ORDINANCE NO. 086, 2013 OF THE COUNCIL OF THE CITY OF FORT COLLINS AUTHORIZING THE CONVEYANCE OF A NON-EXCLUSIVE ACCESS EASEMENT ON FOSSIL CREEK WETLANDS NATURAL AREA TO PARAGON ESTATES HOMEOWNERS ASSOCIATION

WHEREAS, the City is the owner of a parcel of real property acquired in 1995 known as Fossil Creek Wetlands Natural Area, which is described on Exhibit "A", attached and incorporated herein by reference (the "City Property"); and

WHEREAS, the Paragon Estates Homeowners Association ("HOA") is the owner of a pumphouse located on the City Property within an existing irrigation and access easement that was granted by a former owner of the City Property (the "Existing Easement"); and

WHEREAS, the access route contemplated in the Existing Easement was never developed or used, as it would have required building a new road through the greenbelt area of the adjacent subdivision; instead, the HOA, with verbal permission from the former owner of the City Property, historically used a two-track access road that connects to Trilby Road across the City Property for access to its pumphouse; and

WHEREAS, an access easement on the two-track road was never formalized or executed and the two-track road is not otherwise open to the public, but the HOA continued to use the two-track road for access after the City acquired the City Property; and

WHEREAS, Natural Areas staff believes it is most practical for the HOA to continue using the two-track road, and would like to grant an easement to the HOA that would establish conditions and limits on the HOA's use of the road; and

WHEREAS, the two-track road is also used by Natural Areas staff for maintenance and patrol, and the HOA's limited use should have no impact on the City Property; and

WHEREAS, the proposed easement area is shown on Exhibit "B", attached and incorporated herein by reference (the "Easement"); and

WHEREAS, because the HOA's use of the road would be infrequent and would have no real impact on the City Property, the Easement has minimal value; and

WHEREAS, the road is also the route that the HOA was using even before the City acquired the City Property; and

WHEREAS, for these reasons, City staff is recommending that the HOA not be charged for this Easement; and

WHEREAS, Section 23-111(a) 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 on the City Property to the HOA 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 to the HOA 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 to effectuate the purpose of this Ordinance, including, but not limited to, any necessary changes to the description of the Easement, 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 18th day of June, A.D. 2013, and to be presented for final passage on the 2nd day of July, A.D. 2013.

ATTEST:	Mayor
City Clerk	
Passed and adopted on final reading or	the 2nd day of July, A.D. 2013.
ATTECT	Mayor
ATTEST:	
City Clerk	

Legal Description of Fossil Creek Wetlands Natural Area Parcel

TOWNSHIP 6 NORTH, RANGE 68 WEST, 6TH P.M.

SECTION 18: NE/4, EXCEPT the following described parcels:

- Parcel 1: That portion conveyed to the Union Pacific Railroad Company in Deed recorded in Book 242 at Page 162;
- Parcel 2: Road right of way as described in Deed of Dedication recorded at Reception No. 91039930, County of Larimer, State of Colorado;
- Parcel 3: Paragon Estates, P.U.D., according to the plat recorded December 16, 1994, at Reception No. 94099115.

Paragon HOA Access Easement Area

