

ORDINANCE NO. 002, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF A TEMPORARY
CONSTRUCTION EASEMENT ON WHITEWATER PARK TO
PUBLIC SERVICE COMPANY OF COLORADO FOR
CONSTRUCTION OF INFRASTRUCTURE IMPROVEMENTS AT
THE POUUDRE RIVER REGULATOR STATION H-111-A

A. The City's Whitewater Park is comprised of approximately seven acres, spanning the Poudre River east of College Avenue and south of East Vine Drive.

B. The Public Service Company of Colorado ("Xcel Energy") owns a parcel of land entirely contained within the City's Whitewater Park that is used for its Poudre River Regulator Station H-111-A (the "Regulator Station"). The Regulator Station operates to reduce pressures of the incoming natural gas utility line that provides natural gas to the community.

C. Xcel Energy seeks one temporary construction easement ("the Easement") from the City over a portion of City's Whitewater Park property. Xcel Energy will use the Easement to store and stage materials and equipment as it removes and replaces above-ground and in-ground piping and other infrastructure that serves the Regulator Station. The Easement will provide that any damaged surface areas, including any trees or shrubs, will be restored in accordance with City requirements.

D. The Easement consists of 0.469 acres. A legal description for the Easement is attached hereto as Exhibit "A" and incorporated herein by this reference.

E. City staff estimate that the fair market value of the Easement is \$8,169. The City will charge Xcel Energy \$8,169 for the Easement, in addition to a \$4,000 fee for work by City staff to develop and execute the Easement.

F. Section 23-111 of the City Code authorizes the City Council to dispose of interests in real property owned in the name of the City provided that the City Council first finds, by ordinance, that such disposition is in the best interests of the City.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council finds that granting the Easement to Xcel Energy on the terms and conditions described herein is in the best interests of the City.

Section 2. The City Council authorizes the Mayor to execute such documents as are necessary to convey the Easement to Xcel Energy on terms and conditions consistent with this Ordinance, together with such additional terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary or

appropriate to protect the interests of the City, including, but not limited to, any necessary changes to the legal descriptions of the Easement, as long as such changes do not materially increase the size or change the character of the interests to be conveyed.

Introduced, considered favorably on first reading on January 7, 2025, and approved on second reading for final passage on January 21, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: January 31, 2025
Approving Attorney: Ted Hewitt