

AGENDA ITEM SUMMARY

July 7, 2015

City Council

STAFF

Lindsay Kuntz, Real Estate Specialist

SUBJECT

Second Reading of Ordinance No. 066, 2015, Authorizing the Conveyance of a Permanent Access Easement on City Property to the City of Greeley.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on June 2, 2015, authorizes the conveyance of a permanent access easement to the City of Greeley along a dirt road on City Property known as the City Ditch. The City conveyed easements in 2014 to the City of Greeley ("Greeley") to facilitate its Greeley Bellvue Pipeline Project (the "Project") across a strip of property owned by the City's Utility Department located south of the Poudre River and north of Bingham Hill Road, known as the City Ditch property. At that time, Greeley was also in negotiations with the neighboring property owner for easements across their property, including an access easement in order for Greeley to access the Project site. Greeley has reached an agreement for possession of the easements needed from the neighboring property owner; however, as part of that agreement, Greeley agreed to reroute its planned access route to instead use the dirt road on the City Ditch property. As such, Greeley has requested a permanent access easement for use of the dirt road on the City Ditch property to access its pipeline site.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

ATTACHMENTS

1. First Reading Agenda Item Summary, June 2, 2015 (w/o attachments) (PDF)
2. Ordinance No. 066, 2015 (PDF)

AGENDA ITEM SUMMARY

June 2, 2015

City Council

STAFF

Lindsay Kuntz, Real Estate Specialist

SUBJECT

First Reading of Ordinance No. 066, 2015, Authorizing the Conveyance of a Permanent Access Easement on City Property to the City of Greeley.

EXECUTIVE SUMMARY

The purpose of this item is to authorize the conveyance of a permanent access easement to the City of Greeley along a dirt road on City Property known as the City Ditch. The City conveyed easements in 2014 to the City of Greeley ("Greeley") to facilitate its Greeley Bellvue Pipeline Project (the "Project") across a strip of property owned by the City's Utility Department located south of the Poudre River and north of Bingham Hill Road, known as the City Ditch property. At that time, Greeley was also in negotiations with the neighboring property owner for easements across their property, including an access easement in order for Greeley to access the Project site. Greeley has reached an agreement for possession of the easements needed from the neighboring property owner; however, as part of that agreement, Greeley agreed to reroute its planned access route to instead use the dirt road on the City Ditch property. As such, Greeley has requested a permanent access easement for use of the dirt road on the City Ditch property to access its pipeline site.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The Project involves the installation of about 30 miles of a 60-inch diameter pipeline and is designed to transport water from its Bellvue water treatment plant located northwest of Fort Collins to the City of Greeley water customers. The Northern Segment is one of the last portions of the Project and involves the installation of the waterline improvements from Shields Street north of Fort Collins west to the Bellvue Filter Plant. Greeley has begun construction activities on the Northern Segment in areas they have procured the necessary property interests.

In 2014, City Council passed Ordinance No. 123, 2014, which authorized the conveyance of easements on the City Ditch property for the Project. The easements were conveyed to Greeley in October 2014. At that time, Greeley was still in negotiations with neighboring property owners for property interests needed on their properties. Greeley's original access route for the project was across a neighboring property owned by the Brinks Trust. During their negotiations with the Brinks Trust, Greeley agreed, and the Brinks supported, re-routing the access to instead use the dirt road located on the City Ditch property. To complete this action, Greeley has requested from the City a permanent access easement on the dirt road on the City Ditch property extending from Bingham Hill Road northwest to the pipeline location.

CITY FINANCIAL IMPACTS

Greeley has agreed to pay the City an amount of \$8,025 for the permanent access easement, along with a \$1,000 fee to cover Real Estate Services staff time to process the request. The value for the easements was

calculated using \$15,000 per acre. This value was determined by using comparable market data and is consistent with the compensation paid for the previously granted easements.

BOARD / COMMISSION RECOMMENDATION

The easements requested in 2014 were presented to the Water Board and the Board voted to recommend approval of the requested easements presented at that time. This recent easement request was discussed with the Chair of the Water Board who determined this new request would not need to be presented to the Board since this additional easement meets or exceeds all previously discussed concerns about the granting of the easements.

PUBLIC OUTREACH

A number of public open houses were held by Greeley for their Project, to which all impacted property owners and adjacent property owners were invited. No additional public outreach occurred specific to this newly requested easement.

ATTACHMENTS

1. Location Map (PDF)
2. Location detail (PDF)

COPY

ORDINANCE NO. 066, 2015
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF A PERMANENT ACCESS
EASEMENT ON CITY PROPERTY TO THE CITY OF GREELEY

WHEREAS, the City owns a certain parcel of real property located in Larimer County, Colorado, known as the City Ditch (the “City Property”); and

WHEREAS, the Larimer County Canal No. 2 Irrigating Company (the “Canal Company”) uses the City Property through an existing easement agreement with the City; and

WHEREAS, the City of Greeley (“Greeley”), is in the process of acquiring the necessary easements for its Bellvue Waterline Project, which will transport water from Greeley’s Bellvue Water Treatment Plant to Greeley water customers (the “Project”); and

WHEREAS, on September 23, 2014, the City Council approved Ordinance No. 123, 2014, authorizing the conveyance to Greeley of a waterline easement, access easement, and temporary construction easement for the Project; and

WHEREAS, as part of the Project, and in accordance with a settlement with a neighboring property owner, Greeley is now asking the City to convey to it an additional permanent access easement as described on Exhibit “A”, attached and incorporated herein, to reach the waterline (the “Easement”); and

WHEREAS, the Easement would be on an existing dirt road beside the ditch on the City Property, which runs from Bingham Hill Road north to the Poudre River; and

WHEREAS, City staff has evaluated whether the Easement would interfere with the City’s or the Canal Company’s intended use of the Property, and has determined that no such interference would result from the Easement; and

WHEREAS, as consideration for the Easement, Greeley has agreed to pay the City compensation of \$8,025 for the value of the Easement and a \$1,000 fee for City staff time required for the review, approval and processing of the Easement; and

WHEREAS, City staff has identified no negative impacts to the City or the City Water Utility that would result from the grant of the requested Easement; 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 and, with respect to real property that is a part of the City’s water or utility systems, that the disposition will not materially impair the viability of the utility system as a whole and will be for the benefit of the citizens 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 Greeley as provided herein will not materially impair the viability of the City's water utility system as a whole, will be for the benefit of the citizens of the City, and 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 Greeley, 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 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 2nd day of June, A.D. 2015, and to be presented for final passage on the 7th day of July, A.D. 2015.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 7th day of July, A.D. 2015.

Mayor

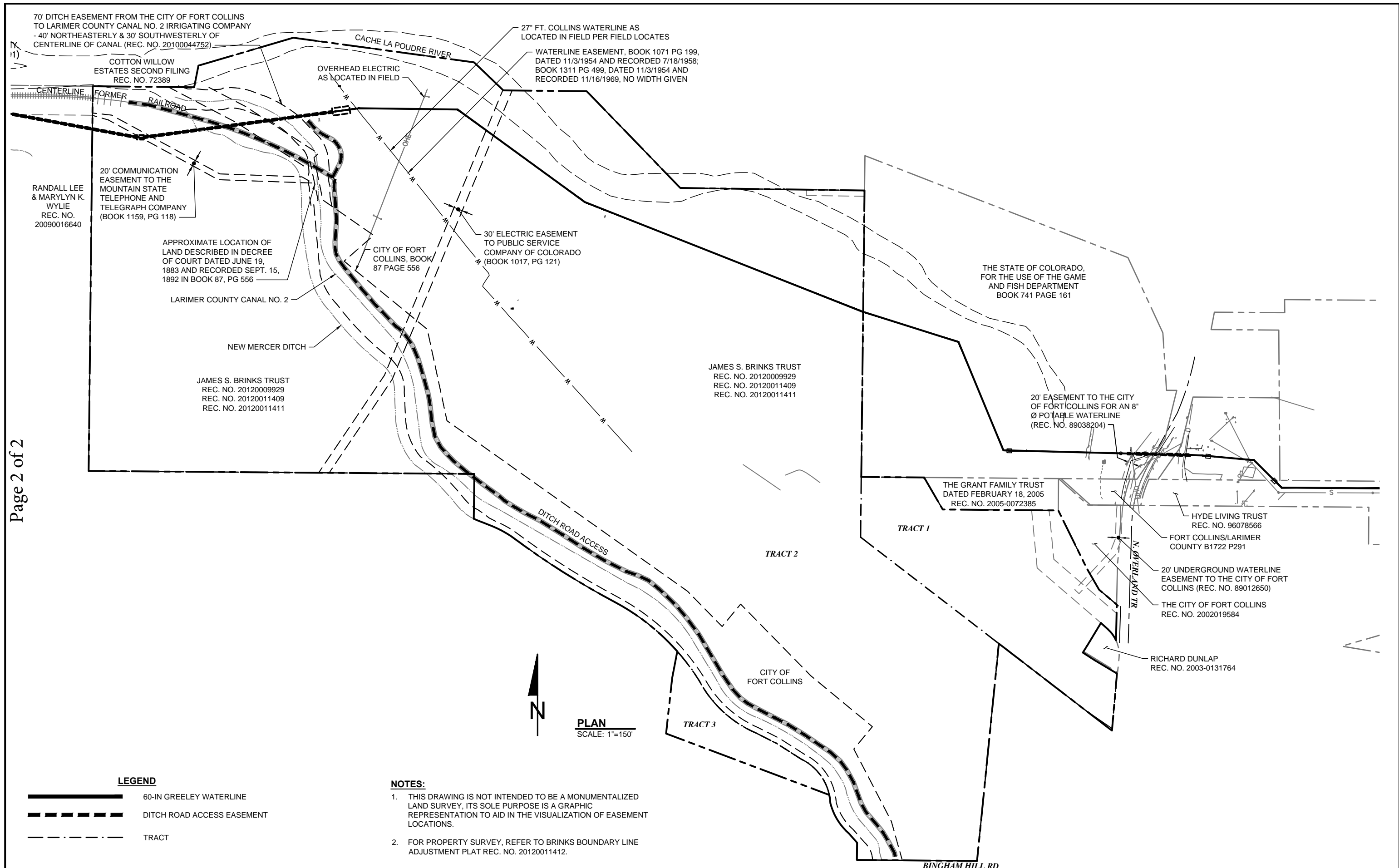
ATTEST:

City Clerk

Exhibit "A"
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Permanent Access Easement

A permanent access easement approximately 15 feet in width, generally on existing two-track farm and ditch access roads, commencing on the North (N) right of way line for Bingham Hill Road, and then in a generally northwesterly direction across a portion of the property described as Tract 2 of the Brinks Boundary Line Adjustment plat recorded February 21, 2012 at Reception No. 20120011412 described as the "Ditch Road Access Easement" and depicted on the map attached as Exhibit A incorporated herein by this reference, solely for access to those certain Permanent Water Pipeline Easements and Temporary Construction Easements conveyed by LANDOWNER to GREELEY on property adjacent to the Access Easement and to certain other easements owned or to be owned by GREELEY on and under other property, which other easements are for the general purposes of surveying, locating, installing, constructing, maintaining, inspecting, repairing, altering, removing and replacing one or more buried water pipelines, and for related testing, monitoring, restoration, and reclamation activities on such other property (the "Access Easement").



LEGEND

- 60-IN GREELEY WATERLINE
- DITCH ROAD ACCESS EASEMENT
- TRACT

NOTES:

1. THIS DRAWING IS NOT INTENDED TO BE A MONUMENTALIZED LAND SURVEY, ITS SOLE PURPOSE IS A GRAPHIC REPRESENTATION TO AID IN THE VISUALIZATION OF EASEMENT LOCATIONS.
2. FOR PROPERTY SURVEY, REFER TO BRINKS BOUNDARY LINE ADJUSTMENT PLAT REC. NO. 20120011412.

REVISION	DESCRIPTION OF REVISION	REVISED BY	APPROVED BY

DESIGNED BY: W. DAUGHRITY
DRAWN BY: M. PITTMAN
CHECKED BY: D. RICE
APPROVED BY: L. LINDEEN

VERIFY SCALE
BAR IS ONE INCH ON ORIGINAL DRAWING
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY