

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

**ITEM NUMBER: 12**

**DATE: August 15, 2006**

**STAFF: Daylan Figgs  
Patrick Rowe**

**SUBJECT**

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Second Reading of Ordinance No. 111, 2006, Authorizing the Conveyance of a Permanent, Non-exclusive Underground Utility Easement and Multiple Temporary Construction Easements on City Property to the Boxelder Sanitation District for the Purpose of Extending Regional Sanitary Sewer.

**RECOMMENDATION**

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Staff recommends adoption of the Ordinance on Second Reading.

**EXECUTIVE SUMMARY**

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The Boxelder Sanitation District is extending a regional sanitary sewer line to the east of its current plant at the confluence of Boxelder Creek and the Cache La Poudre River. The sanitary sewer will provide service to areas designated within the District's service area to the east of I-25. Ordinance No. 111, 2006, unanimously adopted on First Reading on July 18, 2006, authorizes the conveyance to the District of a permanent non-exclusive utility easement and a temporary construction easement on a City-owned property that is part of the Timnath Community Separator and a number of temporary easements on former Resource Recovery Farm property and Archery Range Natural Area, all for the regional sewer line project.

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

**ITEM NUMBER: 23**  
**DATE: July 18, 2006**  
**STAFF: Daylan Figgs**  
**Patrick Rowe**

**SUBJECT**

First Reading of Ordinance No. 111, 2006, Authorizing the Conveyance of a Permanent, Non-exclusive Underground Utility Easement and Multiple Temporary Construction Easements on City Property to the Boxelder Sanitation District for the Purpose of Extending Regional Sanitary Sewer.

**RECOMMENDATION**

Staff recommends adoption of the Ordinance on First Reading.

By unanimous vote, the Land Conservation and Stewardship Board recommends approval of the requested easements.

**FINANCIAL IMPACT**

The City will receive easement compensation of \$34,780, the fair market value as determined by Real Estate Services. Additionally, impacted areas will be restored to a condition comparable to their condition prior to the work in the easement areas.

**EXECUTIVE SUMMARY**

The Boxelder Sanitation District is extending a regional sanitary sewer line to the east of its current plant at the confluence of Boxelder Creek and the Cache La Poudre River. The sanitary sewer will provide service to areas designated within the District's service area to the east of I-25. This Ordinance authorizes the conveyance to the District of a permanent non-exclusive utility easement and a temporary construction easement on a City-owned property that is part of the Timnath Community Separator and a number of temporary easements on former Resource Recovery Farm property and Archery Range Natural Area, all for the regional sewer line project.

**BACKGROUND**

On September 5, 1995, by Ordinance No. 179, 1994, the City granted Boxelder Sanitation District a permanent utility easement over property formerly used as part of the Resource Recovery Farm now managed by the Natural Areas Program to construct pipeline improvements on the west side of I-25 to serve the District's area east of I-25. Presently, Boxelder is requesting an extension to this sewer line alignment on the east side of I-25, across the south boundary of Natural Resource's recent

acquisition, the Vangbo property, a Fort Collins-Timnath Community Separator property. Additionally, Boxelder is requesting temporary construction easements along the requested permanent easement on the Vangbo property, and along the existing permanent easement, as well as a temporary construction easement over the former Resource Recovery Farm in order to temporarily divert water flows during construction. These alignments are shown in Exhibit "B" to the Ordinance.

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The pipeline alignments are generally located in the well of the Boxelder Basin and have been located and sized to ensure service to the optimal number of property owners that are within the District's service area while disturbing the least amount of property.

The proposed easements are not in areas that are considered ecologically sensitive. All impacts to soil and vegetation can be easily restored. Vegetation along the proposed easement alignment consists of smooth brome dominated pasture and idle cropland. Reclamation of the easement areas will utilize grass mixes reflective of existing vegetation.

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ORDINANCE NO. 111, 2006  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING THE CONVEYANCE OF  
A PERMANENT, NON-EXCLUSIVE UNDERGROUND UTILITY EASEMENT  
AND MULTIPLE TEMPORARY CONSTRUCTION EASEMENTS  
ON CITY PROPERTY  
TO THE BOXELDER SANITATION DISTRICT  
FOR THE PURPOSE OF EXTENDING REGIONAL SANITARY SEWER

WHEREAS, the City of Fort Collins, Colorado (the "City") is the owner of certain real property located in Fort Collins, Colorado, formerly used as Resource Recovery Farm and now managed by the Natural Areas Program, certain real property south of the Resource Recovery Farm property used for Archery Range and referred to as Archery Range Natural Area, and certain property east of Interstate 25 in Larimer County and in the area identified as the Timnath Community Separator, referred to as the Vangbo Property (collectively referred to herein as the "Property"); and

WHEREAS, the Boxelder Sanitation District (the "District") is extending a regional sanitary sewer line to the east of its current plant at the confluence of Boxelder Creek and the Cache la Poudre River; and

WHEREAS, for the purpose of said extension the District wishes to acquire a permanent, non-exclusive utility easement and multiple temporary construction easements (collectively referred to herein as the "Easements") over, under and across the Property in the locations described in Exhibit "A" and illustrated in Exhibit "B", attached hereto and incorporated herein by this reference (collectively referred to herein as the "Easement Areas"); and

WHEREAS, the temporary construction easements are to be of a limited duration no greater than two years from the date of execution; and

WHEREAS, the District has agreed to compensate the City for the Easements in the amount of \$34,780, which the City Real Estate Services office has determined represents the fair market value of the Easements; and

WHEREAS, based on review of this request by City staff, it has been determined that granting the Easements will not have any significant, adverse effect on the Property; and

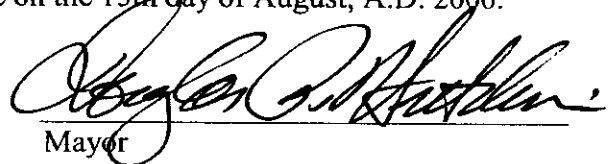
WHEREAS, Section 23-111 of the City Code provides that the City Council is authorized to sell, convey, or otherwise dispose of real property owned by the City, provided the Council first finds by ordinance that said sale or other disposition will be for the benefit of the City's citizens and is in the 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 Easements over, under and across the Property, in a manner consistent with the terms of this Ordinance, will be for the benefit of the City's citizens and is in the best interest of the City of Fort Collins.

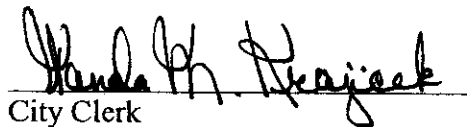
Section 2. That the Mayor is hereby authorized to execute such documents of conveyance as are necessary to convey the Easements to Boxelder Sanitation District, upon the terms and conditions described above, together with such additional terms and conditions as the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to protect the interests of the City, including any necessary corrections to the legal descriptions thereof that do not result in a material increase or change in character of the intended easement area.

Introduced, considered favorably on first reading, and ordered published this 18th day of July, A.D. 2006, and to be presented for final passage on the 15th day of August, A.D. 2006.



Mayor

ATTEST:



City Clerk

Passed and adopted on final reading on the 15th day of August, A.D. 2006.

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Mayor

ATTEST:

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City Clerk