

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

ITEM NUMBER: 21

DATE: February 21, 2006

STAFF: John Stokes
Mark Sears

SUBJECT

Second Reading of Ordinance No. 025, 2006, Authorizing the Conveyance of a Replacement Sewer Line Easement to Anheuser-Busch, the Transfer of Additional Prospect Road Rights-of-Way from the Natural Areas Program, and the Approval of Certain Drainage and Temporary Construction Alignments for the East Prospect Road and Related Improvements Adjacent to the Running Deer, Riverbend Ponds and Cottonwood Hollow Natural Areas.

RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

EXECUTIVE SUMMARY

Transportation Services is proposing to improve a portion of East Prospect Road between the Poudre River on the west and Summit View Drive on the east. Part of the East Prospect Road improvements is construction of a new "Poudre River - Overflow Bridge". To construct this bridge, Transportation will need to relocate a small stretch of Anheuser Busch's sewer line from its current location on Riverbend Ponds and Cottonwood Hollow Natural Areas to a new location on the same properties. The Natural Areas Program will not be compensated for the relocation of easement, since the old easement alignment will be vacated resulting in no net increase in the easement area.

This Ordinance, which was unanimously adopted on First Reading on February 7, 2006, authorizes the conveyance of a replacement sewer line easement to Anheuser Busch, the transfer of Prospect Road Right-of-Way, and approval of drainage and construction alignments to the Running Deer, Riverbend Ponds and Cottonwood Hollow Natural Areas.

**AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL**

ITEM NUMBER: 24

DATE: February 7, 2006

**STAFF: John Stokes
Mark Sears**

SUBJECT

COPY

First Reading of Ordinance No. 025, 2006, Authorizing the Conveyance of a Replacement Sewer Line Easement to Anheuser-Busch, the Transfer of Additional Prospect Road Rights-of-Way from the Natural Areas Program, and the Approval of Certain Drainage and Temporary Construction Alignments for the East Prospect Road and Related Improvements Adjacent to the Running Deer, Riverbend Ponds and Cottonwood Hollow Natural Areas.

RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading. The Natural Resources Advisory Board reviewed the plans for the road improvements and recommends to Council that the temporary construction alignments, relocation of the Anheuser Busch sewer line easement, drainage alignments, and the right of way alignments across the natural area be granted.

COPY

EXECUTIVE SUMMARY

The City acquired the Running Deer, Riverbend Ponds and Cottonwood Hollow Natural Areas along East Prospect Road, just east of the Poudre River, using dedicated funding for the Natural Areas Program. Transportation Services is proposing to improve a portion of East Prospect Road between the Poudre River on the west and Summit View Drive on the east. The road improvements involve widening the existing narrow two-lane road to provide bike lanes, a median, and a sidewalk/trail along the road. The road improvements should provide enhanced safety and comfort for pedestrians, bicyclists and motorists, and enhanced access to the three natural areas.

The construction activities will not disturb any sensitive native vegetation and the project will reseed the disturbed areas to native vegetation. The Natural Areas Program will take over the vegetation management on the natural areas, once the project has completed the final grading and initial seeding, in exchange for some of the additional work done for the Natural Areas Program as a part of the project.

To construct the new "Poudre River - Overflow Bridge" Transportation will need to relocate a small stretch of Anheuser Busch's sewer line from its current location on Riverbend Ponds and Cottonwood Hollow Natural Areas to a new location on the same properties. The Natural Areas Program will not be compensated for the relocation of easement, since the old easement alignment will be vacated resulting in no net increase in the easement area.

Transportation worked with the Natural Areas Program to minimize the impacts to the natural areas and find ways to enhance the natural areas. Although there will be some minor disturbances during construction the project will provide many long term enhancements to the natural areas:

- The construction of the "Poudre River – Overflow Bridge" east of the Riverbend Ponds provides a wildlife and sidewalk/trail underpass under Prospect Road.
- The removal of several large stockpiles of soil and gravel, remnants of the gravel mining that historically took place on these sites, will greatly enhance the aesthetics of the natural areas. The soil and gravel will be used to construct the road improvements.
- The median will provide left turn lanes into the two natural area parking lots.
- The trail/sidewalk, which is being funded in part by the Natural Areas Program, will provide great access for pedestrians and bicyclists to the natural areas and a connection to the Poudre River Trail.
- The old MBI Building will be used as a construction office and then demolished. Demolition is partially funded by the project in exchange for the use of the building.
- A new parking lot for the Running Deer and Cottonwood Hollow Natural Areas and the Environmental Learning Center, funded mostly by the Natural Areas Program, will be built as a part of this project. The new parking lot will be much safer; improvements will include a vault toilet and school bus parking.
- Restoration of a portion of a stream channel, which is currently a ditch, into a more natural stream channel. This Area will also be used for wetland mitigation.

Transportation has agreed to all recommendations made by Natural Areas staff regarding resource protection during construction and restoration of the natural area property following construction. These resource protection measures include the following:

- Coordinate all construction and restoration activities with the Natural Areas Program.
- Provide and implement an erosion control plan.
- Strip and stockpile 6" of topsoil for replacement on the disturbed areas.
- Reseeding of disturbed areas per Natural Areas Program specifications.
- Wetland mitigation.
- Fencing the limits of disturbance areas.

Transportation Services – East Prospect Road Improvements Project will be responsible for all costs associated with the road widening project and the initial restoration of disturbed areas. Transportation Services has agreed to pay a total of \$90,833.20 as compensation to the Natural Areas Program for the temporary construction alignments, drainage alignments, and the right of way. The compensation amounts were determined by Real Estate Services based upon the fair market land values and using the typical land use factor (multiplier) for three types of alignments. (See Attachment A for a breakdown of the compensation calculations.)

Transportation's right of way and alignment needs and the associated compensation are outlined in detail in Attachment 1. The total compensation to Natural Areas for the property to be used for the project is \$90,833.20.

ATTACHMENTS

1. Estimated ROW Costs for East Prospect Road

ORDINANCE NO. 025, 2006
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF
A REPLACEMENT SEWER LINE EASEMENT TO ANHEUSER-BUSCH,
THE TRANSFER OF ADDITIONAL PROSPECT ROAD RIGHTS-OF-WAY
FROM THE NATURAL AREAS PROGRAM,
AND THE APPROVAL OF CERTAIN DRAINAGE
AND TEMPORARY CONSTRUCTION ALIGNMENTS,
FOR EAST PROSPECT ROAD AND RELATED IMPROVEMENTS
ADJACENT TO THE RUNNING DEER, RIVERBEND PONDS
AND COTTONWOOD HOLLOW NATURAL AREAS.

WHEREAS, the City of Fort Collins owns certain parcels of real property located in Fort Collins, Colorado, known as the Running Deer Natural Area, Riverbend Ponds Natural Area and Cottonwood Hollow Natural Area (collectively referred to as the "Natural Areas"); and

WHEREAS, in order to improve a portion of East Prospect Road between the Poudre River on the west and Summitview Drive on the east, so as to enhance safety and comfort for pedestrians, bicyclists and motorists, and to provide enhanced access to the Natural Areas, it will be necessary to use certain portions of the Natural Areas on a permanent basis and certain portions of the Natural Areas on a temporary basis; and

WHEREAS, in addition, in order to construct a new bridge over the Poudre River that is planned as part of the East Prospect Road Improvements, an existing sanitary sewer line of Anheuser-Busch will be relocated from its current location on Riverbend Ponds Natural Area and Cottonwood Hollow Natural Area to a new location on the same properties; and

WHEREAS, in order to relocate the Anheuser-Busch sewer line, it will be necessary to grant to Anheuser-Busch a new, nonexclusive sewer line easement (the "AB Easement") over that certain real property described on Exhibit A, attached hereto and incorporated herein by this reference, in exchange for the vacation by Anheuser-Busch of its existing easement rights over that certain real property described on Exhibit B, attached hereto and incorporated herein by this reference (the "AB Vacation Area"); and

WHEREAS, City staff has prepared legal descriptions and a drawing depicting the portions of Running Deer Natural Area that will be affected by the East Prospect Road Improvements Project, which are attached hereto as Exhibit C and incorporated herein by this reference; and

WHEREAS, City staff has prepared legal descriptions and a drawing depicting the portions of Riverbend Ponds Natural Area that will be affected by the East Prospect Road Improvements Project, which are attached hereto as Exhibit D and incorporated herein by this reference; and

WHEREAS, staff has also prepared legal descriptions and a drawing depicting the portions of Cottonwood Hollow Natural Area that will be affected by the East Prospect Road Improvements Project, which are attached hereto as Exhibit E and incorporated herein by this reference; and

WHEREAS, staff has worked cooperatively to develop a plan for minimizing the impacts on the Natural Areas of the Project, and to identify and plan ways to enhance and benefit the Natural Areas as part of the Project; and

WHEREAS, staff has recommended that the portion of each of the Natural Areas that has been described on Exhibits C, D and E as "Right-of-Way" (together referred to herein as the "Rights-of-Way") be designated as public rights-of-way by the City Council and considered transferred from the Natural Areas Program; and

WHEREAS, staff has recommended that the portion of each of the Natural Areas that has been described on Exhibits C, D and E as Drainage Alignment (together referred to herein as the "Drainage Alignments") be considered Natural Areas property subject to nonexclusive use for storm drainage improvements and flows in perpetuity; and

WHEREAS, staff has further recommended that the portion of each of the Natural Areas that has been described on Exhibits C, D and E as Temporary Construction Alignment (together referred to herein as the "Temporary Construction Alignments") be considered Natural Areas property subject to temporary use for construction and related activities as necessary for the East Prospect Road Improvements Project; and

WHEREAS, staff has calculated the fair market value of the Rights-of-Way, Drainage Alignments and Temporary Construction Alignments, and has determined the total compensation amount due to the Natural Areas Program for the Project to be \$90,833.20; and

WHEREAS, staff is recommending that there be no compensation made for the AB Easement, in light of the offsetting vacation of easement rights; 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 owned by the City is in the best interest of the City of Fort Collins;

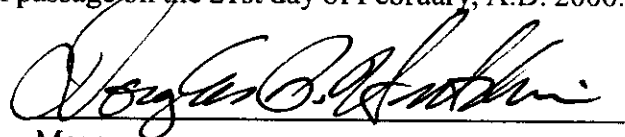
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the conveyance of the AB Easement and the designation of the Rights-of-Way as public rights-of-way as described herein are in the best interest of the City of Fort Collins.

Section 2. That the Mayor is hereby authorized to execute the AB Easement conditioned upon vacation by Anheuser-Busch of its easement rights over the AB Vacation Area.

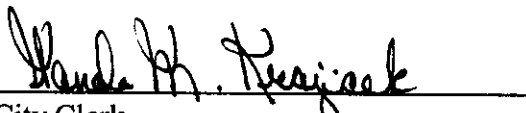
Section 3. That, subject to the payment of the amount of \$90,833.20 to the Natural Areas Program, the Rights-of-Way shall henceforth be considered public rights-of-way and shall no longer be considered part of the Natural Areas Program, the Drainage Alignments shall be considered subject to a perpetual non-exclusive use for storm drainage improvements and flows, and the Temporary Construction Alignments shall be considered subject to such temporary uses as may be required for the completion of the East Prospect Road Improvements Project.

Introduced, considered favorably on first reading, and ordered published this 7th day of February, A.D. 2006, and to be presented for final passage on the 21st day of February, A.D. 2006.



Mayor

ATTEST:



City Clerk

Passed and adopted on final reading this 21st day of February, A.D. 2006.

Mayor

ATTEST:

City Clerk