

ORDINANCE NO. 109, 2009  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING THE CONVEYANCE OF A NON-EXCLUSIVE DRAINAGE  
EASEMENT ON THE GUSTAV SWANSON NATURAL AREA TO  
URBAN DEVELOPMENT PARTNERS, LLC

WHEREAS, the City owns a certain parcel of real property located in the City of Fort Collins, Larimer County, Colorado, known as the Gustav Swanson Natural Area (the “City Property”); and

WHEREAS, Urban Development Partners, LLC (“UDP”) is proposing the development of a commercial office and industrial properties business park, which is presently referred to as the Inverness Innovation Park (the “Development”), on private land adjacent to the northern boundary of the City Property (the “UDP Property”); and

WHEREAS, the City Property is situated between the UDP Property and the Cache La Poudre River; and

WHEREAS, On April 21, 2009, the City Council passed Ordinance No. 031, 2009, authorizing the granting of two access easements and one drainage easement on and across the City Property to UDP; and

WHEREAS, since that time, UDP has determined that it will need an additional drainage easement on and across the City property; and

WHEREAS, UDP has represented to City staff that the current drainage plan for the Development, which includes a pond for stormwater detention and infiltration, will retain 100% of storm water on the UDP Property under conditions up to 100-year flood levels; and

WHEREAS, in the event that the proposed pond is not able to contain the excess stormwater flows during a particular flood event, UDP desires to deliver excess stormwater from the Development across the City Property to the Poudre River; and

WHEREAS, UDP has requested a non-exclusive drainage easement for stormwater discharge from the UDP Property during events larger than a 100-year flood event across the north 4.16 acres of the City Property; and

WHEREAS, the proposed easement is shown and described as “Drainage Easement No. 1 ” on Exhibit “A,” [Exhibit “A” is on file in the office of the City Clerk] (the “Easement”); and

WHEREAS, City staff has determined the Easement would not adversely impact the City’s use of the City Property as a natural area; and

WHEREAS, UDP has agreed to pay \$1,400, which includes a \$500 application fee, to the City’s Natural Resources Department for the Easement; and

WHEREAS, at its regular meeting on October 14, 2009, the Land Conservation and Stewardship Board reviewed and approved the conveyance of the proposed Easement; and

WHEREAS, Section 23-111(a) of the City Code authorizes the City Council to sell, convey, or otherwise dispose of any and all interests in real property owned by the City, provided 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 conveyance of the Easement to Urban Development Partners, LLC, as set forth 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 UDP on terms and conditions consistent with this Ordinance, along with such additional terms and conditions as the City Manager, in consultation with the City Attorney, determines to be necessary or appropriate to protect the interests of the City, including, but not limited to, any necessary changes to the legal 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 20th day of October, A.D. 2009, and to be presented for final passage on the 3rd day of November, A.D. 2009.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading on the 3rd day of November, A.D. 2009.

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Mayor

ATTEST:

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City Clerk