

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

**ITEM NUMBER: 11**

**DATE: April 4, 2006**

**STAFF: John Stokes**

**SUBJECT**

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Second Reading of Ordinance No. 050, 2006, Authorizing the Conveyance of Non-exclusive Easement Interests for the Construction of a Sanitary Sewer Line By the South Fort Collins Sanitation District On a Portion of Fossil Creek Reservoir Regional Open Space.

**RECOMMENDATION**

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Staff recommends adoption of the Ordinance on Second Reading. The Land Conservation and Stewardship Board unanimously recommended approval of the project at its March 8th meeting.

**EXECUTIVE SUMMARY**

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The South Fort Collins Sanitation District wishes to acquire a permanent right-of-way as well as temporary construction easements in order to install, maintain, and repair a sanitary sewer line on the Fossil Creek Reservoir Regional Open Space. The new sanitary sewer and related easements will parallel an existing right-of-way and sewer line that the District currently maintains on the property. The new sewer line will replace the existing sewer line which is not capable of providing adequate service. This Ordinance, which was unanimously adopted on First Reading on March 21, 2006, authorizes the conveyance of non-exclusive easement interests to the South Fort Collins Sanitation District.

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

ITEM NUMBER: 15

DATE: March 21, 2006

STAFF: John Stokes

**SUBJECT**

**COPY**

First Reading of Ordinance No. 050, 2006, Authorizing the Conveyance of Non-exclusive Easement Interests for the Construction of a Sanitary Sewer Line By the South Fort Collins Sanitation District On a Portion of Fossil Creek Reservoir Regional Open Space.

**RECOMMENDATION**

Staff recommends adoption of the Ordinance on First Reading. The Land Conservation and Stewardship Board unanimously recommended approval of the project at its March 8th meeting.

**FINANCIAL IMPACT**

Fossil Creek Regional Open Space is jointly owned by the City of Fort Collins and Larimer County and each entity is entitled to receive 50% of the proceeds from any sale of an interest in land. Total proceeds from the sale, based on a fair market appraisal, will be \$57,500. In addition, the District will pay an additional \$14,720 for restoration of the surface to its natural condition after the construction of the sewer line.

**EXECUTIVE SUMMARY**

The South Fort Collins Sanitation District wishes to acquire a permanent right-of-way as well as temporary construction easements in order to install, maintain, and repair a sanitary sewer line on the Fossil Creek Reservoir Regional Open Space. The new sanitary sewer and related easements will parallel an existing right-of-way and sewer line that the District currently maintains on the property. The new sewer line will replace the existing sewer line which is not capable of providing adequate service.

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**BACKGROUND**

The South Fort Collins Sanitation District is located near the southwest corner of the Fossil Creek Regional Open Space. The District wishes to acquire a new right-of-way and temporary construction easements along a line that approximately runs west to east along the south shore of Fossil Creek Reservoir and that then turns to the southeast and runs out to State Highway 392 (see attached aerial photo). The new line will service infrastructure on the east side of I-25 and replace an existing sewer line. The total acreage affected by the permanent right-of-way is 4.465 acres. The District is compensating the County and City (joint owners of the property) in the

amount of \$57,500. The District also will pay the parties an additional \$14,720 for restoration of the surface to native plant materials. The County and City will be responsible for this restoration. Construction of the new line will not be permitted from November 15 thru March 15 in order to prevent any possible disturbance to bald eagles roosting in the area. The District and the County (the managing entity of the open space) will closely coordinate to minimize the impacts to visitors. There may be brief periods of time when it will be necessary to close the visitor center to ensure visitor safety and comfort. Construction is expected to begin this summer and to be completed in advance of November 15th.

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ORDINANCE NO. 050, 2006  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING THE CONVEYANCE OF NON-EXCLUSIVE EASEMENT INTERESTS  
FOR THE CONSTRUCTION OF A SANITARY SEWER LINE  
BY THE SOUTH FORT COLLINS SANITATION DISTRICT  
ON A PORTION OF FOSSIL CREEK RESERVOIR REGIONAL OPEN SPACE

WHEREAS, the City of Fort Collins owns jointly with Larimer County certain real property located in Larimer County, Colorado, known as the Fossil Creek Reservoir Regional Open Space (the "Open Space"); and

WHEREAS, the South Fort Collins Sanitation District (the "District") has requested easements required for the construction of a new sanitary sewer line to provide service to properties to the east of Interstate 25, including facilities owned by Larimer County and known as "The Ranch"; and

WHEREAS, in order to install the sewer line, the District has requested a non-exclusive temporary construction easement over portions of the Open Space, as described on Exhibit "A", attached hereto and incorporated herein by this reference (the "Temporary Construction Easements"); and

WHEREAS, the District has further requested a non-exclusive permanent easement over portions of the Open Space, as described in Exhibit "B", attached hereto and incorporated herein by this reference (the "Permanent Easements"), in order to provide for ongoing operation, maintenance and access to the sewer line, in perpetuity; and

WHEREAS, City staff has negotiated with the District a form of Easement Agreement, dated March 15, 2006, which is on file in the office of the City Clerk and available for public inspection (the "Easement Agreement"), and which includes specific conditions governing the operation, maintenance, and repair of the proposed sewer line; and

WHEREAS, in exchange for the grant of the Temporary Construction Easements and Permanent Easements, the District has agreed to pay to the City and the County a total of fifty percent of the fair market value of the real property where the Easements will be situated, in the amount of \$57,500; and

WHEREAS, the District has agreed to regrade the areas impacted by construction in accordance with industry standards, and to pay to the City and the County the amount of \$14,720 to cover the costs of revegetation of the disturbed areas of the Open Space; and

WHEREAS, staff recommends approval of the Temporary Construction Easements and the Permanent Easements in view of the public needs to be served by the District's project, and the resource protection measures to which the District has agreed; 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

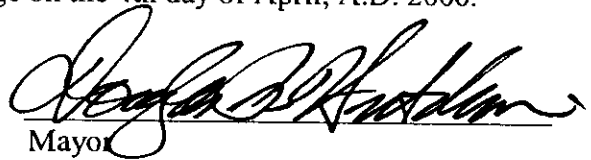
finds by ordinance that any sale or other disposition of real property owned by the City is in the best interest of the City of Fort Collins.

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

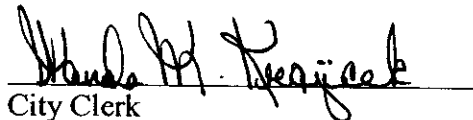
Section 1. That the conveyance of the Temporary Construction Easements and the Permanent Easements, upon the terms and conditions described above, is in the best interest of the City of Fort Collins.

Section 2. That the Mayor is hereby authorized to execute easement agreements consistent with this Ordinance for the purpose of conveying to the District the Temporary Construction Easements and Permanent Easements, in substantially the form of the above-referenced Easement Agreement, with such additional terms and conditions, including any necessary corrections to the legal descriptions thereon that do not result in a material increase or change in character of the intended easement areas, as the City Manager, in consultation with the City Attorney, determines to be necessary or appropriate to protect the interests of the City.

Introduced, considered favorably on first reading, and ordered published this 21st day of March, A.D. 2006, and to be presented for final passage on the 4th day of April, A.D. 2006.

  
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Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

Passed and adopted on final reading on the 4th day of April, A.D. 2006.

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Mayor

ATTEST:

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City Clerk