

ORDINANCE NO. 143, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
VACATING A PORTION OF THE RIGHT-OF-WAY OF GIDDINGS
ROAD

A. The Montava Construction & Development, Inc. (the “Developer”) is under contract with the Anheuser-Busch Foundation to purchase the properties surrounding a portion of Giddings Road between Mountain Vista Drive and Richards Lake Road including Parcel numbers 8833000002, 8833000001, 8832000001, 8832000002 with the intention of constructing a housing development.

B. In order to develop these properties and maximize the developable area, the Developer is requesting that the City vacate a portion of the Giddings Road right-of-way dedicated via Road Book R, Page 152 & Book 2289, more particularly described in Exhibit A, attached hereto and incorporated herein by this reference.

C. Specifically, the Developer is requesting to vacate the outer 8-feet of right-of-way from both sides of Giddings Road. The existing right-of-way is 100-feet, which exceeds the 84-ft standard minimum width for street classification as described by Larimer County Urban Area Street Standards (“LCASS”) for a 2-lane arterial street. The proposed vacation would bring the right-of-way within the exact minimum requirement of 84-ft as set forth in the LCASS for a 2-lane arterial street.

D. This proposed right-of-way vacation relates to the phase of the Montava Phase D development related to infrastructure (“Montava Subdivision Phase D Infrastructure”) This phase is currently proceeding through the City’s site plan review processes. The Final Plat for Montava Subdivision Phase D Infrastructure is described in Exhibit B, attached hereto and incorporated herein by this reference. The Montava Subdivision Phase D Infrastructure plan proposes to improve the right-of-way and frontage of Giddings Road and construct a roundabout to serve the development.

E. City Code Section 23-115 provides that the City Council may vacate a City right-of-way upon finding “that the right-of-way being considered for vacation is no longer needed for right-of-way purposes,” and that the vacation is in the public’s interest.

F. Colorado Revised Statutes (“C.R.S.”) Section 43-2-303(1)(a) provides that the City Council may by ordinance “vacate any roadway or part thereof located within the corporate limits” of the city. C.R.S. Section 43-2-303(3) further provides that upon vacation, “rights-of-way may be reserved for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric, telephone, and similar lines and appurtenances.”

G. In accordance with City Code Section 23-115(d), pertinent City staff, potentially affected utility companies, emergency service providers, and affected property owners in the vicinity of the right-of-way have been contacted, no objection has been reported to the proposed vacation, and the City Engineer recommends approval of the

right-of-way vacation. The City will continue to reserve the existing right-of-way for utility purposes.

H. As required under City Code Section 23-115(e), the Planning Development and Transportation Director recommends approval that a portion of the Giddings Road right-of-way be vacated.

I. Vacating a portion of the Giddings Road right-of-way will not prejudice or injure the rights of the residents of Fort Collins.

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 hereby finds and determines that a portion of the Giddings Road right-of-way dedicated via Road Book R, Page 152 & Book 2289, more particularly described in Exhibit A, is no longer needed for right-of-way purposes, and that it is in the public interest to vacate the same.

Section 2. The portion of Giddings Road right-of-way dedicated via Road Book R, Page 152 & Book 2289, as described by Exhibit A, is hereby vacated, abated, and abolished.

Section 3. In accordance with City Code Section 23-115(f), title to the Giddings Road right-of-way vacated by this Ordinance shall vest in accordance with C.R.S. Section 43-2-302.

Section 4. This Ordinance shall not be effective until the final plat for Montava Phase D – Infrastructure, more particularly described in Exhibit B, is submitted by the Developer for recordation.

Section 5. Upon the fulfillment of the condition stated in Section 4 of this Ordinance, the City shall record this Ordinance with the Larimer County Clerk and Recorder, at which point the vacation shall become effective.

Section 6. Maintenance of the Vacation Area shall be the responsibility of those in whom title vests and shall be undertaken as provided in City Code Section 20-42, Section 24-42, and any other applicable requirements.

Introduced, considered favorably on first reading on September 2, 2025, and approved on second reading for final passage on September 16, 2025.

Mayor

ATTEST:

Sr. Deputy City Clerk

Effective Date: September 26, 2025

Approving Attorney: Stefanie Boster

Exhibit: Exhibit A – Legal Description
 Exhibit B – Montana Subdivision Phase D Infrastructure