

ORDINANCE NO. 184, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF A PERMANENT
WATERLINE EASEMENT ON CATHY FROMME PRAIRIE
NATURAL AREA TO THE FORT COLLINS-LOVELAND WATER
DISTRICT

A. The City owns Cathy Fromme Prairie Natural Area (“Cathy Fromme Prairie”), which is located south of Harmony Road and spans from Shields Street on the east to a half mile west of Taft Hill Road.

B. Fort Collins-Loveland Water District (“FCLWD”) provides water to more than 60,000 residents in parts of Fort Collins, Loveland, Timnath, Windsor and unincorporated Larimer County. FCLWD seeks to construct a new treated water storage tank (the “Tank”) south of Fort Collins to provide improved system reliability. To serve the Tank and connect it to an existing thirty-six inch waterline on Cathy Fromme Prairie, FCLWD proposes to construct a thirty-inch feeder waterline (the “Waterline”) on Cathy Fromme Prairie. This would require the City to grant FCLWD an easement (the “Easement”) over .089 acres of Cathy Fromme Prairie.

C. In accordance with the City’s Natural Areas Easement policy, the City will charge FCLWD an application fee of \$5,000 and a mitigation fee of \$3,000. Additionally, the City will charge FCLWD an easement fee representing the fair market value for the right to the Easement, which is approximately \$4,000. A legal description of the Easement is attached hereto as Exhibit “A” and incorporated herein by this reference. The Easement will include standard City terms and conditions for a waterline easement, including a requirement for FCLWD to minimize disturbance to the natural features of Cathy Fromme Prairie.

D. Because the Waterline involves a significant extension of existing domestic water systems and impacts City-owned property, it triggered the City’s 1041 permit process. After review of FCLWD’s 1041 application, the City issued the Waterline project a Finding of No Significant Impact (“FONSI”), which is attached hereto as Exhibit “B” and incorporated herein by this refernece. The FONSI contains several planning and financial-security conditions for FCLWD to meet prior to beginning construction of the Waterline.

E. Section 23-111(a) 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. Per Section 23-114 of the City Code, any such disposition must be for an amount equal to or greater than the fair market value, subject to a certain exception.

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 hereby finds that the conveyance of the Easement is in the best interests of the City.

Section 2. The conveyance of the Easement is contingent upon FCLWD meeting the pre-construction conditions contained in the FONSI.

Section 3. The City Council hereby authorizes the Mayor to execute such documents as are necessary to convey the Easement on terms and conditions consistent with this Ordinance, together with such 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 any necessary changes to the legal description of the Easement that do not materially increase the size or impacts of the Easement.

Introduced, considered favorably on first reading on December 3, 2024, and approved on second reading for final passage on December 17, 2024

Mayor

ATTEST:

City Clerk

Effective Date: December 27, 2024

Approving Attorney: Ted Hewitt