

ORDINANCE NO. 063, 2013
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF A NON-EXCLUSIVE
UTILITY EASEMENT ON SPRINGER AND WILLIAMS NATURAL AREAS
TO PLATTE RIVER POWER AUTHORITY

WHEREAS, the City is the owner of certain real property located in the City of Fort Collins, Larimer County, Colorado, known as Springer Natural Area and Williams Natural Area (the “City Property”); and

WHEREAS, Woodward, Inc. (“Woodward”) is proposing a development (the “Project”) on the former Link-N-Greens golf course property, adjacent to the City Property (the “Woodward Property”); and

WHEREAS, as part of its Project, Woodward is working with Platte River Power Authority (Platte River) to reroute an overhead electric transmission line that currently crosses both the Woodward Property and the City Property; and

WHEREAS, the portion of the Platte River transmission line that is on the City Property is located in an easement that Platte River obtained in 1982 from a previous owner of the City Property; and

WHEREAS, Platte River is requesting a new easement 60 to 100 feet wide and approximately 550 feet in length across the City Property for the relocation, installation and maintenance of the transmission line; and

WHEREAS, the proposed easement would be in the approximate location shown on Exhibit “A”, attached and incorporated herein by reference (the “Easement”); and

WHEREAS, Platte River is also requesting a temporary construction easement on the City Property (the “TCE”); and

WHEREAS, the exact location of the relocated transmission line has not yet been determined, but Platte River would prepare a precise legal description for the Easement and the TCE before the City executes the documents conveying the Easement and TCE; and

WHEREAS, the City will not convey the Easement and TCE if Woodward does not proceed with its proposed project; and

WHEREAS, if Platte River does relocate its transmission line, it has agreed to vacate a portion of its 1982 easement on the City property upon completion of the relocation; and

WHEREAS, PRPA has paid an administrative fee of \$1500 to cover City staff time related to the processing of the Easement, and would also pay approximately \$80,000 in compensation for

the Easement and TCE, restoration fees, and Ecosystem Impact Fees, as required by the Natural Areas and Conserved Lands Easement Policy; and

WHEREAS, Section 23-111 of the City Code provides that the City Council is authorized to sell, convey, or otherwise dispose of any and all interests in real property owned in the name of the City, provided that the City Council first finds, by ordinance, that such sale or other disposition is in the best interests of the City.

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

Section 1. That the City Council hereby finds that the conveyance of the Easement and TCE on the City Property to Platte River as provided herein is in the best interests of the City.

Section 2. That the Mayor is hereby authorized to execute such documents as are necessary to convey the Easement and TCE to Platte River on terms and conditions consistent with this Ordinance, together with such additional terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City or effectuate the purposes of this Ordinance, as long as such changes do not materially increase the size or change the character of the Easement.

Introduced, considered favorably on first reading, and ordered published this 16th day of April, A.D. 2013, and to be presented for final passage on the 7th day of May, A.D. 2013.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 7th day of May, A.D. 2013.

Mayor

ATTEST:

City Clerk