

ORDINANCE NO. 051, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING THE CONVEYANCE OF A PERMANENT EASEMENT FOR
STORMWATER DRAINAGE, A TEMPORARY CONSTRUCTION EASEMENT
FOR THE CONSTRUCTION OF STORMWATER DRAINAGE
IMPROVEMENTS, AND A TEMPORARY CONSTRUCTION EASEMENT FOR
THE CONSTRUCTION OF SEWER FACILITIES TO PS-POUDRE RIVER, LLC

A. The City owns a parcel of real property located north of East Lincoln Avenue and adjacent to the Poudre River as shown and described on Exhibit “A”, attached and incorporated herein by reference, upon which is located the City’s Buckingham Park (the “City Property”).

B. PS-Poudre River, LLC (“PSPR”) intends to develop a vacant parcel of land (the “Development”) to the north of adjacent to the City Property (the “PSPR Property”).

C. PSPR has submitted plans for the Development to the City (the “Development Plans”), which have been reviewed by City staff. As part of the development review process City staff asked PSPR to acquire necessary easements for the Development, including three easements on the City Property.

D. These easements (collectively, “the Easements”) include:

1. A perpetual drainage easement to PSPR over 62,419 square feet of the City Property to allow for the right to store 100-year flood water and stormwater drainage from the Development as shown and described on Exhibit “B”, attached and incorporated herein by reference (the “Drainage Easement”). After the completion of grading and re-grading to allow for such storage pursuant to the Drainage TCE identified below, the Drainage Easement will not allow for any further alteration of the easement area or the installation of any permanent improvements.
2. A temporary construction easement to PSPR for a period of up to four years over 40,648 square feet of the City Property as shown and described on Exhibit “C”, attached and incorporated herein by reference (the “Drainage TCE”). The majority of the Drainage TCE area lies within the boundaries of the Drainage Easement and will allow PSPR the temporary ability to perform work to re-grade the surface to accommodate stormwater runoff from the Development. Work under the Drainage TCE will also include PSPR’s removal of unwanted concrete and other debris from the City’s prior levy construction for Buckingham Park. The re-grading and debris removal substantially benefits the drainage and future development of the park.
3. A temporary construction easement to PSPR for a period of up to four years over 4,562 square feet of the City Property as shown and described on Exhibit “D”, attached and incorporated herein by reference (the “Sewer

TCE”). The Sewer TCE is located entirely within the Drainage Easement and will allow PSPR to install an underground sanitary sewer line connecting the Development sewer line to the City’s sanitary sewer system. After installation, PSPR will convey the sewer line to the City.

E. 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.

F. 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.

G. City staff estimates the value of the Easements at \$18,615; however, staff also estimates that the work PSPR will do on the City Property in the Easements – including grading and re-grading, importing topsoil, removal of concrete and debris, modifications to the city’s irrigation system, and installation of a sewer line – has a value of approximately \$68,558 and substantially benefits the drainage and future development of Buckingham Park. Therefore, staff has recommended that the City convey the Easements to PSPR for no additional monetary compensation.

H. Because the work contemplated in the Easements must still obtain development review approval from the City, City staff recommends the actual conveyance of the Easements be conditional upon PSPR, or its successors and assigns, obtaining such approval.

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 Easements to PSPR 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 Easements to PSPR 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 descriptions of the Easements, 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

The City Property



The Drainage Easement

PARCEL DESCRIPTION

A parcel of land situate in the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) of Section Twelve (12), Township Seven North (T.7N.), Range Sixty-nine West (R.69W.) of the Sixth Principal Meridian (6th P.M.), City of Fort Collins, County of Larimer, State of Colorado and being more particularly described as follows:

COMMENCING at the Center Quarter corner of said Section 12, as monumented by a #6 rebar with a 2 1/2" Aluminum Cap stamped LS 31169, 2020 and assuming the East line of said SE1/4NW1/4, as monumented at the Center-North Sixteenth corner by a #6 rebar with a 2" Aluminum Cap stamped LS 7481, 1995 as bearing North 00°26'40" East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 1323.95 feet with all other bearings contained herein relative thereto;

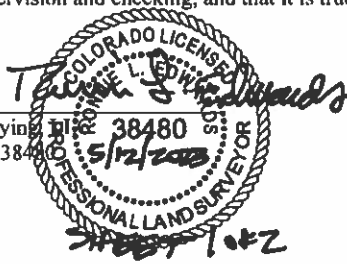
THENCE North 00°26'40" East along said East line a distance of 545.62 feet;
THENCE North 89°33'20" West a distance of 20.00 feet to the Southeast corner of a parcel of land described in that Special Warranty Deed recorded March 3, 2005 as Reception No. 2005-0017087 of the Records of Larimer County;
THENCE South 45°41'53" West along the Southeasterly line of said parcel of land described in that Special Warranty Deed recorded March 3, 2005 as Reception No. 2005-0017087 of the Records of Larimer County a distance of 175.00 feet to the POINT OF BEGINNING;
THENCE South 05°48'34" East a distance of 9.54 feet;
THENCE South 40°52'40" West a distance of 61.18 feet;
THENCE South 73°16'46" West a distance of 74.12 feet;
THENCE South 44°45'07" West a distance of 44.93 feet;
THENCE South 80°52'12" West a distance of 29.29 feet;
THENCE South 21°32'39" West a distance of 45.30 feet;
THENCE South 41°37'16" West a distance of 38.14 feet;
THENCE South 70°08'19" West a distance of 20.32 feet;
THENCE South 30°55'45" West a distance of 58.21 feet;
THENCE South 06°19'14" West a distance of 102.97 feet;
THENCE South 22°15'23" West a distance of 53.43 feet;
THENCE North 75°34'08" West a distance of 37.05 feet;
THENCE South 26°28'28" West a distance of 38.90 feet;
THENCE South 79°54'13" West a distance of 20.01 feet;
THENCE North 30°43'19" West a distance of 140.10 feet;
THENCE North 06°56'38" West a distance of 70.19 feet;
THENCE North 01°29'42" East a distance of 68.82 feet to the Southerly line of said parcel of land described in that Special Warranty Deed recorded March 3, 2005 as Reception No. 2005-0017087 of the Records of Larimer County;
The following Four (4) courses are along the Southerly lines of said parcel of land described in that Special Warranty Deed recorded March 3, 2005 as Reception No. 2005-0017087 of the Records of Larimer County:
THENCE South 60°55'34" East a distance of 39.74 feet;
THENCE North 49°42'53" East a distance of 121.67 feet;
THENCE North 66°49'53" East a distance of 110.60 feet;
THENCE North 74°21'53" East a distance of 223.40 feet to the POINT OF BEGINNING.

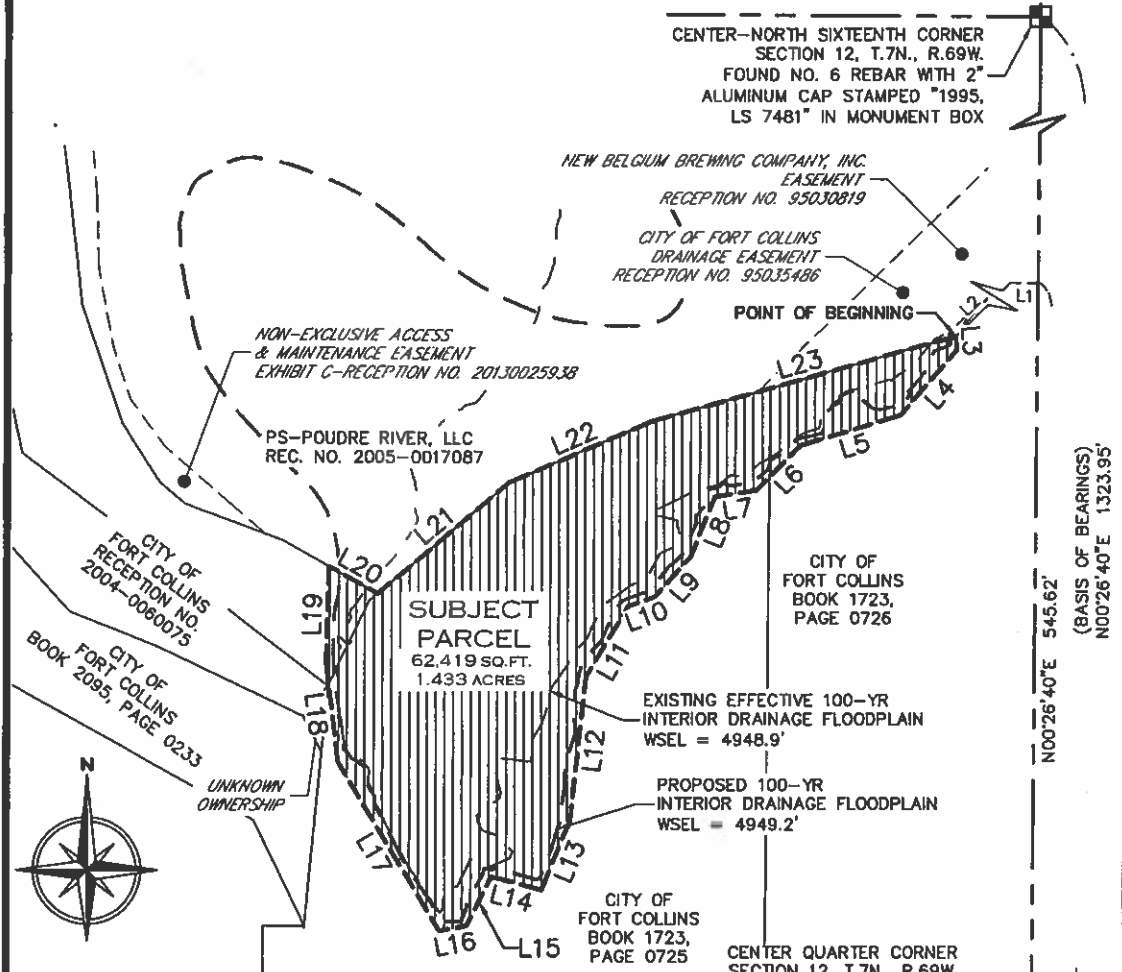
Said described parcel of land contains 62,419 Square Feet or 1.433 Acres, more or less (±).

SURVEYORS STATEMENT

I, Ronnie L. Edwards, a Colorado Licensed Professional Land Surveyor do hereby state that this Parcel Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.

Ronnie L. Edwards - on behalf of Majestic Surveying
Colorado Licensed Professional Land Surveyor #38480





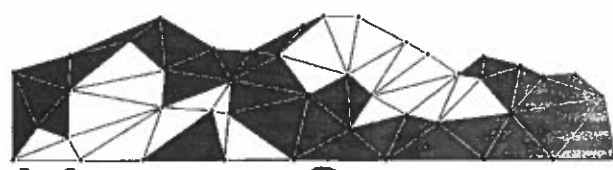
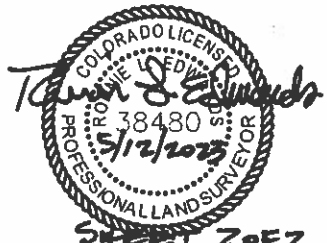
LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°33'20"W	20.00'
L2	S45°41'53"W	175.00'
L3	S05°48'34"E	9.54'
L4	S40°52'40"W	61.18'
L5	S73°16'46"W	74.12'
L6	S44°45'07"W	44.93'
L7	S80°52'12"W	29.29'
L8	S21°32'39"W	45.30'
L9	S41°37'16"W	38.14'
L10	S70°08'19"W	20.32'
L11	S30°55'45"W	58.21'
L12	S06°19'14"W	102.97'

LINE TABLE		
LINE	BEARING	LENGTH
L13	S22°15'23"W	53.43'
L14	N75°34'08"W	37.05'
L15	S26°28'28"W	38.90'
L16	S79°54'13"W	20.01'
L17	N30°43'19"W	140.10'
L18	N06°56'38"W	70.19'
L19	N01°29'42"E	68.82'
L20	S60°55'34"E	39.74'
L21	N49°42'53"E	121.67'
L22	N66°49'53"E	110.60'
L23	N74°21'53"E	223.40'

CITY OF FORT COLLINS BOOK 1723, PAGE 0725
 CENTER QUARTER CORNER SECTION 12, T.7N., R.69W. FOUND NO.6 REBAR WITH 2 1/2" ALUMINUM CAP STAMPED "LS 31169, 2020" IN MONUMENT BOX POINT OF COMMENCEMENT

Note: This drawing does not represent a monumented land survey. Its sole purpose is a graphic representation of the accompanying written description.

Notice: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon. (CRS 13-80-105)



MAJESTIC SURVEYING

Ronnie L. Edwards, PLS 38480
 On behalf of Majestic Surveying, LLC

PROJECT NO: 2019340 CLIENT: A.C.E.
 DATE: 3/23/2023 SCALE: 1"=100'

The Drainage TCE

PARCEL DESCRIPTION

A parcel of land for easement purposes, situate in the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) of Section Twelve (12), Township Seven North (T.7N.), Range Sixty-nine West (R.69W.) of the Sixth Principal Meridian (6th P.M.), City of Fort Collins, County of Larimer, State of Colorado and being more particularly described as follows:

COMMENCING at the Center Quarter corner of said Section 12, as monumented by a #6 rebar with a 2 1/2" Aluminum Cap stamped LS 31169, 2020 and assuming the East line of said SE1/4NW1/4, as monumented at the Center-North Sixteenth corner by a #6 rebar with a 2" Aluminum Cap stamped I.S 7481, 1995 as bearing North 00°26'40" East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 1323.95 feet with all other bearings contained herein relative thereto;

THENCE North 00°26'40" East along said East line a distance of 545.62 feet;
THENCE North 89°33'20" West a distance of 20.00 feet to the Southeast corner of a parcel of land described in that Special Warranty Deed recorded March 3, 2005 as Reception No. 2005-0017087 of the Records of Larimer County;

THENCE South 45°41'53" West along the Southeasterly line of said parcel of land described in that Special Warranty Deed recorded March 3, 2005 as Reception No. 2005-0017087 of the Records of Larimer County a distance of 175.00 feet to the **POINT OF BEGINNING**;

THENCE South 55°36'30" West a distance of 132.00 feet;

THENCE South 67°49'30" West a distance of 95.00 feet;

THENCE South 43°21'30" West a distance of 202.50 feet;

THENCE South 39°58'30" West a distance of 81.00 feet;

THENCE South 52°03'00" West a distance of 25.00 feet;

THENCE North 33°05'30" West a distance of 67.00 feet;

THENCE North 24°43'00" West a distance of 36.00 feet;

THENCE North 21°25'31" West a distance of 82.00 feet;

THENCE North 48°22'28" West a distance of 76.00 feet to the Southerly line of a parcel of land described in that Special Warranty Deed recorded March 3, 2005 as Reception No. 2005-0017087 of the Records of Larimer County;

The following Five (5) courses are along the Southerly lines of said parcel of land described in that Special Warranty Deed recorded March 3, 2005 as Reception No. 2005-0017087 of the Records of Larimer County:

THENCE South 69°41'00" East a distance of 74.14 feet;

THENCE South 60°55'34" East a distance of 76.57 feet;

THENCE North 49°42'53" East a distance of 121.67 feet;

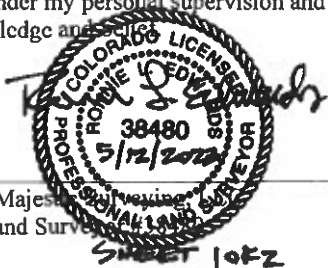
THENCE North 66°49'53" East a distance of 110.60 feet;

THENCE North 74°21'53" East a distance of 223.40 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 40,648 Square Feet or 0.933 Acres, more or less (±).

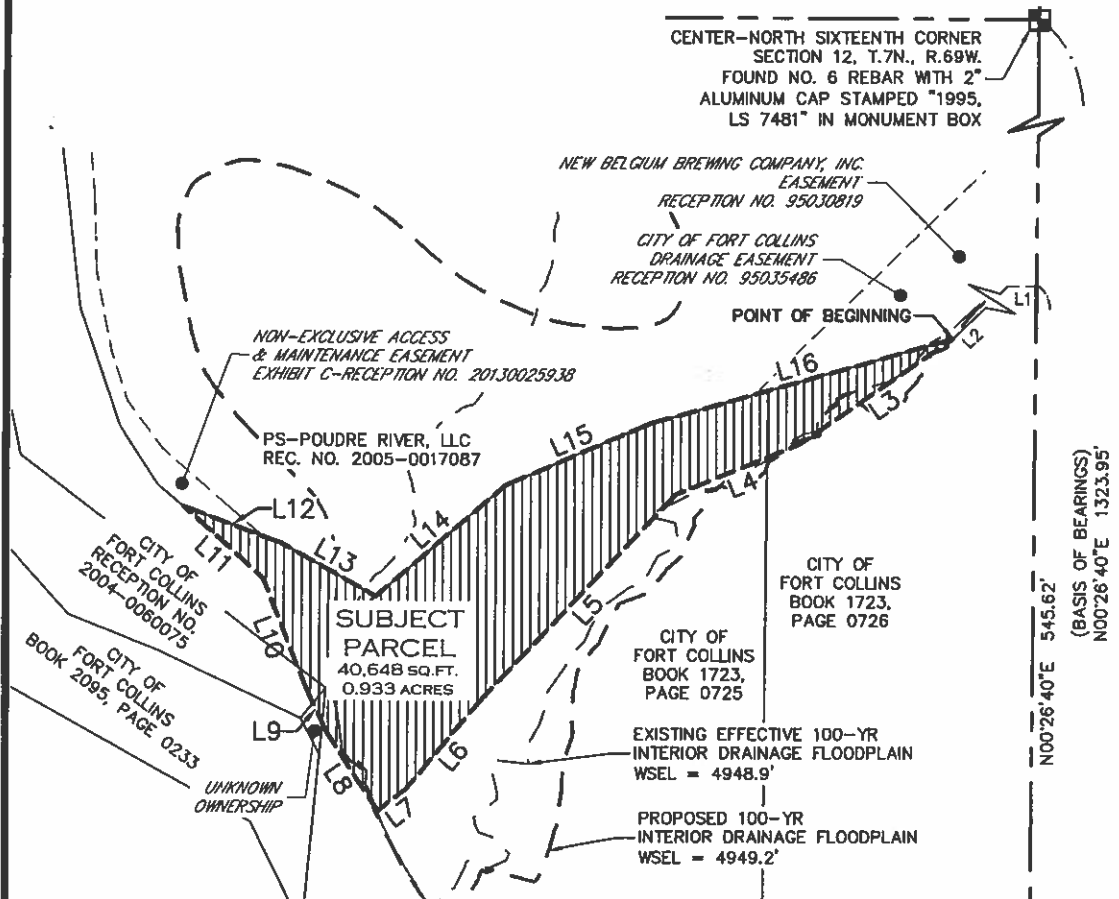
SURVEYORS STATEMENT

I, Ronnie L. Edwards, a Colorado Licensed Professional Land Surveyor do hereby state that this Parcel Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.



Ronnie L. Edwards - on behalf of Majesty Surveying
Colorado Licensed Professional Land Surveyor





LINE TABLE		
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L1	N89°33'20"W	20.00'
L2	S45°41'53"W	175.00'
L3	S55°36'30"W	132.00'
L4	S67°49'30"W	95.00'
L5	S43°21'30"W	202.50'
L6	S39°58'30"W	81.00'
L7	S52°03'00"W	25.00'
L8	N33°05'30"W	67.00'

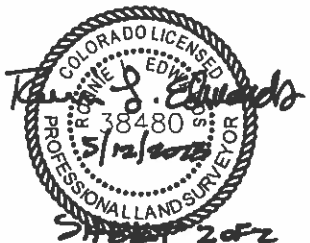
LINE TABLE		
LINE	BEARING	LENGTH
L9	N24°43'00"W	36.00'
L10	N21°25'31"W	82.00'
L11	N48°22'28"W	76.00'
L12	S69°41'00"E	74.14'
L13	S60°55'34"E	76.57'
L14	N49°42'53"E	121.67'
L15	N66°49'53"E	110.60'
L16	N74°21'53"E	223.40'

CENTER QUARTER CORNER SECTION 12, T.7N., R.69W. FOUND NO.6 REBAR WITH 2 1/2" ALUMINUM CAP STAMPED "LS 31169, 2020" IN MONUMENT BOX POINT OF COMMENCEMENT



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Ronnie L. Edwards, PLS 38480
On behalf of Majestic Surveying, LLC

PROJECT NO: 2019340 CLIENT: A.C.E.
DATE: 4/7/2022 SCALE: 1"=100'

The Sewer TCE

PARCEL DESCRIPTION

A strip of land, 30.00 feet in width situate in the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) of Section Twelve (12), Township Seven North (T.7N.), Range Sixty-nine West (R.69W.) of the Sixth Principal Meridian (6th P.M.), City of Fort Collins, County of Larimer, State of Colorado and being more particularly described as follows:

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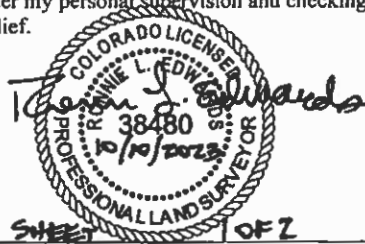
The following Four (4) Courses are along the Southerly lines of said parcel of land described in that Special Warranty Deed recorded March 3, 2005 as Reception No. 2005-0017087 of the Records of Larimer County:

- THENCE South 45°41'53" West a distance of 175.00 feet;
- THENCE South 74°21'53" West a distance of 223.40 feet;
- THENCE South 66°49'53" West a distance of 110.60 feet;
- THENCE South 49°42'53" West a distance of 82.34 feet to the **POINT OF BEGINNING**;
- THENCE South 00°00'10" East a distance of 164.79 feet;
- THENCE South 89°59'50" West a distance of 30.00 feet;
- THENCE North 00°00'10" West a distance of 139.36 feet to the Southerly most corner of said parcel of land described in that Special Warranty Deed recorded March 3, 2005 as Reception No. 2005-0017087 of the Records of Larimer County;
- THENCE North 49°42'53" East along the Southerly line of said parcel of land described in that Special Warranty Deed recorded March 3, 2005 as Reception No. 2005-0017087 of the Records of Larimer County a distance of 39.33 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 4,562 Square Feet or 0.105 Acres, more or less (±).

SURVEYORS STATEMENT

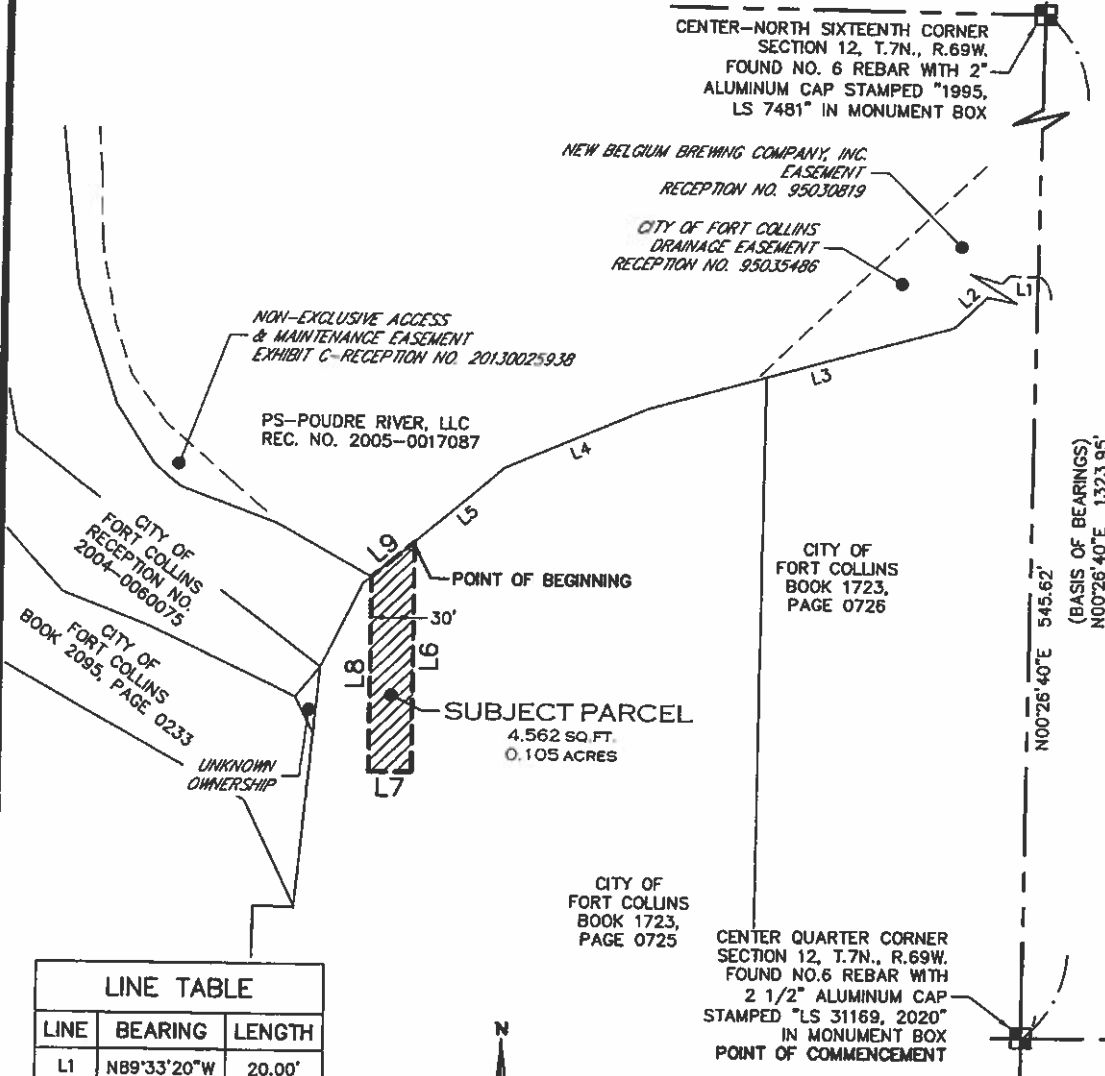
I, Ronnie L. Edwards, a Colorado Licensed Professional Land Surveyor do hereby state that this Parcel Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.



Ronnie L. Edwards - on behalf of Majestic Surveying, LLC
Colorado Licensed Professional Land Surveyor #38480



SE1/4NW1/4 Section 12, T.7N., R.69W.



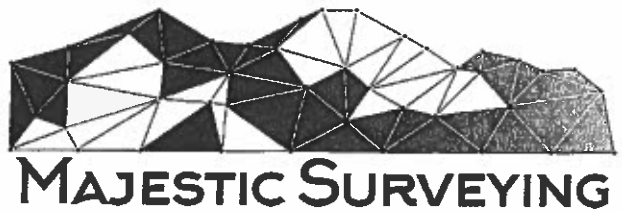
LINE TABLE

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L4	S66°49'53"W	110.60'
L5	S49°42'53"W	82.34'
L6	S00°00'10"E	164.79'
L7	S89°59'50"W	30.00'
L8	N00°00'10"W	139.36'
L9	N49°42'53"E	39.33'



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Ronnie L. Edwards, PLS 38480
On behalf of Majestic Surveying, LLC

PROJECT NO: 2019340 CLIENT: A.C.E.
DATE: 10/10/2023 SCALE: 1"=100'