

ORDINANCE NO. 096, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF TWO TEMPORARY
CONSTRUCTION EASEMENTS AND TWO PERMANENT
CONSTRUCTION EASEMENTS ON A PORTION OF RIGDEN
RESERVOIR TO LARIMER COUNTY FOR CONSTRUCTION OF
STORMWATER INFRASTRUCTURE IMPROVEMENTS FOR
COUNTY ROAD 40

A. Larimer County seeks to make improvements to East Horsetooth Road between Ziegler Road and Strauss Cabin Road. These improvements will increase stormwater runoff on to the City's Rigden Reservoir property (the "Property"). To mitigate the increased stormwater runoff and existing localized flooding issues, Larimer County intends to regrade the roadside ditches to enhance water flow and capacity and to ultimately direct part of the stormwater runoff from East Horsetooth Road into the Foothills Basin Outlet Channel via the installation of two 18-inch corrugated steel pipe culverts, squash pipes, rip-rap, and related improvements (the "Improvements").

B. To allow for the installation of the Improvements across the Property, the City, through this Ordinance, authorizes the conveyance of two temporary construction easements (the "TCE") totaling 0.032 acres, more or less, and two permanent easements (the "PE") totaling 0.028 acres, more or less, for the construction, maintenance, and operation of the Improvements (together, the "Easements").

C. A map of the area and the location of the Improvements is attached hereto as Exhibit A. The form of the PE is attached hereto as Exhibit B. The form of the TCE is attached hereto as Exhibit C.

D. The City has estimated the fair market value of the PE is \$1,149. The City has estimated the fair market value of the TCE is \$141. The City will sell the Easements for fair market value.

E. The Easements will be located on the Property, which was purchased partially by the City's stormwater utility in 1989 (see Larimer County Reception No. 89021018) and partially by the City's water utility in 2014 (see Larimer County Reception No. 20140008160). While the City's Natural Areas Department has an interest in a portion of the water stored on the Property and maintenance responsibilities for portions of the Property per a City inter-department agreement, no dedicated Natural Areas funds were used to purchase the portion of the Property that will be encumbered by the Easements nor are dedicated Natural Areas funds used to maintain the portion of the Property that will be encumbered by the Easements.

F. Section 23-111 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. For property acquired by the City's water or utility systems, the City Council

must also find that the disposition will not materially impair the viability of the particular utility system as a whole and that it will be for the benefit of the citizens 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 Easements on the terms and conditions described herein is in the best interests of the City. The City Council further finds that granting the Easements will not materially impair the viability of the City's water utility as a whole or the City's stormwater utility system as a whole and that it will be for the benefit of the citizens of the City.

Section 2. That the City Council hereby authorizes the Mayor to execute the Permanent Easements substantially in the form attached hereto as Exhibit B and the Temporary Construction Easements in the form attached hereto as Exhibit C 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 June 3, 2025, and approved on second reading for final passage on June 17, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: June 27, 2025
Approving Attorney: Ted Hewitt

Exhibits:
Exhibit A – Larger Parcel Map
Exhibit B – Permanent Easements
Exhibit C – Temporary Construction Easements