

AGENDA ITEM SUMMARY

City Council

July 19, 2022

STAFF

Keith Hanson, Real Estate Manager
Sue Beck-Ferkiss, Social Policy and Housing Programs Manager
Ingrid Decker, Legal

SUBJECT

First Reading of Ordinance No. 087, 2022, Authorizing the Exchange of Stormwater Easements Between the City of Fort Collins and Sun Foothills Fort Collins, LLC

EXECUTIVE SUMMARY

The purpose of this item is to authorize the conveyance of a stormwater drainage easement to Sun Foothills Fort Collins, LLC ("Sun") on undeveloped City-owned real property located south of Trilby Road and east of South College Avenue (Assessor's Parcel No. 9613200927). This easement is necessary for Sun to develop its property adjacent and to the north of the City's property. In exchange, Sun will convey to the City a stormwater drainage easement on its property that will allow the City, or future owner, to use Sun's property for stormwater drainage from the City's property when developed. The execution of the Reciprocal Stormwater Drainage Easement Agreement will effectuate the reciprocal conveyances.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The City owns the 17-acre property located south of Trilby Road and east of South College Avenue (Assessor's Parcel No. 9613200927) as part of the City's Affordable Housing Land Bank Program for the future development of affordable housing. Sun is developing housing directly to the north and adjacent to the City's property. As part of the development requirements, Sun must maintain a retainage pond on 7.84 acres of its property.

Historically, stormwater has naturally drained from Sun's property onto the inner northern edge of the City's property. To maximize drainage efficiency, Sun desires to use this same drainage path through an area of 1.07 acres on the City's property to reach the retainage pond (see attached map). Since Sun's development will increase the water flow in this path beyond historic, natural volumes, a drainage easement from the City is necessary if this same path is to be utilized.

When the City's property develops into affordable housing, it too, will need to create and maintain a retainage pond on its property for the increased stormwater drainage volume. However, this requirement can be avoided if the City is able to divert the stormwater to a retainage pond on someone else's property via a drainage easement. Without a retainage pond requirement, and by using the pond on Sun's property, more land will be available for the construction of more affordable units.

Therefore, the City and Sun have negotiated the Reciprocal Stormwater Drainage Easement Agreement that allows Sun to increase stormwater drainage across the City's property, and the City will be able to use Sun's retainage pond for stormwater drainage associated with the development of future affordable housing on the City's property. Sun will design and construct the retainage pond now so it will accommodate both its current

housing development and the future maximum development of the City's property. Additionally, Sun will be responsible for all maintenance costs associated with both easements; the City will not be responsible for any cost.

CITY FINANCIAL IMPACTS

There is no financial impact to the City. The exchange of easements (the City's granting of 1.07 acres on its property for acquiring the use of Sun's 7.84-acre retainage pond) and Sun's responsibility for all maintenance costs for both easements, is considered a mutual and beneficial equal value exchange for both parties.

ATTACHMENTS

1. Vicinity Map(PDF)

COPY