



AGENDA ITEM SUMMARY

City Council

STAFF

Jonathan Piefer, Senior Real Estate Specialist
Ralph Campano, Real Estate Services Manager
Matt Simpson, Water Utility Engineer
Missy Nelson, Parks Senior Technical Project Manager
Mike Calhoon, Parks Director

SUBJECT

Second Reading of Ordinance No. 051, 2024, 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 on City Property to PS-Poudre River, LLC.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on April 2, 2024, approves an Ordinance that would permit the conveyance of one permanent drainage easement (the “Drainage Easement”), one temporary construction easement (the “Drainage TCE”) for the modification of current drainage facilities, and one temporary construction easement (the “Sewer TCE”) for the installation of public sewer facilities to PS-Poudre River, LLC (“PSPR”), on City Property located at 101 1st Street, which is the current location of Buckingham Park (“Buckingham Park”). Construction pursuant to the Drainage TCE will modify existing floodplain boundaries, and the Drainage Easement will allow PSPR to store additional stormwater on a portion of Buckingham Park. The Sewer TCE is for the installation of public sewer facilities required by the City so that PSPR may proceed with the development of the adjoining lands. The actual conveyance of the easements will be conditional upon PSPR, or its successors and assigns, obtaining City development approval of the contemplated work within the easements.

This Second Reading Agenda Item Summary has been amended to address questions raised by Councilmember Ohlson at First Reading regarding review by Boards and Commissions (see below).

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

The Project

The Drainage Easement, the Drainage TCE, and the Sewer TCE (the “Conveyance Documents” and the “Easements”) are part of a PSPR development of lands adjacent to Buckingham Park (the “Development”), and staff has requested the Conveyance Documents from PSPR as part of the development review process for the Development.

PSPR has submitted plans (the “Construction Plans”) to the City for the Development, which have been reviewed by staff. Work within the Drainage TCE – the majority of which is within the Drainage Easement - will include grading and regrading to modify the stormwater storage capacity. Additional improvements to be installed within the Easements are the sanitary sewer pipe, which will be located below the surface of Buckingham Park. There are no foreseeable construction impacts to access, use, and parking at Buckingham Park. The Conveyance Documents will provide that any damaged surface areas, including any trees, will be restored in accordance with City plans, specifications, and requirements.

The grading and re-grading on Buckingham Park will include \$68,558 of work that benefits the City, including importing topsoil, irrigation system modifications, and removal of man-made debris (including concrete debris) that is undesirable for park operations. Park staff has concluded that the \$68,558 of work is dollar-for-dollar beneficial to Buckingham Park.

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

The Drainage Easement

The Drainage Easement is comprised of 62,419 square feet of City Property adjoining the eastern boundary of the Development. The Drainage Easement is for the perpetual right to store 100-year flood water and the Development’s stormwater runoff on Buckingham Park and will not include the right to install any permanent improvements or alter the Drainage Easement area after completion of the initial grading and regrading construction pursuant to the Drainage TCE, as discussed below.

The Drainage TCE

The Drainage TCE is comprised of 40,648 square feet of City Property adjoining the eastern boundary of the Development. Although the Drainage TCE includes lands outside of the Drainage Easement, most of the Drainage TCE is located within the boundaries of the Drainage Easement. All construction for the Drainage Easement will be conducted during the term of the Drainage TCE. The Drainage TCE will allow PSPR the right of temporary access to regrade the surface of said area so that the storage and capacity of the Drainage Easement area will be able to accommodate stormwater runoff from the Development. Work under the TCE will also include the removal of unwanted concrete and debris from the City’s prior levy construction on and near Buckingham Park. This re-grading and debris removal substantially benefits the drainage and future development of Buckingham Park.

The Sewer TCE

The Sewer TCE is comprised of 4,562 square feet of City Property adjoining the eastern boundary of the Development and is located entirely within the boundaries of the Drainage Easement. The Sewer TCE is for the installation of an underground sanitary sewer connecting the Development sewer line to the City system. Subsequent to installation of the sewer, the City will assume ownership and maintenance responsibilities for all improvements installed pursuant to the Sewer TCE.

CITY FINANCIAL IMPACTS

Other than staff time and other expenses reimbursable to the City by PSPR, 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 \$18,615, being itemized as follows (the “Property Values”):

1. Drainage Easement-\$8,225;
2. Drainage TCE-\$10,162; and
3. Sewer TCE-\$228.

Staff recommends that the Easements should be conveyed to PSPR for no monetary consideration as the Parks Department will be benefitting from the removal of concrete and debris, importing topsoil, and irrigation system modifications, the value of which is estimated at \$68,558 which substantially exceeds the Property Values.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Not required.

- The duties of Parks and Recreation Board speak more generally to “rules, regulations, policies and administrative and budgetary matters”
- When staff deems easements on Parks properties to have minimal impact to the underlying properties purpose and function, it is not a part of our typical practice to bring them to the boards.
- For larger more impactful land purchases/sales or policies, it is more common to seek input from the boards.
- This Agenda item was evaluated to show minimal or no impact on the underlying uses.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration
2. Exhibit A to Ordinance
3. Exhibit B to Ordinance
4. Exhibit C to Ordinance
5. Exhibit D to Ordinance
6. Vicinity Map