



## Legislation Details (With Text)

**File #:** Res 2018-60    **Version:** 1    **Name:** Return of Canal Buffer Land Dedication  
**Type:** Resolution    **Status:** Passed  
**File created:** 7/17/2018    **In control:** City Council  
**On agenda:** 8/6/2018    **Final action:** 8/6/2018  
**Title:** RESOLUTION APPROVING SALE OF PROPERTY BY QUITCLAIM DEED TO UNLIMITED STORAGE, LLC

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution, 2. Canal Dedications Exhibit

Date	Ver.	Action By	Action	Result
8/6/2018	1	City Council	adopted	

RESOLUTION APPROVING SALE OF PROPERTY BY QUITCLAIM DEED TO UNLIMITED STORAGE, LLC

**Summary and Background Information:** The Prairieways Action Plan includes trails along the City's canals, utilizing an improved version of the ditch company's maintenance road and adding benches, trash cans, etc. A one hundred foot buffer zone is recommended on both sides of the canal to protect desired recreational, aesthetic or wildlife benefits.

The O'Brian Canal runs from the southern city limits north to Barr Lake and the Burlington Canal exists north of 104<sup>th</sup> Ave. and into Brighton. The O'Brian is approximately 50 feet wide and the Farmers Reservoir and Irrigation Company (FRICO) has right of way totaling approximately 120 feet (an additional 35 feet on either side.) Over the past 10-15 years, several tracts of land along this canal, outside FRICO's right of way, have been dedicated to the City as a part of the development process. It has come to staff's attention that there are a few issues with this overall plan. To complete a buffer along the entire length of the canal, development or redevelopment needs to occur on every parcel as the dedication is a part of the development process. This will take many years to accomplish and may never occur. Since the City owns the parcels, they are responsible for maintenance of weeds, trash, etc. on them and they are often hard to access. The right of way owned by FRICO provides an adequate buffer in most areas. Final stages of planning are underway to construct a trail along a few sections of the O'Brian Canal and the Burlington Canal, all of which are north of 101<sup>st</sup> Ave. There is no timeline identified to extend the trail south of 101<sup>st</sup> Ave.

A landowner at 101<sup>st</sup> and Havana St. has requested that the land dedicated along the canal when his property was developed in 2006 be returned to him as there are no plans to develop the trail in this location at this time and the land is usable for his business. The tract is 1.43 acres and in this area there is approximately 35 feet of FRICO right of way outside the canal which will provide an adequate buffer if/when the trail is constructed. The landowner paid a park fee when the property was developed (at that time a park fee was paid on non-residential as well as residential land) and credit was given to him for the tract he dedicated along the canal. As a part of the process of the city

returning this land, the landowner will pay the park fee he was credited at the time of development (just over \$8,000.)

Deeding this tract back to the landowner will allow him to use it for his business and will also alleviate the city's responsibility for maintenance. The FRICO owned right of way provides an adequate buffer if/when a trail is constructed in this area.

Several other tracts have been dedicated along the O'Brian Canal. At this time no other landowner has contacted the city regarding the use or ownership of those tracts. Staff will work with each landowner to determine the best use and ownership of each tract individually.

**Staff Responsible (Department Head):** Carolyn Keith

**Staff Member Presenting:** Mike Brown

**Financial Impact:** 0. The City will actually save money by reducing maintenance costs.