

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

ITEM NUMBER: 16

DATE: February 3, 2004

STAFF: Mark Sears
Ralph Campano

SUBJECT

Second Reading of Ordinance No. 015, 2004, Authorizing the Grant of a Correction Sewerline Easement to Boxelder Sanitation District in Exchange for the Vacation of Part of an Existing Easement.

RECOMMENDATION

Staff and the Natural Resources Advisory Board recommend adoption of the Ordinance on Second Reading.

EXECUTIVE SUMMARY

In 1973 Riverbend Farms, Inc. granted a perpetual sewer line easement to Boxelder Sanitation District along East Prospect Road. Boxelder subsequently installed the sewer line outside the easement area in some locations. The City of Fort Collins has since purchased the parcels the sewer line crosses for the Riverbend Ponds (1988 and 1998) and Running Deer (2000) Natural Areas. The District is requesting that the City grant a correction easement to reflect the area where the sewer line was actually installed and has agreed to vacate that part of the original easement no longer needed by the District in view of the actual location of the sewer line. This correction benefits the City in that the new easement will accurately describe the location of the sewer line and language specific to the natural areas and agreeable to both parties can be included in the new easement agreement. Ordinance No. 015, 2004 was adopted 6-0 (Mayor Martinez was absent) on January 20, 2004.

ORDINANCE NO. 015, 2004
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE GRANT OF A NON-EXCLUSIVE CORRECTION
EASEMENT TO BOXELDER SANITATION DISTRICT IN EXCHANGE
FOR THE VACATION OF PART OF AN EXISTING EASEMENT

WHEREAS, the City of Fort Collins (the "City") is the owner of certain parcels of real property located on East Prospect Street, known as Riverbend Ponds and Running Deer Natural Areas (the "Property"); and

WHEREAS, the City purchased the Property subject to a Boxelder Sanitation District (the "District") sewer line easement, dated January 23, 1973, and recorded on April 13, 1973, at Book 1550 and Page 144 (the "Existing Easement"); and

WHEREAS, the District installed the sewer line outside the Existing Easement Area in some of the areas that cross the Property; and

WHEREAS, the District wishes the City to grant a correction easement on a portion of the Property more specifically described on Exhibit "A", attached hereto and incorporated herein by this reference (the "New Easement Area") in exchange for the vacation of a portion of the Existing Easement Area described on Exhibit "B" attached hereto and incorporated herein by this reference (the "Existing Easement Area"); and

WHEREAS, the grant of the new easement in exchange for vacation of the easement on the Existing Easement Area will benefit the natural areas involved because it will accurately describe the sewer line encumbrance and will allow for the addition of easement language specific to the Property and the City's Natural Areas program; and

WHEREAS, the Natural Resources Advisory Board considered the proposed new easement on January 7, 2004, and recommended that the Council authorize the grant of the new easement in exchange for the easement vacation as described herein; and

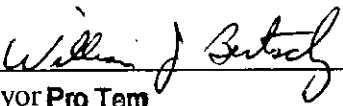
WHEREAS, Section 23-111 of the City Code provides that the City Council is authorized to sell, convey or otherwise dispose of real property owned by the City, provided the Council first finds by ordinance that any sale or other disposition of real property is in the best interest of the City of Fort Collins.

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

Section 1. That the conveyance of a permanent, nonexclusive sewer line easement on the New Easement Area upon, under and through the Property in exchange for the vacation of the existing sewer line easement in the Existing Easement Area is in the best interest of the City of Fort Collins.

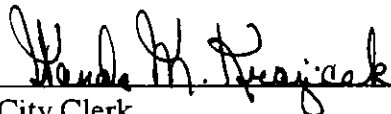
Section 2. That the Mayor is hereby authorized to execute an easement agreement to the Boxelder Sanitation District by which the City shall grant a nonexclusive correction easement in exchange for the abandonment across, through and under the real property shown on Exhibit "A" and relinquishment by Boxelder Sanitation District of all right, title and interest in the Existing Easement Area, as shown on Exhibit "B", together with such additional terms and conditions and conveyance documents as the City Manager, in consultation with the City Attorney, determines are necessary to protect the interests of the City, consistent with the terms of this Ordinance.

Introduced, considered favorably on first reading, and ordered published this 20th day of January, A.D. 2004, and to be presented for final passage on the 3rd day of February, A.D. 2004.



Mayor **Pro Tem**

ATTEST:



City Clerk

Passed and adopted on final reading this 3rd day of February, A.D. 2004.

Mayor

ATTEST:

City Clerk

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

ITEM NUMBER: 23

DATE: January 20, 2004

STAFF: Mark Sears
Ralph Campano

SUBJECT

First Reading of Ordinance No. 015, 2004, Authorizing the Grant of a Correction Sewerline Easement to Boxelder Sanitation District in Exchange for the Vacation of Part of an Existing Easement.

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RECOMMENDATION

Staff and the Natural Resources Advisory Board recommend adoption of the Ordinance on First Reading.

EXECUTIVE SUMMARY

In 1973 Riverbend Farms, Inc. granted a perpetual sewer line easement to Boxelder Sanitation District along East Prospect Road. Boxelder subsequently installed the sewer line outside the easement area in some locations. The City of Fort Collins has since purchased the parcels the sewer line crosses for the Riverbend Ponds (1988 and 1998) and Running Deer (2000) Natural Areas. The District is requesting that the City grant a correction easement to reflect the area where the sewer line was actually installed and has agreed to vacate that part of the original easement no longer needed by the District in view of the actual location of the sewer line. This correction benefits the City in that the new easement will accurately describe the location of the sewer line and language specific to the natural areas and agreeable to both parties can be included in the new easement agreement.

The Natural Resources Advisory Board considered this easement at its regular meeting on January 7, 2004, and unanimously voted to recommend approval of the Ordinance authorizing the easement.

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