

# Council Agenda Summary

May 4, 2021

Key Staff Contact: Sean Chambers, Water & Sewer Director, 970-350-9815

## Title:

Public hearing and final reading of an Ordinance authorizing the sale of an easement over approximately 11.56 acres of City-owned property, located in Section 4, Township 7 North, Range 66 West of the 6th P.M. in Weld County ("Balmer Farm")

## Summary:

The City owns a property located at Section 4, Township 7 North, Range 66 West of the 6th P.M. in Weld County known as the Balmer Farm, which was purchased by the Water and Sewer Department for certain water rights attached to the farm. The property is currently leased for farming operations that supports the value of the water rights in advance of their district court case to change the decreed use from agricultural to municipal uses

In February of 2021, the City received a request for an easement on the Balmer Farm from the Public Service Company of Colorado. The proposed easement is for a power line and would be along the Northern border of the property, taking up approximately 11.56 acres. Impacts to the farming operation would be minimal and have been reviewed with and by the City's tenant farmer. Public Service Company of Colorado has agreed to address any damages to city property, to complete land and vegetation restoration in the disturbed areas, and to compensate the tenant farmer for any crop losses. They will pay \$28,900 for an option agreement and then another \$260,100 for the easement purchase price. The total proposed offer amount of \$289,000 was found to be in alignment with recent available valuation data.

The Water and Sewer Board will consider a resolution for approval of the proposed easement at its April 21, 2021 regular Board meeting. This ordinance was introduced at the April 20, 2021 Council meeting.

## Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	\$289,000 revenue received
What is the annual impact?	None
What fund of the City will provide Funding?	424 - Water Acquisition (revenue received)
What is the source of revenue within the fund?	Cash-In-Lieu of Raw Water
Is there grant funding for this item?	No
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	N/A
Additional Comments:	

### **Legal Issues:**

Section 17-4(c) of the City Charter requires any sale of real property, including real property acquired by the Water and Sewer Department with enterprise funds, be approved by City Council. Section 31-15-713(b) of the Colorado Revised Statutes authorizes the City Council to sell and dispose of, by ordinance, any real property that is not being used or held for a governmental purpose.

Water & Sewer Dept. staff have worked with the City Attorney's Office and the City's Real Estate Division in preparation of the documents and materials related to the proposed easement.

Consideration of this matter is a legislative process which includes the following public hearing steps:

- 1) City staff presentation (if requested)
- 2) Council questions of staff
- 3) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
- 4) Council discussion
- 5) Council decision

### **Other Issues and Considerations:**

None

### **Strategic Work Program Item or Applicable Council Priority and Goal:**

*Infrastructure & Growth:* Establish the capital and human infrastructure to support and maintain a safe, competitive, appealing and successful community.

### **Decision Options:**

- 1) Adopt the ordinance as presented; or
- 2) Amend the ordinance and adopt as amended; or
- 3) Deny the ordinance; or
- 4) Continue consideration of the ordinance to a date certain.

### **Council's Recommended Action:**

A motion to adopt the ordinance and publish with reference to title only.

### **Attachments:**

Ordinance

Exhibit A ("Option Agreement")

Exhibit B ("Easement Grant")