

ORDINANCE NO. 110, 2009
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF A
UTILITY EASEMENT ON A PORTION OF THE LARIMER COUNTY
LANDFILL TO POUUDRE VALLEY RURAL ELECTRIC ASSOCIATION, INC.

WHEREAS, the City is a partial owner, along with the City of Loveland (“Loveland”) and Larimer County (“County”), of property known as the Larimer County Landfill (“Property”) located in the North ½ of Section 9, Township 6 North, Range 69 west of the 6th P.M.; and

WHEREAS, pursuant to an intergovernmental agreement between the City, County and Loveland dated November 21, 1974, the County is responsible for the operation of the landfill on the Property; and

WHEREAS, the County and Timberline Energy, LLC (“Timberline”) entered into a Landfill Gas Purchase Agreement dated January 16, 2008 (“Agreement”); and

WHEREAS, under the Agreement, in exchange for certain payments to the County, Timberline is permitted to construct a landfill gas facility and associated gas recovery system (the “Facility”) on the Property in order to capture methane gas from the landfill and sell it to a buyer; and

WHEREAS, Timberline has contracted with Poudre Valley Rural Electric Association, Inc. (“REA”) to provide electrical service for the Facility; and

WHEREAS, REA has requested from the owners of the Property an underground utility easement on, under and across the Property as shown on Exhibit “A”, [Exhibit “A” in on file in the office of the City Clerk] (the “Easement”), to install an electrical power line to the Facility; and

WHEREAS, Timberline has agreed to pay \$1,000 to the City for the 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; and

WHEREAS, the Facility will improve local air quality by reducing the quantity of methane vented into the atmosphere by the landfill.

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 REA, 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 for the City, County and Loveland to convey the Easement 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.

Mayor

ATTEST:

City Clerk

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

Mayor

ATTEST:

City Clerk