

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

**ITEM NUMBER: 14**

**DATE: August 15, 2006**

**STAFF: Daylan Figgs  
Patrick Rowe**

**SUBJECT**

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Second Reading of Ordinance No. 113, 2006, Authorizing the Conveyance of a Permanent Drainage Easement on Pelican Marsh Natural Area for the Provincetowne Third Filing Development.

**RECOMMENDATION**

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Staff recommends adoption of the Ordinance on Second Reading.

**EXECUTIVE SUMMARY**

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This Ordinance, which was unanimously adopted on First Reading on July 18, 2006, authorizes a permanent, non-exclusive drainage easement on the Pelican Marsh Natural Area to the Provincetowne Third Filing Development.

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

ITEM NUMBER: 25  
DATE: July 18, 2006  
STAFF: Daylan Figgs  
Patrick Rowe

**SUBJECT**

First Reading of Ordinance No. 113, 2006, Authorizing the Conveyance of a Permanent Drainage Easement on Pelican Marsh Natural Area for the Provincetowne Third Filing Development.

**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 \$675, the fair market value as determined by Real Estate Services. Additionally, impacted areas will be restored to a condition comparable to its condition prior to the work in the easement area.

**EXECUTIVE SUMMARY**

The proposed permanent, non-exclusive drainage easement consists of a 50-foot wide area on Pelican Marsh Natural Area that extends up to approximately 73 feet in length (2,937 square feet) and outlets into an existing 200 foot drainage easement already located on the Natural Area. The channel to be constructed within the proposed easement is designed to convey 25 cubic feet per second ("cfs") and will consist of side slopes of 4:1 (four horizontal feet to one foot of vertical increase), a depth of 1 foot, and a 2-foot bottom width.

The proposed easement is in an area of reestablished native vegetation. Staff has determined that impacts to this area can be restored. Reclamation of these easement area will utilize grass mixes reflective of existing vegetation.

ORDINANCE NO. 113, 2006  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING THE CONVEYANCE OF A PERMANENT DRAINAGE  
EASEMENT ON PELICAN MARSH NATURAL AREA  
FOR THE PROVINCETOWNE THIRD FILING DEVELOPMENT

WHEREAS, the City of Fort Collins, Colorado (the "City") is the owner of a certain parcel of real property located in Fort Collins, Colorado, known as Pelican Marsh Natural Area (the "Property"); and

WHEREAS, the Provincetowne Filing Three Development is located north of the Property; and

WHEREAS, in order to provide a drainage outlet KB Home, Colorado, Inc (the "Developer") wishes to acquire a non-exclusive drainage easement (the "Easement") over, under and across the Property as described in Exhibit "A", attached hereto and incorporated herein by this reference (the "Easement Area"); and

WHEREAS, the Developer has agreed to compensate the City \$675 for consideration associated with the Easement; and

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

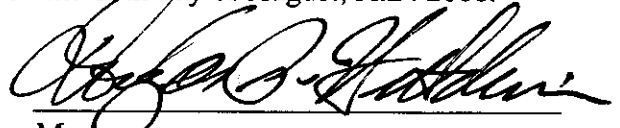
WHEREAS, Section 23-111 of the City Code provides that the City Council is authorized to sell, convey, or otherwise dispose of real property owned by the City, provided the Council first finds by ordinance that such sale or other disposition will be for the benefit of the City's citizens and is in the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

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

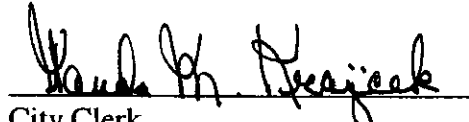
Section 1. That the conveyance of the Easement over, under and across the Property, consistent with the terms of this Ordinance, will be for the benefit of the City's citizens and is in the best interest of the City of Fort Collins.

Section 2. That the Mayor is hereby authorized to execute such documents of conveyance as are necessary to convey the Easement to KB Home, Colorado, Inc., 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.

  
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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