

AGENDA ITEM SUMMARY

City Council



STAFF

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SUBJECT

First Reading of Ordinance No. 194, 2025, Authorizing the Conveyance of a Permanent Drainage Easement on Magpie Meander Natural Area and Soft Gold Park and a Temporary Construction Easement on Soft Gold Park to Willox Development Partners, LLC.

EXECUTIVE SUMMARY

The purpose of this item is to convey a drainage easement to Willox Development Partners, LLC ("WDC") across Soft Gold Park ("Soft Gold") and Magpie Meander Natural Area ("Magpie Meander") and a temporary construction easement on Soft Gold. The Willox Farm project is a proposed residential development located immediately north of Soft Gold and Magpie Meander. The proposed drainage easement alignment follows an existing drainage swale that carries stormwater from parcels north of the City-owned land into a remnant oxbow of the Poudre River. The temporary construction easement on Soft Gold will primarily provide for the installation of a City-owned public underground electric transmission line that will serve the new development and construction of a paved trail segment.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The 32-acre Magpie Meander Natural Area and 17.5-acre Soft Gold Park are located west of College Avenue between Willox Lane and Hickory Street. Magpie Meander (initially known as Hickory Park Natural Area) is set on a historic river oxbow where a high groundwater table supports a forested wetland, stream, and small pond in the southeast corner. A significant portion of the remanent river oxbow is owned by the City and is included in this natural area. A short, paved spur trail (0.16 mile) runs through the natural area connecting visitors to McMurry Natural Area and the Poudre River Trail. The adjacent Soft Gold Park offers a ballfield, sports field, picnic area, partially paved trail, bike pump track, and 1-acre dog park.

An undefined portion of this section of Magpie was purchased with Stormwater funds. As such, the City Stormwater Utilities Department has been consulted on this project and has confirmed the proposed easements do not affect any property interests owned or claimed for stormwater purposes.

WDC submitted the Development Plan for the Project in May 2022. The Planning and Zoning Commission approved the Development Plan on March 21, 2024, and it is currently in the final stages of Final

Development Plan approval. WDC purchased the 19-acre property ("Willox Farm") currently proposed for development in August 2022. The development proposal includes 62 single family residential units, a trail that will connect Willox Lane to Soft Gold Park, and improvements to West Willox Lane. Without the proposed easements from the City, the development would not be feasible, and WDC has worked closely with the City to accommodate both the Natural Areas Department and the Parks Department, and to determine the least intrusive easements possible.

Drainage Easement

Willox Farm is currently an undeveloped property, and any stormwater that flows from the site follows a natural drainage course generally to the south, across City property. The planned development will create impermeable surfaces typical with this type of development. As a condition of development approval, the developer is required to obtain the necessary easements to handle stormwater runoff prior to being able to submit a Final Plan.

There is an existing swale on the west side of Soft Gold and east side of Magpie Meander that conveys most of the current runoff from the Willox Farm parcel to the oxbow of the river. A small portion of the historic flows also run down the east side of the park and are captured in a grass swale and pipe that outlet into Wood Duck Pond on Magpie Meander. The proposed stormwater outfall for Willox Farm is located on Soft Gold and Magpie Meander and roughly follows the current drainage path.

The Willox Farm drainage system proposed would treat runoff before it leaves the site; current designs call for the site's runoff to be captured and directed towards an onsite rain garden and detention pond. The design meets all water quality and Low Impact Development (LID) criteria, which will reduce sediment and pollutants per City standards. From the detention pond, the water would be released via pipe/flared end section into the existing swale located on Soft Gold's northwest corner, flow southward across Magpie Meander and into the oxbow before reaching the Poudre River. Current drainage flows for the 10-year & 100-year events are 11.2 cfs and 28.6 cfs. The proposed design from the detention pond, as required by the Stormwater Criteria Manual, would release at the current 2-year historic rate of 6.6 cfs into City-owned land. The Parks Department deferred to Natural Areas to process the stormwater outfall request through Natural Areas' easement policy.

The City of Fort Collins Natural Areas and Conserved Lands Easement Policy (adopted by Council January 3, 2012) states the following:

"Drainage Facilities for Private Development. Drainage facilities that serve new development (such as detention, retention, or water quality ponds) shall be located on private land within the development and not on City-owned natural areas or conserved land. Easements for conveyance facilities will be considered on a case-by-case basis when the city-owned land is located between the private parcel and the historic receiving channel or stream. The design of the new flow conveyance must utilize existing drainages to the maximum extent feasible and must blend into the surrounding terrain, must not impact the existing geomorphic character of the drainage and must enhance the natural habitat features and character of the site."

Natural Areas staff review of the stormwater outfall easement request has focused on minimizing impacts to Magpie Meander. The developer, with feedback from Natural Areas, Planning, Parks, and Stormwater staff have submitted several alternatives.

Alternative A

This alternative proposes to outlet stormwater from the detention pond on the Willox property into an existing pond on the north end of Soft Gold. This alternative would require a large, disturbed area within Soft Gold. The park pond does not have the capacity to hold the stormwater release from the Willox Farm detention pond and the irrigation water from a future irrigation line.

Alternative B

Alternative B proposes to outlet flows to the east side of Soft Gold Park. This alternative would significantly impact the Soft Gold Park property, requiring larger easements and more construction on the park property. A swale would need to be constructed along the east side of Soft Gold Park, roughly 1,300 linear feet, to connect to the existing swale on the southeast side of Soft Gold. From the swale, water would flow into an existing series of pipes that outlet into Wood Duck Pond on Magpie Meander.

Construction of this swale could potentially impact two existing trees within the park, the existing eastern park fence, and the existing pipes would need to be upsized to handle this additional flow and potentially lowered to allow for a 0.5% sloped swale from the north.

Alternative C (Preferred)

This alternative places the entire storm pipe and flows within an existing drainage swale which traverses portions of Soft Gold and Magpie Meander and ultimately discharges to the Poudre River. This drainage way is well established, with substantial vegetation to minimize the potential for future erosion.

The requested drainage easement begins at the northwest corner of Soft Gold, is 30 feet wide and approximately 350 feet long. It extends approximately 185 linear feet on Soft Gold and the remaining 165 feet are on Magpie Meander.

Were other options analyzed/considered?

Alternatives that would not cross Natural Areas' property are limited at best for several reasons:

- 1) The City's Stormwater Criteria Manual requires developers to design stormwater outfall alignments so any swale or pipe that carries stormwater must ultimately outlet into a natural drainageway. Examples of natural drainageways include the Poudre River, Spring Creek and remnant oxbows.
- 2) Based on the proposed development site's topography, stormwater currently runs to the south, southeast, and southwest before connecting with the remnant oxbow and the Poudre River.
- 3) Natural Areas owns all property along the north bank of the Poudre River between Shields Street and College Avenue with the exception of approximately 770 linear feet encompassed by Legacy Park.
- 4) Alignments that would remain entirely on Parks and/or private property were not contemplated. For example, the Hickory Village mobile home park that runs along the east boundary of both the proposed development site and Soft Gold prevents an alternative alignment in that direction.

The City's execution of the drainage easement is contingent upon Willox Farm complying with all applicable Federal, State and local regulations.

Temporary Construction Easement

To connect the proposed new development to City Utilities, the developer requested the ability to extend service lines across Soft Gold. Initially, this was to include both sanitary sewer and electric lines. However, the sewer line alignment has been re-routed through the Hickory Village property to the east. An underground electric line is proposed to run east along the north boundary of Soft Gold and then head south before tying into existing City utility lines in Hickory Street. Once the electric line is installed it will be operated and maintained by City Light and Power. A Notice of Alignment will be executed to document the location of the electric line.

Installation of the electric line is expected to have temporary and to a lesser degree, a permanent impact to Soft Gold Park and its users. The line will be bored to protect the trees and all trees in the area have

been assessed as part of the final development plans. A new electric vault will be installed on the east side of Soft Gold. Light and Power requires a 10'-paved trail to accommodate their utility vehicles to access their vault. Access will be from the development north of the park via a new trail spur and continue south to the turnaround point. Items throughout Soft Gold that will be revised during construction of the electric line and as part of the compensation for that construction include:

- 1) ±7,060 SF of existing crusher fines trail removed and replaced with 8ft concrete trail.
- 2) ±4,360 SF of the existing 6ft concrete trail to be removed and rebuilt with 10 ft concrete trail.
- 3) ±2,700 SF of proposed concrete trail added to the north side of the park.
- 4) ±850 SF of proposed concrete will be added to provide a turnaround point for Light and Power maintenance vehicles.
- 5) ±313 LF of the existing underground electric line to be removed and relocated.
- 6) ±1,700 LF of proposed electrical main line installed along the east side of the park.

Irrigation sleeves throughout the park underneath the proposed trail.

CITY FINANCIAL IMPACTS

The following costs and fees will be charged to WDC as consideration for the easements:

Natural Areas Easement Application fee	\$5,000
Mitigation Fee- \$3,985/ac. @ 0.24 acres	\$3,985
Drainage Easement Cost - \$43,560/ac. x 0.241/ac. @ 50% of fair market value	\$5,249
Temporary Construction Easement Cost:	\$28,000

(TCE Consideration includes \$9,075 for the Permanent Utility Alignment, \$4,850 for the Temporary Construction Easement and \$14,075 for Expenses [Cost of appraisal and Real Estate Services staff time]).

The application fee and mitigation fee will be paid to the Natural Areas Department to support administrative costs and land conservation efforts. The mitigation fee is set in the Natural Areas' easement policy and provides a cost per acre for mitigation with a minimum of one acre. The drainage easement fee will be split between the Parks Department (53%) and Natural Areas (47%) for their respective portions of land encumbered by the easement. The Parks Department will receive the entirety of costs and fees for the temporary construction easement and alignment. Natural Areas and Real Estate Services retained a third-party appraiser to calculate the underlying fee value of the City property, which was used by City Staff as the basis for the easement value calculations.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

At its January 10, 2024, meeting, the Land Conservation and Stewardship Board voted (7-2) to recommend that Council approve the conveyance of the drainage easement, Alternative C, to Willox Development Partners, LLC across Magpie Meander Natural Area and Soft Gold Park.

The Planning and Zoning Commission approved the Willox Farm Development project on March 21, 2024.

The Parks and Recreation Advisory Board has been apprised of the proposed easements and alignment; most recently at the October 22, 2025, meeting.

Note: The extended timeline between easement application, review, and bringing to Council resulted from several changes in easement location and coordinating to ensure the drainage easement was not considered ahead of Final Development Review for this project.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Vicinity Map
2. Land Conservation and Stewardship Board Meeting Minutes, January 10, 2024 (excerpt)
3. Planning and Zoning Commission Meeting Minutes, March 21, 2024 (excerpt)
4. Parks and Recreation Advisory Board Memo, October 20, 2025
5. Ordinance No. 194, 2025