

## AGENDA ITEM SUMMARY

City Council



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### STAFF

Ralph Campano, Real Estate Services Manager  
Raime Lanham, Real Estate Specialist  
Jonathan Piefer, Lead Real Estate Specialist  
Tawnya Ernst, Lead Natural Areas Specialist  
Ken Sampley, Stormwater Director

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### SUBJECT

**Second Reading of Ordinance No. 096, 2025, Authorizing the Conveyance of Two Temporary Construction Easements and Two Permanent Easements on a portion of Rigden Reservoir to Larimer County for Construction of Stormwater Infrastructure Improvements for County Road 40.**

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### EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on June 3, 2025, authorizes the conveyance of two (2) Temporary Construction Easements and Two (2) Permanent Easements (collectively, the “Easements”) on a portion of City property presently known as Rigden Reservoir for construction of stormwater infrastructure improvements for the benefit of County Road 40 (E Horsetooth Road).

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### STAFF RECOMMENDATION

Staff recommend adoption of the Ordinance on Second Reading.

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### FIRST READING BACKGROUND / DISCUSSION

#### The Property

The land known as Rigden Reservoir was acquired by the City's Utilities Department for water storage purposes from Cottonwood Land & Farms, LLC by that certain Special Warranty Deed dated February 11, 2014, recorded at Reception No. 20140008160, Clerk and Recorder's Records, Larimer County, Colorado.

Although most of the lands surrounding Rigden Reservoir are currently managed by the Natural Areas Department as part of Arapaho Bend Natural Area, the Easements are located entirely within the Foothills Basin Outlet Channel (the “Channel”), which is a part of the City's Stormwater Infrastructure. The City's Natural Areas Department does have an interest in a portion of the water stored in Rigden Reservoir and maintenance responsibilities for portions of the Property per a City inter-department agreement. However, no dedicated Natural Areas funds were used to purchase the Channel nor are dedicated Natural Areas funds used to maintain the Channel. Accordingly, the Easements are not subject to the traditional easement policy of the City of Fort Collins Natural Areas and Conserved Lands Easement Policy.

## **The Project**

This project (the “Project”) is proposed by Larimer County to address the effects of increased traffic on an area of East Horsetooth Road located between Ziegler Road and Strauss Cabin Road (the “Subject Road”), being a gravel road that experiences ponding, degradation, and improper drainage. The terrain in this area is notably flat, which hinders proper water drainage to the east, leading to road degradation and long-term maintenance challenges due to ponding. Although Larimer County plans to address the increased traffic issues by improving the Subject Road, such improvements will decrease roadway permeability and increase stormwater runoff into adjacent properties.

To mitigate the increased stormwater runoff, Larimer County intends to regrade the roadside ditches to enhance water flow and capacity and to ultimately direct part of the stormwater runoff from the Subject Road into the Channel via the installation of two 18 inch corrugated steel pipe culverts, squash pipes, rip-rap, and related improvements (the “Improvements”) within the Easements, as shown in the attached Exhibit(s).

The Channel is a component of the public stormwater infrastructure that discharges floodwater from Fossil Creek Reservoir Inlet Ditch into the Cache de la Poudre River. Although the drainage pattern will be modified with the addition of the two new culverts, the proposed changes will not substantially alter the existing conditions because the peak flows through each of the two proposed culverts are estimated to be approximately 2.4 cubic feet per second (CFS) and 3.6 CFS for the 25-year and 100-year flooding events, respectively, being well within the remaining capacity of the Channel. The Channel was originally designed to accommodate a flow of 860 CFS, and a 2020 analysis indicated that a remaining capacity of 337 CFS was still available within the Channel.

## **The Easements**

To complete the Project, Larimer County has requested that the City convey two (2) Temporary Construction Easements (the “TCEs”) totaling 0.032 acres, more or less, and two (2) Permanent Easements (the “PEs”) totaling 0.028 acres, more or less, for the construction, maintenance, and operation of the Improvements.

All damaged landscaping located within the boundaries of the Easements shall be replaced as part of the Project, and no trees will be damaged or removed as part of the Project.

## **Alternative Location Analysis**

No alternative location was considered due to the nature of the Project.

## **Temporary Permit**

Please note that representatives of Larimer County have recently contacted City staff regarding flooding issues in this area, and that the City staff have recommended that the City Manager execute a temporary revocable permit upon passage on first reading so that Larimer County may begin construction activities pursuant to the presumed risk and assumptions that this Ordinance is passed.

## **CITY FINANCIAL IMPACTS**

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Aside from staff time, there is no cost to the City associated with the TCEs or PEs. However, City Staff estimates the fair market value of the Easements to total \$1,290, being itemized as follows (the “Property Values”):

1. Permanent Easements - \$1,149
2. Temporary Construction Easements - \$141

The Property Values for the Easements will be charged to Larimer County upon execution and delivery of the conveyance documents.

### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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Review and approval by the Water Commission was not required per Utilities as this is a low-level change to capacity of the Channel.

### **PUBLIC OUTREACH**

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None.

### **ATTACHMENTS**

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First Reading attachments available in June 3, 2025 agenda materials at the following link:  
<https://fortcollins-co.municodemeetings.com/>.

1. Ordinance No. 096, 2025