

ORDINANCE NO. 104, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF A PERMANENT, NONEXCLUSIVE
STORMWATER DRAINAGE EASEMENT ON REDTAIL GROVE NATURAL AREA TO
WWW PROPERTIES, LLC

WHEREAS, the City is the owner of real property located south of Harmony Road along South College Avenue known as Redtail Grove Natural Area (the “City Property”); and

WHEREAS, WWW Properties, LLC (“WWW”) owns property south of the City Property, at 5811 South College Avenue, which is the site of the Fort Collins Nissan dealership (the “WWW Property”); and

WHEREAS, the City is in the process of reviewing a Final Development Plan for the WWW Property that would include taking down the existing building on the property and replacing it with a new Kia dealership and a new Nissan dealership; and

WHEREAS, for the proposed development to be approved, WWW must acquire any needed easements to manage stormwater drainage issues associated with increased development on its property; and

WHEREAS, WWW and City staff considered five alternatives for managing stormwater outfall and concluded that the preferred option is to collect stormwater in underground water quality detention facilities on the WWW property and then direct it in an easement over a historic natural drainage swale on downstream properties, including the City Property, to Fossil Creek; and

WHEREAS, this option benefits the City Property by filtering stormwater runoff for water quality before it is released and reducing the overtopping of the Fossil Creek Trail on the City Property during significant storm events; and

WHEREAS, the location of the proposed stormwater easement is shown and described on Exhibit “A”, attached and incorporated herein by reference (the “Easement”); and

WHEREAS, WWW would pay the City fair market value of \$1,270 for the Easement, plus a \$3,000 application fee, and a \$3,800 mitigation fee that Natural Areas will use to plant vegetation on the City Property to mitigate erosion from stormwater drainage; and

WHEREAS, the Easement would be nonexclusive and would not grant WWW any right to install any new improvements on the City Property; and

WHEREAS, Section 23-111(a) of the City Code authorizes the City Council to sell, convey or otherwise dispose of any interests in real property owned by the City, provided the City Council first finds, by ordinance, that such sale or other disposition is in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby finds that the conveyance of the Easement to WWW as provided herein is in the best interests of the City.

Section 3. That the Mayor is hereby authorized to execute such documents as are necessary to convey the Easement to WWW 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 or effectuate the purposes of this Ordinance.

Introduced, considered favorably on first reading, and ordered published this 4th day of October, A.D. 2022 and to be presented for final passage on the 18th day of October, A.D. 2022.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on this 18th day of October, A.D. 2022.

Mayor

ATTEST:

City Clerk