

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



Legal Descriptions and Depictions of the TCE Area
(Page 1 of 3)

Sheet 1 of 3

**EXHIBIT B – H-111 REG. STATION
TEMPORARY CONSTRUCTION EASEMENT**

A parcel of land lying in the northwest one-quarter (NW1/4) of Section 12, Township 7 North, Range 69 West, of the 6th Principal Meridian, County of Larimer, State of Colorado, being a portion of Lot 1, plat of POU DRE RIVER WHITEWATER PARK, County of Larimer Records, described as follows:

Beginning at the northeast corner of Lot 3, said plat of POU DRE RIVER WHITEWATER PARK;

Thence S00°22'09"W, 76.99 feet, along the east line of said Lot 3;
Thence S89°42'52"W, 86.81 feet, along the south line of said Lot 3;
Thence N49°07'17"W, 17.35 feet, along the southwest line of said Lot 3;
Thence N00°22'09"E, 66.71 feet, along the west line of said Lot 3;
Thence N89°37'51"W, 1.87 feet, along the south line of that 20 foot wide Shared Access Agreement as described in Reception Number 20170056673, Larimer County Records;
Thence N00°20'37"E, 4.37 feet, along the west line of said Shared Access Agreement;
Thence along a curve to the left, having a radius of 12.23, a central angle of 54°00'44", a length of 11.53 feet and a chord that bears N25°39'53"W, 11.11 feet, along said south line;
Thence along a curve to the left, having a radius of 33.00 feet, a central angle of 58°19'47", a length of 33.60 feet and a chord that bears N80°06'38"W, 32.16 feet, along said south line;
Thence along a curve to the right, having a radius of 127.03 feet, a central angle of 14°04'00", a length of 31.19 feet and a chord that bears S77°45'42"W, 31.11 feet, along said south line;
Thence N80°05'17"W, 29.52 feet;
Thence S39°50'02"E, 145.53 feet;
Thence N88°44'10"E, 123.50 feet, to the southeast line of said Lot 1;
Thence N56°43'09"E, 165.50 feet, along said southeast line;
Thence N33°16'51"W, 50.00 feet;
Thence S56°43'09"W, 84.60 feet;
Thence N61°07'32"W, 137.55 feet, to the east line of that 30 foot wide Utility Easement as described in Reception Number 20170056676, Larimer County Records;
Thence S00°20'37"W, 45.67 feet, along said east line, to the east line of said Share Access Agreement;
Thence along a non-tangent curve to the right having a radius of 77.00 feet, a central angle of 12°25'39", a length of 16.70 feet and a chord that bears S05°49'08"E, 16.67 feet, along said east line, to the north line of said Lot 3;
Thence S89°37'51"E, 59.97 feet, along said north line, to the Point of Beginning.

469387 acres) more or less.

As shown and described on Exhibit B Sheet 3 of 3 attached hereto and made a part hereof.

All lineal distance units are represented in U.S. Survey Feet.

For the purposes of this description, bearings are based on said plat of POU DRE RIVER WHITEWATER PARK

EXHIBIT A TO ORDINANCE NO. 002, 2025

Short Elliott Hendrickson

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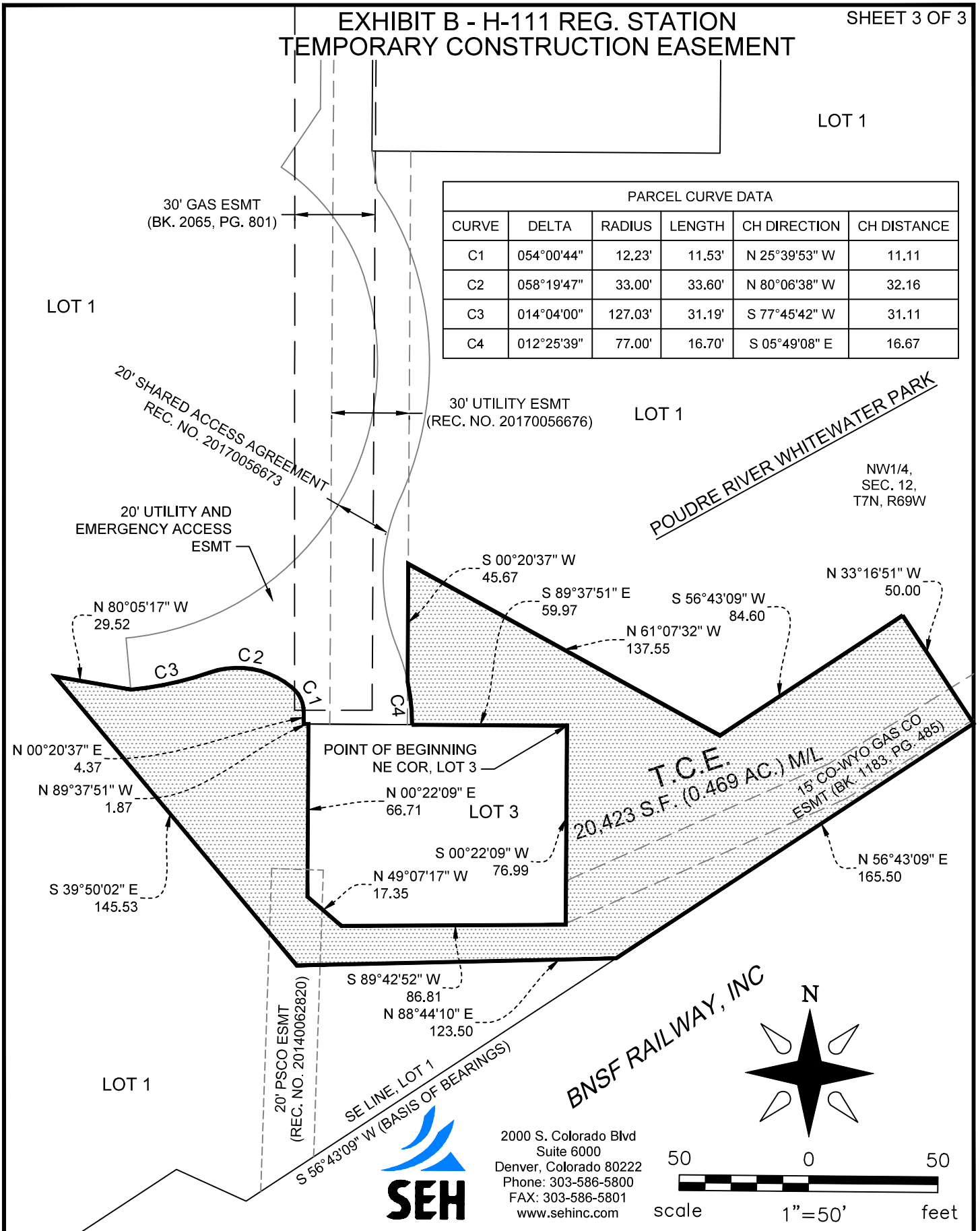
The author of this description is Monte L. Sudbeck, PLS 38503, prepared on behalf of SEH, 2000 S Colorado Blvd, Suite 6000, Denver, CO 80222, on December 16, 2024, under Job No. 178293-20.0, for Public Service Company of Colorado, and is not to be construed as representing a monumented land survey.



Monte L. Sudbeck, PLS 38503

EXHIBIT B - H-111 REG. STATION
TEMPORARY CONSTRUCTION EASEMENT

PARCEL CURVE DATA					
CURVE	DELTA	RADIUS	LENGTH	CH DIRECTION	CH DISTANCE
C1	054°00'44"	12.23'	11.53'	N 25°39'53" W	11.11
C2	058°19'47"	33.00'	33.60'	N 80°06'38" W	32.16
C3	014°04'00"	127.03'	31.19'	S 77°45'42" W	31.11
C4	012°25'39"	77.00'	16.70'	S 05°49'08" E	16.67



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