

**AGENDA ITEM SUMMARY**  
**FORT COLLINS CITY COUNCIL**

**ITEM NUMBER: 17**

**DATE: February 3, 2004**

**STAFF: Mark Sears  
Patricia Dennis**

**SUBJECT**

Second Reading of Ordinance No. 016, 2004, Authorizing the City to Grant a Permanent Easement to Paradigm Properties, LLC on the Resource Recovery Farm.

**RECOMMENDATION**

Staff recommends adoption of the Ordinance on Second Reading.

**EXECUTIVE SUMMARY**

Paradigm Properties LLC, owner of a 12.75 acre tract of land at the southeast corner of the intersection of I-25 and Prospect Road, also known as 1800 SE Frontage Road, has requested a permanent, nonexclusive storm drainage easement across the Resource Recovery Farm located at the Southwest corner of the intersection. The easement is needed for a proposed development of a commercial mixed use project on Paradigm's property. The conceptual plan shows five detention ponds amid pad sites which will release surface water runoff to the southwest portion of the tract. A culvert running under I-25 and proceeding into an open ditch area adjacent and running parallel to I-25 allows the flow to enter a 24-inch pipe that runs southwesterly across the Resource Recovery Farm forming a holding pond at approximately the center of the easement distance. There is a release valve at the southwestern corner of the pond that diverts the flow at an historic flow rate of 1.36 CFS. The flow continues to a 36-inch culvert that deposits the water into a wetland area at the western edge of the parcel and subsequently into the Boxelder Creek.

Ordinance No. 016, 2004 was adopted 6-0 (Mayor Martinez was absent) on January 20, 2004.

ORDINANCE NO. 016, 2004  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING THE CITY TO GRANT A PERMANENT EASEMENT  
TO PARADIGM PROPERTIES, LLC ON THE RESOURCE RECOVERY FARM

WHEREAS, the City of Fort Collins is the owner of certain real property located at the southwest corner of I-25 and Prospect Road along Frontage Road and generally known as the Resource Recovery Farm (the "Resource Recovery Farm"); and

WHEREAS, Paradigm Properties LLC (the "Developer") is a developer of a proposed commercial project that is currently pending approval from the City of Fort Collins (the "Development"); and

WHEREAS, the Developer has requested that the City grant a permanent nonexclusive easement for the drainage of stormwater (the "Easement") across a portion of the Resource Recovery Farm more specifically described in Exhibit "A" attached hereto and incorporated herein by this reference (the "Easement Area") in order to satisfy development requirements for the Development and continue to manage the storm drainage from the Development property; and

WHEREAS, City staff has negotiated with Paradigm Properties LLC, a permanent easement agreement settling forth the terms and conditions associated with the Developer's use of the Easement Area for storm drainage purposes, a copy of which, dated January 14, 2004, is on file in the office of the City Clerk and available for public review (the "Easement Agreement"); and

WHEREAS, the Developer has agreed to pay the fair market value of the Easement in the amount of \$29,993, together with related costs to the City for processing the Easement, for a total payment amount of \$ 30,993 for the Easement; and

WHEREAS, the Natural Resources Advisory Board considered the proposed Easement at its regular meeting on January 7, 2004, and voted unanimously to recommend that the City Council authorize the conveyance of the Easement; and

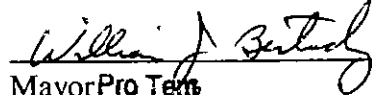
WHEREAS, Section 23-111 of the City Code provides that the City Council is authorized to sell, convey or otherwise dispose of an interest in real property owned by the City, provided the Council first finds by ordinance that any sale or disposition of that real property interest will be for the benefit of the City's citizens, and will be in the best interests of the City.

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

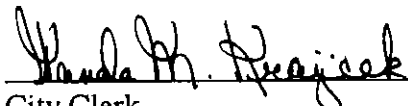
Section 1. That the Council hereby finds that the grant of the Easement as described herein and subject to the terms and conditions of the Easement Agreement is in the best interests for the City of Fort Collins.

Section 2. That the Mayor is hereby authorized to execute the Easement Agreement, together with such additional terms and conditions as the City Manager, in consultation with the City Attorney, determined to be necessary or appropriate to protect the interests of the City, consistent with this Ordinance.

Introduced, considered favorably on first reading, and ordered published this 20th day of January, A.D. 2004, and 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: 24

DATE: January 20, 2004

STAFF: Mark Sears  
Patricia Dennis

### SUBJECT

First Reading of Ordinance No. 016, 2004, Authorizing the City to Grant a Permanent Easement to Paradigm Properties, LLC on the Resource Recovery Farm.

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### RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

### FINANCIAL IMPACT

The fee simple value of the Easement is \$29,993 (2.782 Acres or 121,184 SF of land @ \$0.275/SF x 90% = \$29,993). With the administrative costs for processing the easement in the amount of \$ 1,000, the total amount to be paid by Paradigm Properties, LLC to the Natural Areas program is \$30,993.

COPY

### EXECUTIVE SUMMARY

Paradigm Properties LLC, owner of a 12.75 acre tract of land at the southeast corner of the intersection of I-25 and Prospect Road, also known as 1800 SE Frontage Road, has requested a permanent, nonexclusive storm drainage easement across the Resource Recovery Farm located at the Southwest corner of the intersection. The easement is needed for a proposed development of a commercial mixed use project on Paradigm's property. The conceptual plan shows five detention ponds amid pad sites which will release surface water runoff to the southwest portion of the tract. A culvert running under I-25 and proceeding into an open ditch area adjacent and running parallel to I-25 allows the flow to enter a 24-inch pipe that runs southwesterly across the Resource Recovery Farm forming a holding pond at approximately the center of the easement distance. There is a release valve at the southwestern corner of the pond that diverts the flow at an historic flow rate of 1.36 CFS. The flow continues to a 36-inch culvert that deposits the water into a wetland area at the western edge of the parcel and subsequently into the Boxelder Creek.

This easement will be 2.782 acres or 121,184 square feet in size and will allow the water to flow at 1.36 CFS for both the 2 year and 100 year peak flow. The actual volume of the runoff is not to exceed 0.57 acre feet in a 2 year storm or 2.14 acre feet in a 100 year storm.

The Natural Resources Advisory Board considered the proposed easement at its January 7, 2004, meeting, and voted to recommend authorization of the easement.