



AGENDA ITEM SUMMARY

City Council

STAFF

Jonathan Piefer, Senior Real Estate Specialist
Ralph Campano, Real Estate Services Manager
Dave Kemp, Parks Senior Trails Planner
Kim Manajek, Senior Manager Horticulture

SUBJECT

Second Reading of Ordinance No. 052, 2024, Approving the Conveyance of One Permanent Easement and One Temporary Construction Easement for the Construction of a Portion of Phemister Trail on City Property to Colorado State University.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on April 2, 2024, approves an Ordinance that would permit the conveyance of one (1) permanent easement (the "Trail Easement") and one (1) temporary construction easement (the "TCE") to Colorado State University ("CSU"), for the construction, operation, and maintenance of a public multi-modal trail (the "Phemister Trail") on City Property located at 2145 Centre Street, which is the current location of The Gardens on Spring Creek (the "Gardens on Spring Creek").

Please note that this Second Reading Agenda Item Summary has been amended to address concerns brought up by Councilmember Ohlson at First Reading. Specifically, amendments to address Tree Restoration and Council/Board approvals. Kim Manajek from Cultural Resources has also been added as a staff resource.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

The Property

The Gardens on Spring Creek is comprised of 18.050 acres, more or less, being all of Tract A of the Centre for Advanced Technology 22nd Filing, Community Horticulture Center, as depicted in that certain Plat recorded April 2, 2003, at Reception No. 20030039524, Clerk and Recorder's Records, Larimer County, Colorado. The land was originally conveyed to the City by Colorado State University Research Foundation in that certain Special Warranty Deed dated February 29, 2000, recorded April 2, 2003, at Reception No. 20030039524, Clerk and Recorder's Records, Larimer County, Colorado. The City subsequently constructed The Gardens on Spring Creek on the land, which opened in 2004. The land is currently managed by the City's Cultural Services Department.

The Project

The Trail Easement and the TCE (the “Conveyance Documents” and the “Easements”) are part of the Phemister Trail Project of CSU, located on the west side of Centre Avenue between The Gardens on Spring Creek and the underpass at Prospect Road. The trail will connect to Spring Creek Trail at the Gardens on Spring Creek and will run north along the east side of the CSU Horticulture Center before reaching the underpass at Prospect Road. Phemister Trail will improve access and safety for pedestrians and cyclists heading toward CSU’s main campus by circumventing the need to use and cross Centre Avenue. The trail will also include a new bridge over Spring Creek (the “Bridge”), which will provide a potential detour route if the Spring Creek Trail tunnel under Centre Avenue is blocked by seasonal flooding.

CSU has submitted plans (the “Construction Plans”) for Phemister Trail to the City for review, which has undergone the Site Plan Advisory Review process. CSU has also submitted CDOT Right of Way plans to the Colorado Department of Transportation, which are currently under review. Construction on the Phemister Trail is expected to start this year.

There are no foreseeable construction impacts to access, use, and parking at The Gardens on Spring Creek. The Conveyance Documents will provide that any damaged surface areas, including any trees, will be restored in accordance with City plans, specifications, and requirements.

Staff have relied primarily on CSU and/or its contractors to provide accurate surveys, legal descriptions, and title review for the Conveyance Documents.

Second Reading Clarification: The current plans do not show that any additional trees will be planted as part of this project. Furthermore, the trail alignment is not shown to impact any existing trees.

This Trail construction is part of a larger stormwater/trail project associated with Ordinance 113-2016, which resulted in the addition of 38 Trees and 33 Shrubs as outlined on the attached Landscape Plan.

The Trail Easement

The Trail Easement consists of 13,120 square feet of City property on the northern portion of the Gardens on Spring Creek, being comprised of two separate areas (7,323 square feet and 5,797 square feet) separated by property owned by CSU. The Trail Easement will permit CSU to construct, operate, and maintain a 10’ wide public multi-modal trail on City property. The Trail Easement will also provide that CSU will own and maintain the improvements installed pursuant thereto, being Phemister Trail and the Bridge. The Trail Easement will ensure that any damaged surface areas, including any trees, will be restored in accordance with a City plans, specifications, and requirements.

The TCE

The TCE consists of 26,944 square feet of City property adjoining the Bridge, being comprised of three separate areas (10,981 square feet, 8,715 square feet, and 7,248 square feet). Work within the TCE will mainly include grading, regrading, and construction activities to support the trail and the Bridge. The TCE will provide that any damaged surface areas, including any trees, will be restored in accordance with a City plans, specifications, and requirements.

CITY FINANCIAL IMPACTS

Other than staff time and other expenses reimbursable to City by CSU, there is no cost to the City associated with Conveyance Documents or the Easements. However, staff estimates the fair market value of the Easements to total \$15,159, being itemized as follows (the “Property Values”):

1. Trail Easement-\$12,464; and
2. TCE-\$2,695.

Staff recommends that the Easements should be conveyed to CSU for no monetary consideration because such transactions serve a bona fide public purpose and satisfy the requirements of Section 23-114 of the City Code.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

At its August 24, 2016, meeting, the Parks and Recreation Board voted 8-0 to recommend approval of the easement and found it appropriate to utilize this portion of the City's land to develop and construct the water quality pond and trail connectivity with the City's assistance in the design and neighborhood outreach.

The Parks and Recreation Board was also updated on the project status during the New Business report on December 6, 2023.

Approval or review by the Cultural Resources Board is not required.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration
2. Landscape Plan