

ORDINANCE NO. 050, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING THE CONVEYANCE OF A TEMPORARY
CONSTRUCTION EASEMENT FOR THE CONSTRUCTION OF
PERMANENT STORMWATER IMPROVEMENTS ON CITY
PROPERTY TO DHIC-ENCLAVE, LLC

A. The City owns a parcel of real property located southeast and adjacent to the intersection of Conifer Street and Redwood Street as shown and described on Exhibit “A”, attached and incorporated herein by reference (the “City Property”).

B. DHIC-Enclave, LLC (the “Developer”) intends to develop vacant land near the City Property for a 238-unit residential development known as the Enclave at Redwood (the “Development”), and a portion of the Development will use the Redwood Detention Pond as an off-site stormwater detention facility.

C. The Developer has submitted plans for the Development to the City (the “Development Plans”), which have been reviewed by City staff and are in the final stages of the development review process. As part of that process City staff asked the Developer to acquire a temporary construction easement for the Development to allow for certain work within the City Property to improve the Redwood Detention Pond.

D. The temporary construction easement to the Developer covers 189,996 square feet of the City Property as shown and described on Exhibit “B”, attached and incorporated herein by reference (the “TCE”). The TCE will allow Developer to enlarge the Redwood Detention Pond to provide approximately 6 acre-feet of additional stormwater storage, while the Development would only require approximately 1.5 acre-feet of storage.

E. The TCE will allow the Developer to access the City Property to construct improvements to the existing Redwood Detention Pond consistent with the City’s master drainage plan improvements, including the removal of existing stormwater infrastructure, significant re-grading, increased storage capacity, improved functionality, enhanced natural habitat, trees, and vegetation.

F. Section 23-111(a) of the City Code authorizes the City Council to sell, convey or otherwise dispose of any interest in real property owned by 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.

G. In addition, Section 23-114 of the City Code requires that any sale or other conveyance of property interests approved under section 23-111(a) be for an amount equal to or greater than the fair market value of such interest.

H. City staff estimates the value of the TCE at \$75,998; however, staff also estimates that the work the Developer will do on the City Property in the TCE has a value

of approximately \$408,846. While City staff anticipates reimbursing the Developer for a portion of that work for enhanced vegetation and storm mains as part of ordinary City expenses for stormwater, staff has recommended that the City convey the Easements to the Developer for no additional monetary compensation.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council finds that granting the TCE to the Developer on the terms and conditions described herein is in the best interests of the City.

Section 2. The City Council authorizes the Mayor to execute such documents as are necessary to convey the TCE to Developer 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, including, but not limited to, any necessary changes to the legal description of the TCE, as long as such changes do not materially increase the size or change the character of the interests to be conveyed.

Introduced, considered favorably on first reading on April 2, 2024, and approved on second reading for final passage on April 16, 2024.

Mayor

ATTEST:

Chief Deputy City Clerk

Effective Date: April 26, 2024

Approving Attorney: Ryan Malarky