

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

ITEM NUMBER: 13

DATE: August 15, 2006

**STAFF: Daylan Figgs
Patrick Rowe**

SUBJECT

Second Reading of Ordinance No. 112, 2006, Authorizing the Conveyance of a Temporary Construction Easement over City Property to the Boxelder Sanitation District for the Purpose of Extending Sanitary Sewer.

RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on July 18, 2006, authorizes a temporary construction easement along the western edge of the Vangbo property, a 2005 Natural Resources Timnath Community Separator purchase, east of the Boxelder Plant across I-25, for the construction of a sanitary sewer line on the east side of I-25 by the Boxelder Sanitation District.

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 24

DATE: July 18, 2006

STAFF: Daylan Figgs
Patrick Rowe

COPY

SUBJECT

First Reading of Ordinance No. 112, 2006, Authorizing the Conveyance of a Temporary Construction Easement over City Property to the Boxelder Sanitation District for the Purpose of Extending 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 easement.

FINANCIAL IMPACT

The City will receive easement compensation of \$5,210, 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 area.

EXECUTIVE SUMMARY

In 1999, Boxelder Sanitation District acquired a deed of perpetual easement along the western edge of the Vangbo property (a 2005 Natural Resources Timnath Community Separator purchase, east of the Boxelder Plant across I-25) from the previous owner. The easement was acquired in anticipation of the construction of a sanitary sewer line on the east side of I-25. At the same time the District acquired a temporary construction easement 30 feet in width and adjacent to the perpetual easement. This temporary construction easement was for a period of one year with a one year extension. The project has not yet been constructed and the temporary construction easement has expired.

The construction of the sanitary sewer line is now planned to begin in the summer of 2006. The construction will take place in the existing perpetual easement area, however because the original term of the temporary construction easement has expired, Boxelder has requested a 30 foot wide construction easement for a period of two years. No trenching or installation of permanent facilities will be done within the temporary construction easement area.

Staff has determined that the temporary easement is not in an area that is ecologically sensitive and the disturbed land can be easily restored. Vegetation along the proposed easement alignment consists of a smooth brome dominated pasture. Restoration of the easement area will utilize grass mixes reflective of existing vegetation.

ORDINANCE NO. 112, 2006
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF
A TEMPORARY CONSTRUCTION EASEMENT OVER CITY PROPERTY
TO THE BOXELDER SANITATION DISTRICT
FOR THE PURPOSE OF EXTENDING SANITARY SEWER

WHEREAS, the City of Fort Collins, Colorado (the "City") is the owner of a certain parcel of real property located in Larimer County east of Interstate 25 and in the area identified as the Timnath Community Separator, known as the Vangbo Property (the "Property"); and

WHEREAS, the Boxelder Sanitation District (the "District") currently has a non-exclusive utility easement that runs along the western 30 feet of the Property for the purpose of operating and maintaining underground utilities; and

WHEREAS, in order to construct said underground utilities the District wishes to acquire a temporary construction easement (the "Easement") over, under and across an additional 30 feet of the Property (the "Temporary Easement Area") as described in Exhibit "A", attached hereto and incorporated herein by this reference; and

WHEREAS, the duration of the Easement shall be limited to no longer than two years from the date of execution; and

WHEREAS, the District has agreed to compensate the City for the Easement in the amount of \$5,210, which the City's Real Estate Services office has determined to represent the fair market value of the Easement; and

WHEREAS, based on review of this request by City staff, it has been determined that granting the Easement 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.

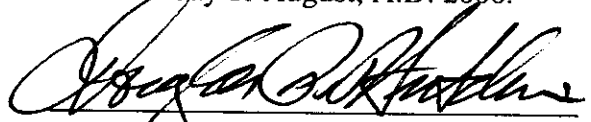
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the conveyance of the Easement over, under and across the Property, 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 Easement to Boxelder Sanitation District, upon the

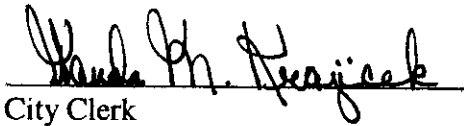
terms and conditions described above, together with such additional terms and conditions as the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to protect the interests of the City, including any necessary corrections to the legal descriptions thereof 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.

Mayor

ATTEST:

City Clerk