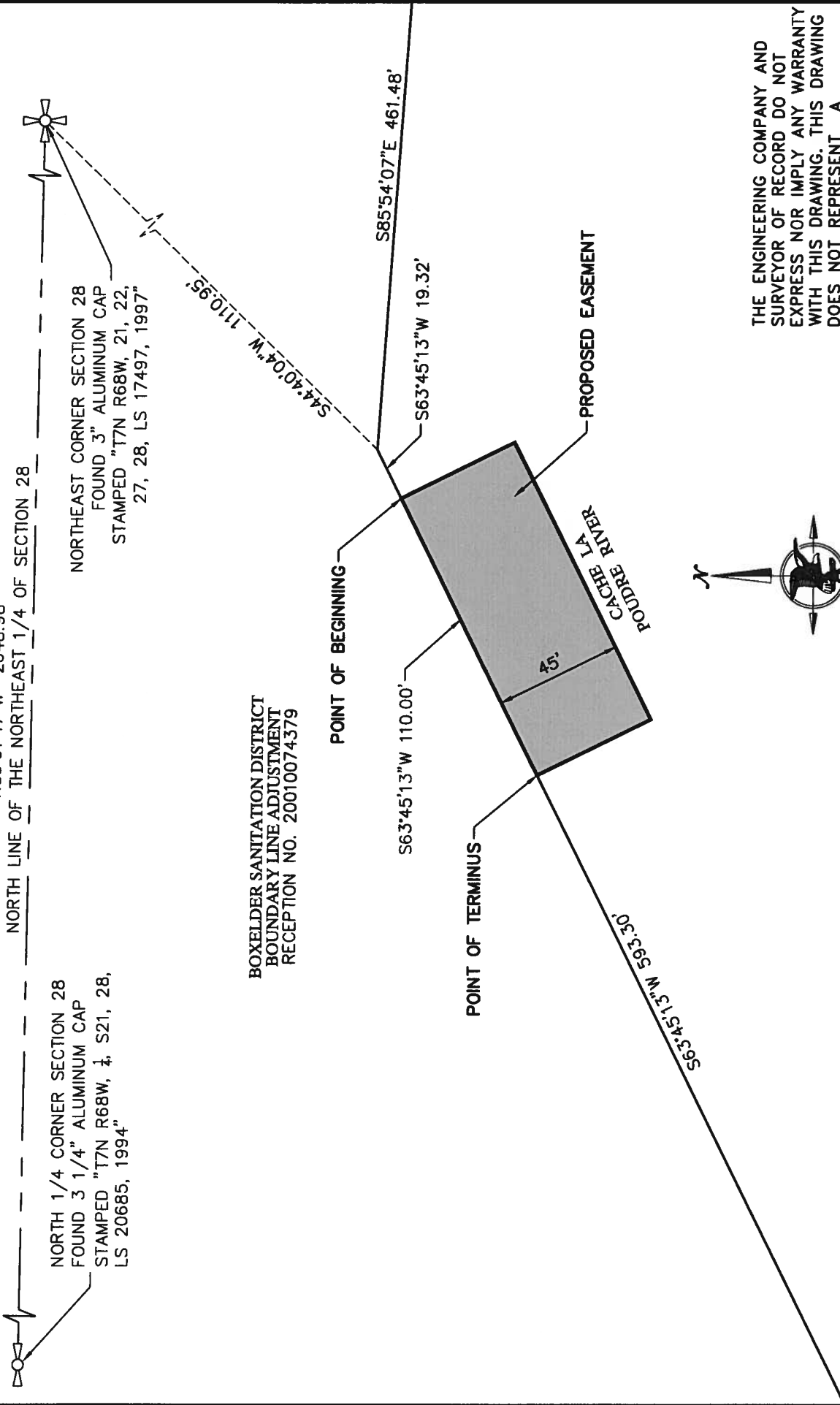
BASIS OF BEARINGS
 N89°01'47"W 2648.98'

NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 28

NORTH 1/4 CORNER SECTION 28
 FOUND 3 1/4" ALUMINUM CAP
 STAMPED "T7N R68W, 4, S21, 28,
 LS 20685, 1994"

NORTHEAST CORNER SECTION 28
 FOUND 3" ALUMINUM CAP
 STAMPED "T7N R68W, 21, 22,
 27, 28, LS 17497, 1997"

BOXELDER SANITATION DISTRICT
 BOUNDARY LINE ADJUSTMENT
 RECEPTION NO. 20010074379



SCALE: 1 INCH = 50 FEET

THE ENGINEERING COMPANY AND SURVEYOR OF RECORD DO NOT EXPRESS NOR IMPLY ANY WARRANTY WITH THIS DRAWING. THIS DRAWING DOES NOT REPRESENT A MONUMENTED SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

DESCRIPTION EXHIBIT
BOXELDER WWTP
BOXELDER SAN. DIST.

The Engineering Company
 2310 East Prospect Road, Suite B Fort Collins, CO 80525
 (970) 484-7477 www.tec-engrs.com

RESOLUTION 2012-016
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING A REVOCABLE PERMIT TO BOXELDER
SANITATION DISTRICT ON THE ARCHERY RANGE NATURAL
AREA TO REPAIR FLOOD DAMAGE TO THE RIVERBANK

WHEREAS, the City is the owner of that certain parcel of real property located west of Interstate 25 and north of Horsetooth Road known as the Archery Range Natural Area (the “Natural Area”); and

WHEREAS, Boxelder Sanitation District (“Boxelder”) owns and operates a wastewater treatment facility on land north of and adjacent to the Natural Area; and

WHEREAS, in 1999, pursuant to Ordinance No. 113, 1999 and Ordinance No. 186, 1999, the City granted to Boxelder several easements for flood control structures on the Natural Area (the “1999 Easements”) for the purpose of reducing the risk of flood damage to the wastewater treatment facility; and

WHEREAS, the flood control structures authorized under the 1999 Easements were never constructed; and

WHEREAS, during spring runoff in 2011, the north bank of the Cache la Poudre River, located within the Natural Area, eroded back towards Boxelder’s facilities and, in response to the erosion, Boxelder armored the north bank of the river with rip rap in the approximate area of the 1999 Easements (the “2011 Project”); and

WHEREAS, because the 2011 Project design was not approved by the City, the work was not within the scope of the 1999 Easements, and the work was done without the necessary floodplain permits, Boxelder is proposing to redo the 2011 Project following a new design and with proper approvals and permits (the “2012 Project”); and

WHEREAS, on February 21, 2012, the City Council approved Resolution 2012-012, authorizing a revocable permit to Lafarge West, Inc. (“Lafarge”), to repair a breach in the riverbank within the Natural Area upstream from the Boxelder facility; and

WHEREAS, when Lafarge completes its work, the river flow will be directed back into the channel where Boxelder is proposing to do the 2012 Project; Boxelder is therefore asking that the City grant it a revocable permit to do the 2012 Project, including access to and reconstruction of the riverbank and mitigation of project impacts on habitat along the riverbank, so that it can begin work on the 2012 Project as quickly as possible; and

WHEREAS, the area of the proposed revocable permit would include the real property described on Exhibit “A”, attached and incorporated herein by reference, as well as the areas labeled as “Mitigation Areas” on Exhibit “B”, attached and incorporated herein by reference (together, the “Permit Area”) ; and

WHEREAS, Boxelder will be required as a condition of the proposed revocable permit to enter into a permanent easement agreement with the City in order to carry out future maintenance and repair obligations within the Permit Area; and

WHEREAS, the City Council is considering the granting of such a permanent easement by separate Ordinance; and

WHEREAS, the revocable permit would remain in place, unless revoked by the City, until a permanent easement could be executed; and

WHEREAS, Boxelder has paid \$500 to cover City administrative costs associated with processing the requested revocable permit and easement, and will reimburse the City for costs in excess of \$500; and

WHEREAS, Boxelder will also provide habitat mitigation worth \$355 by planting willows in the general area of the 2012 Project, to help stabilize the banks of the river and Boxelder Creek; and

WHEREAS, it is in the City's interest for the riverbank to be repaired prior to high flows in spring 2012, and the granting of a revocable permit as described herein will enable that work to proceed; and

WHEREAS, at its regular meeting on March 14, 2012, the Land Conservation and Stewardship Board voted to recommend approval of the revocable permit and easement conveyance; and

WHEREAS, Article XI, Section 10 of the City Charter authorizes the City Council to permit the use of occupation of any street, alley, or public place, provided that such permit shall be revocable by the City Council at its pleasure, whether or not such right to revoke is expressly reserved in such permit.

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

Section 1. That the City Council hereby finds and determines that the granting of a revocable permit, as described herein, is in the best interests of the City.

Section 2. That the City Manager is hereby authorized to execute such documents as are necessary to grant a revocable permit to Boxelder on terms and conditions consistent with this Resolution, together with such additional terms and conditions as the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to protect the interests of the City or to effectuate the purposes of this Resolution, including any necessary corrections to the legal description of the Permit Area, as long as such changes do not materially increase the size or change the character of the Permit Area.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 20th day of March A.D. 2012.

Mayor

ATTEST:

Interim City Clerk



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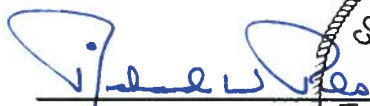
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 COLORADO NO. 31938

FOR AND ON BEHALF OF THE ENGINEERING COMPANY



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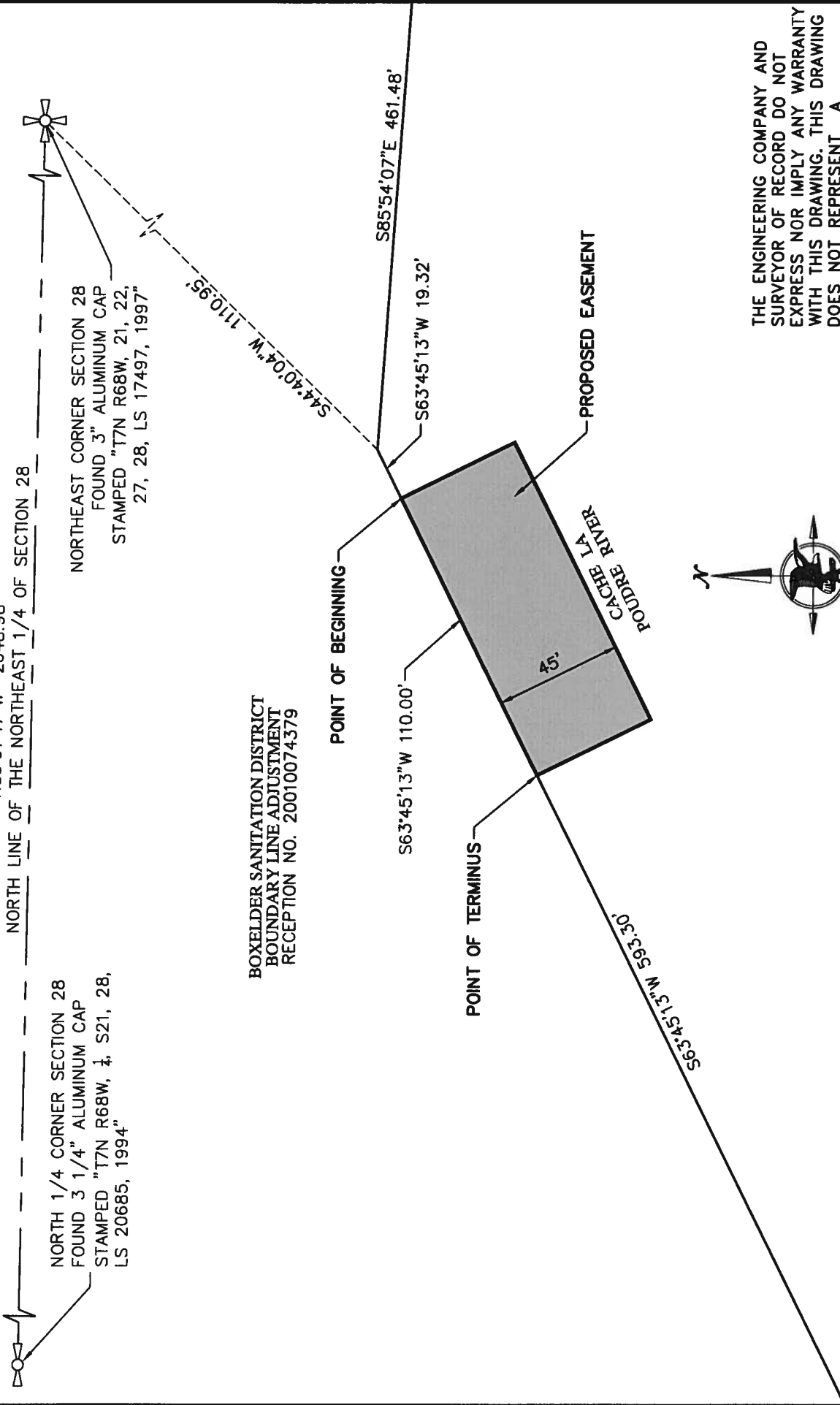
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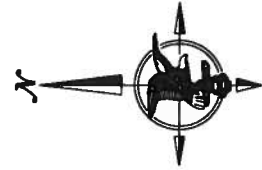
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BOXELDER SANITATION DISTRICT
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- Lafarge Project Extent
- 2012 Box Elder Sanitation Easement Location
- CITY OF FORT COLLINS NATURAL AREA

