

ORDINANCE NO. 194, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF A PERMANENT
DRAINAGE EASEMENT ON MAGPIE MEANDER NATURAL
AREA AND SOFT GOLD PARK AND A TEMPORARY
CONSTRUCTION EASEMENT ON SOFT GOLD PARK TO
WILLOX DEVELOPMENT PARTNERS, LLC

A. The 32-acre Magpie Meander Natural Area and 17.5-acre Soft Gold Park are located west of College Avenue between Willox Lane and Hickory Street.

B. The Willox Farm project is a proposed residential development located immediately north of Soft Gold Park and Magpie Meander Natural Area (the "Project"). Willox Development Partners, LLC ("WDC") is developing the Project.

C. WDC submitted the Development Plan for the Project in May 2022. The Planning and Zoning Commission approved the Development Plan on March 21, 2024, and it is currently in the final stages of Final Development Plan approval. The Project will include 62 single family residential units, a trail that will connect Willox Lane to Soft Gold Park, and improvements to West Willox Lane.

D. The Project requires a drainage easement across both Soft Gold Park and Magpie Meander Natural Area for stormwater conveyance and outfall into a remnant oxbow of the Poudre River (the "Drainage Easement") and a temporary construction easement across Soft Gold Park for the installation of an electric line to serve the Project and replacement and construction of trails (the "TCE").

E. The State of Colorado is engaged in a formal rulemaking process pursuant to HB24-1379 to develop a regulatory process governing dredge and fill activities. WDC's work conducted under the Drainage Easement may be considered state-regulated dredge and fill activity, but it is currently unknown whether those regulations will impact the Project. The State rulemaking is expected to be completed by December 31, 2025.

F. The form of the Drainage Easement with its terms and conditions is shown in Exhibit A, attached hereto and incorporated herein by this reference. The area of the Drainage Easement is described in Exhibit B to the Drainage Easement. Execution of the Drainage Easement by the City is contingent upon WDC or its successor complying with all applicable Federal, State, and local regulations, including, if applicable, any State of Colorado regulations governing dredge and fill activities relating to the Drainage Easement.

G. The City determined the fair market value of the Drainage Easement is \$5,249. WDC will pay the City the fair market value for the Drainage Easement, plus a \$5,000 easement application fee and \$3,985 for environmental mitigation. The application fee and mitigation fee will be paid to the Natural Areas Department to support administrative costs and land conservation efforts. The Drainage Easement fee will be

split between the Parks Department (53%) and Natural Areas (47%) for their respective portions of land encumbered by the Drainage Easement.

H. The form of the TCE with its terms and conditions is shown in Exhibit B, attached hereto and incorporated herein by this reference. The area of the TCE is described in Exhibit B to the TCE.

I. The City has determined the fair market value of the TCE is \$4,850. WDC will pay the City the fair market value for the TCE, plus \$9,075 for the permanent electric line alignment and \$14,075 for appraiser and City staff costs. The Parks Department will receive the entirety of costs and fees for the TCE and alignment.

J. 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.

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 Drainage Easement and the TCE on the terms and conditions described herein is in the best interests of the City.

Section 2. The City Council hereby authorizes the City Manager to execute the Drainage Easement substantially in the form attached hereto as Exhibit A with such modifications or 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. The City Manager's execution of the Drainage Easement shall be contingent upon the City Manager's determination that Willox Development Partners, LLC or its successor has complied with all applicable Federal, State, and local regulations, including, if applicable, the State of Colorado's regulations governing dredge and fill activities relating to the Drainage Easement.

Section 3. The City Council hereby authorizes the Mayor to execute the TCE substantially in the form attached hereto as Exhibit B with such modifications or 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 on November 18, 2025, and approved on second reading for final passage on December 2, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: December 12, 2025

Approving Attorney: Ted Hewitt

Exhibits: Exhibit A – Easement with Terms and Conditions
 Exhibit B – Temporary Construction Easement