

ORDINANCE NO. 072, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE DISPOSITION OF A PORTION OF A SHARED PARKING
EASEMENT AND THE EXECUTION OF AN AMENDMENT TO THE SHARED PARKING
AND ACCESS EASEMENT DEED AND AGREEMENT

WHEREAS, City Code Section 23-111 requires City Council authorization to sell, convey, exchange, or otherwise dispose of any and all interests in real property, including easements, owned in the name of the City; and

WHEREAS, in 2014, the City and Dillon Companies, LLC, executed the *Shared Parking and Access Easement Deed and Agreement* (the “Agreement”), Larimer County Clerk & Recorder Reception #20140048657, for sixty parking spaces for users of the Mason Corridor MAX/BRT Project on the property located at the northwest corner of Drake Road and College Avenue (the “Property”); and

WHEREAS, the City and Dillon Companies, LLC, wish to reduce the size of the original easement by approximately 1,500 sq. ft. but provide additional easement area in another portion of the Property and thirty-four additional parking spaces; and

WHEREAS, the reduction of the original easement along with the provision of additional easement area and additional parking spaces constitutes an exchange of the City’s interest in real property requiring City Council authorization; and

WHEREAS, the City and Dillon Companies, LLC, have drafted an amendment to the Agreement (the “Amendment”) to formalize such exchange; and

WHEREAS, City Council finds that the exchange is in the best interests of the City because the reduction in the original easement is more than offset by the additional easement area and parking spaces provided for users of the Mason Corridor MAX/BRT Project.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the conveyance and exchange of the easement on the Property as provided herein is in the best interests of the City.

Section 3. That the City Manager is hereby authorized to execute the Amendment attached hereto and incorporated herein as Exhibit “A” to exchange the easement 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, any necessary changes to the legal

description of the easement, as long as such changes do not materially decrease the size or change the character of the easement.

Introduced, considered favorably on first reading and ordered published this 16th day of May, 2023, and to be presented for final passage on the 6th day of June, 2023.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 6th day of June, 2023.

Mayor

ATTEST:

City Clerk