

AGENDA ITEM SUMMARY

February 7, 2017

City Council

STAFF

Justin Scharton, Environmental Planner
Mark Sears, Natural Areas Program Manager

SUBJECT

Second Reading of Ordinance No. 011, 2017, Authorizing the Execution of an Amended and Restated Conservation Easement with Colorado Open Lands on the Kingfisher and Nix Natural Areas, Including Conveyance of a Conservation Easement on Additional Lands.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on January 17, 2017, authorizes the execution of the amended and restated Nix Natural Area Conservation Easement, which is being renamed the Kingfisher Natural Area Conservation Easement. The amended and restated conservation easement offers a conveyance of a conservation easement on an additional 46.13 acres to Colorado Open Lands to mitigate the building envelope on an additional 6.12 acres to allow for the future expansion of the Nix Farm Natural Areas Facility.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

ATTACHMENTS

1. First Reading Agenda Item Summary, January 17, 2017 (w/o attachments) (PDF)
2. Ordinance No. 011, 2017 (PDF)

AGENDA ITEM SUMMARY

January 17, 2017

City Council

STAFF

Justin Scharton, Environmental Planner
Mark Sears, Natural Areas Program Manager

SUBJECT

Public Hearing and First Reading of Ordinance No. 011. 2017, Authorizing the Execution of an Amended and Restated Conservation Easement with Colorado Open Lands on the Kingfisher and Nix Natural Areas, Including Conveyance of a Conservation Easement on Additional Lands.

EXECUTIVE SUMMARY

The purpose of this item is to authorize the execution of the amended and restated Nix Natural Area Conservation Easement, which is being renamed the Kingfisher Natural Area Conservation Easement. The amended and restated conservation easement offers a conveyance of a conservation easement on an additional 46.13 acres to Colorado Open Lands to mitigate the building envelope on an additional 6.12 acres to allow for the future expansion of the Nix Farm Natural Areas Facility.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Nix Farm CE

The original 24.94 Acre Nix Natural Area Conservation Easement (Nix CE) was granted to Legacy Land Trust (Legacy) on December 2, 2002 as a requirement of the Great Outdoors Colorado (GOCO) - Poudre River Legacy Grant Agreement. The land previously called Nix Natural Area was acquired in part with these grant funds. (**Attachment 1**)

The Nix CE was placed on the Nix Farm Natural Area due to the fact that an open gravel mining permit remained on the two ponds originally intended for the CE. GOCO's policies would not allow funds to be used for the acquisition of land with such an open permit. In order to satisfy the terms of the grant agreement staff needed to maximize the size of the CE on Nix Natural Area. Therefore, the remaining developable area excluded from the CE around the Natural Areas Facility does not provide the area needed for the master-planned expansion of the facilities, both near and long-term.

Nix Farm Facility

The Nix farm was purchased in 1996 in anticipation of needing facilities to support the operations of the Natural Area program. In 2002, the historic farm house was remodeled to serve as an office building for the majority of the natural areas staff and the new shop building and yard was constructed to house the maintenance equipment and materials. Natural Areas staff grew to a point where some were housed at 215 North Mason due to lack of additional office space at Nix Farm. In 2014, a new office building was constructed to house the downtown staff and the Education workgroup. While the new office satisfies the immediate needs of the roughly 30 classified and 30 seasonal FTEs, a significant need still remains for additional shop space

and equipment storage.

In 2016, Natural Areas contracted with consultants to create a master plan of the Nix Farm Facility campus, including the shop expansion, two additional office buildings and associated parking lots, and the development of a paved access road from Timberline Road for emergency and City access in the future. **(Attachment 2)** The current timeline has planning and design for the campus completing in late 2016/early 2017, with a bid process in 2017 and construction of the shop and yard expansion commencing in 2018. Additional office building construction is not currently in the planning process and will likely be five years or more out.

Kingfisher Amended and Restated CE

The proposed amended and restated conservation easement includes a 6.12 acre development envelope to realize the future expansion of the Nix Farm Natural Areas Facility for the next 20-30 years. To mitigate for the additional developable acreage in the building envelope, an additional 46.13 acres of land is being placed under easement in the amended and restated CE. **(Attachment 3)** This land is part of what was originally to be placed under easement in 2002; this is possible now as the gravel mining permit previously preventing inclusion in the CE has been closed.

Staff is working collaboratively with Colorado Open Lands (COL), the statewide land trust that merged with Legacy, to amend the CE. At its December 1, 2016 meeting, the board of directors voted to support the amendment. COL will next submit the project to GOCO for its approval in early 2017.

CITY FINANCIAL IMPACTS

Financial impacts will be nominal if the amended and restated conservation easement is approved, including the minor administrative costs to amend and restate the CE.

If the amended and restated CE is not approved the future growth of the Natural Areas Facility will need to occur on another site, which will be a significant financial impact due to higher development costs, inefficiencies, and loss in productivity.

BOARD / COMMISSION RECOMMENDATION

At its October 12, 2016, regular meeting, the Land Conservation Stewardship Board unanimously recommended Council adopt the Ordinance.

ATTACHMENTS

1. Nix CE Existing Conditions (PDF)
2. Proposed New Boundaries (PDF)
3. Proposed Site Plan (PDF)
4. Land Conservation and Stewardship Board minutes, October 12, 2016 (PDF)

ORDINANCE NO. 011, 2017
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE EXECUTION OF AN AMENDED AND RESTATED
CONSERVATION EASEMENT WITH COLORADO OPEN LANDS ON THE
KINGFISHER AND NIX NATURAL AREAS, INCLUDING CONVEYANCE OF
A CONSERVATION EASEMENT ON ADDITIONAL LANDS

WHEREAS, in 1996 the City purchased approximately 30.8 acres of land east of Lemay Avenue and south of Mulberry Street now known as the Nix Farm Natural Area, which is the location of the Natural Areas Department (NAD) office and shop facilities; and

WHEREAS, on November 19, 2002, the City Council adopted Ordinance No. 158, 2002, authorizing the conveyance to Legacy Land Trust (“Legacy”) of a conservation easement on the Nix Farm Natural Area in order to meet requirements for receiving grant funds from Great Outdoors Colorado related to the Poudre-Big Thompson Rivers Legacy Project; and

WHEREAS, the City entered into a Deed of Conservation Easement with Legacy on December 2, 2002 (the “Nix CE”); and

WHEREAS, Legacy has since merged into Colorado Open Lands; and

WHEREAS, the Nix CE includes a building envelope of 5.86 acres; and

WHEREAS, NAD has master-planned the Nix Farm campus to provide additional office, shop and equipment storage space at Nix Farm for the next 30-plus years; and

WHEREAS, in order to have sufficient space to build additional facilities, NAD has been negotiating with Colorado Open Lands to amend the Nix CE to add an additional 6.12 acres to the Nix CE building envelope in exchange for expanding the Nix CE to cover an additional 46.13 acres of adjoining land on the Kingfisher Natural Area, and rename the Nix CE the Kingfisher Natural Area Conservation Easement; and

WHEREAS, the additional property on which the City would convey a conservation easement to Colorado Open Lands is shown on Exhibit “A”, attached and incorporated herein by reference (the “Expanded CE Area”); and

WHEREAS, the City would survey the Expanded CE Area and prepare a more precise legal description before executing the amended conservation easement; and

WHEREAS, City staff is recommending that the City not charge Colorado Open Lands for conveyance of a conservation easement on the Expanded CE Area, because the value of the additional conservation easement would be offset by the benefit to the City of having an expanded building area at Nix Farm, without which the City would have to develop additional NAD facilities at other sites, incurring higher development costs, inefficiencies in NAD operations, and reduced productivity; and

WHEREAS, if the City and Colorado Open Lands both approve the proposed amendments, Colorado Open Lands will submit the changes to GOCO for approval in early 2017; and

WHEREAS, the NAD's Conservation Easement Amendment Policy and Procedure requires that proposed amendments to conservation easements to which the City is a party be approved by the City Council by adoption of an ordinance after a public hearing; and

WHEREAS, Section 23-111(a) of the City Code authorizes the City Council to sell, convey or otherwise dispose of any interest 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; and

WHEREAS, at its regular meeting on October 12, 2016, the Land Conservation and Stewardship Board voted unanimously to recommend that the City Council approve the execution of an amended and restated Kingfisher Natural Area Deed of Conservation Easement.

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

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby finds that the conveyance of a conservation easement on the Expanded CE Area to Colorado Open Lands as provided herein is in the best interests of the City.

Section 3. That the Mayor is hereby authorized to execute such documents as are necessary to amend and restate the Kingfisher Natural Area (formerly Nix) Conservation Easement, including conveyance of a conservation easement on the Expanded CE Area to Colorado Open Lands, 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 Expanded CE Area, as long as such changes do not materially increase the size or change the character of the property interest to be conveyed.

Introduced, considered favorably on first reading, and ordered published this 17th day of January, A.D. 2017, and to be presented for final passage on the 7th day of February, A.D. 2017.

Mayor

ATTEST:

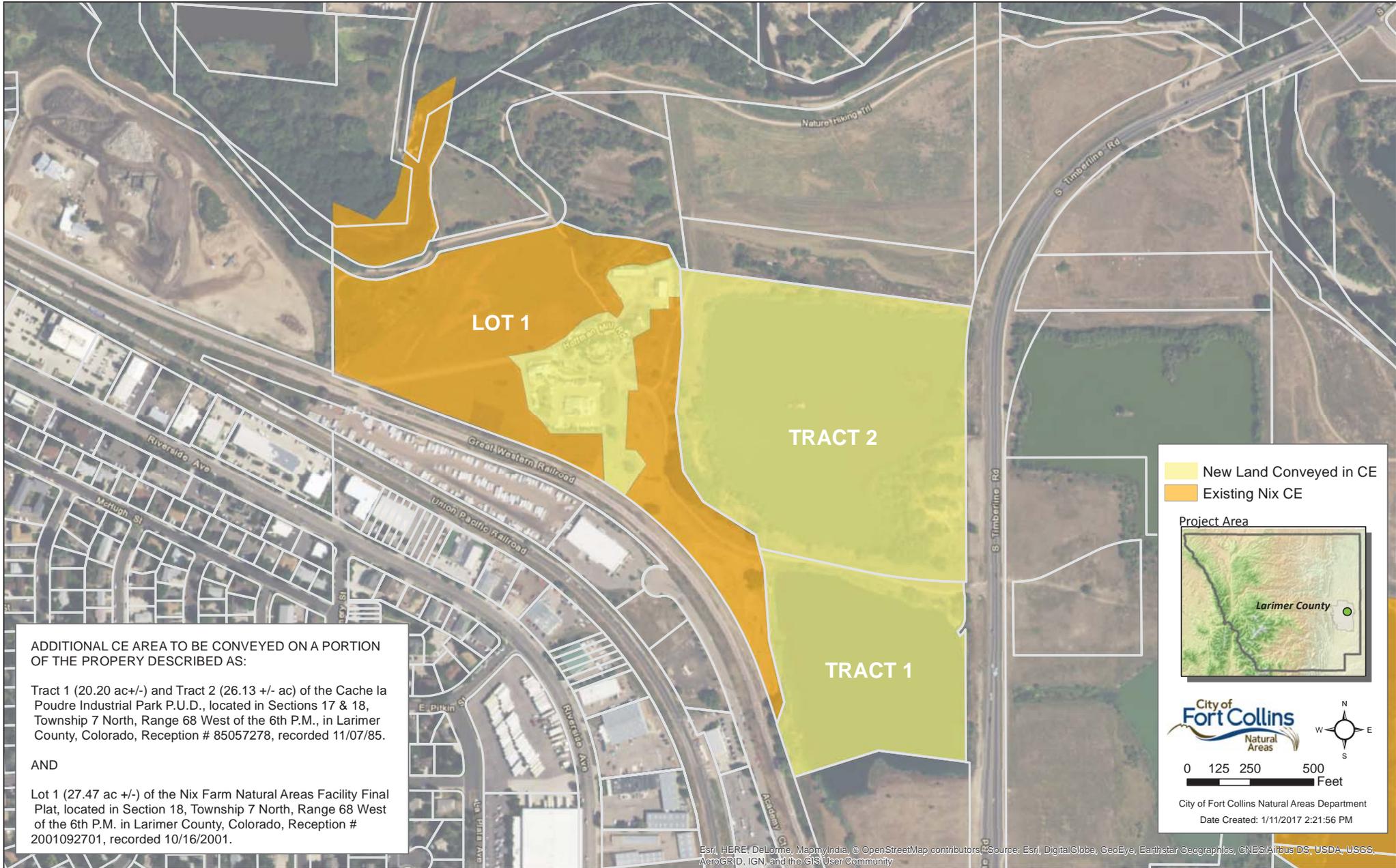
City Clerk

Passed and adopted on final reading on the 7th day of February, A.D. 2017.

Mayor

ATTEST:

City Clerk



ADDITIONAL CE AREA TO BE CONVEYED ON A PORTION OF THE PROPERTY DESCRIBED AS:

Tract 1 (20.20 ac +/-) and Tract 2 (26.13 +/- ac) of the Cache la Poudre Industrial Park P.U.D., located in Sections 17 & 18, Township 7 North, Range 68 West of the 6th P.M., in Larimer County, Colorado, Reception # 85057278, recorded 11/07/85.

AND

Lot 1 (27.47 ac +/-) of the Nix Farm Natural Areas Facility Final Plat, located in Section 18, Township 7 North, Range 68 West of the 6th P.M. in Larimer County, Colorado, Reception # 2001092701, recorded 10/16/2001.

Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community