

ORDINANCE NO. 087, 2022  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING THE EXCHANGE OF STORMWATER EASEMENTS BETWEEN THE  
CITY OF FORT COLLINS AND SUN FOOTHILLS FORT COLLINS, LLC

WHEREAS, the City is the owner of a parcel of undeveloped real property located south of Trilby Road and east of South College Avenue as shown and described on Exhibit “A”, attached and incorporated herein by reference, that is part of the City’s Affordable Housing Land Bank Program (the “City Property”); and

WHEREAS, Sun Foothills Fort Collins, LLC (“Sun”) intends to develop housing on a parcel of land directly to the north and adjacent to the City Property as shown and described on Exhibit “B”, attached and incorporated herein by reference (the “Sun Property”); and

WHEREAS, Sun has requested a stormwater drainage easement on a 1.07 acre portion of the City Property where stormwater has historically flowed, as shown and described on Exhibit “C”, attached and incorporated herein by reference (the “Sun Easement”), because Sun’s development will increase the water flow in this path beyond the historic volumes; and

WHEREAS, to obtain its development approvals Sun is also required to construct a stormwater retention pond on 7.84 acres of the Sun Property; and

WHEREAS, the purpose of the Affordable Housing Land Bank Program is to acquire and hold land for future development of affordable housing; and

WHEREAS, when the City Property eventually develops, it will also need to provide stormwater retention; so, in exchange for the City conveying a stormwater easement to Sun, Sun has agreed to convey an easement to the City for the benefit of the City Property, that will allow the City Property to divert stormwater into the pond on the Sun Property, as shown and described on Exhibit “D”, attached and incorporated herein by reference (the “City Easement”), leaving more land available for development on the City Property; and

WHEREAS, as part of this easement exchange Sun will maintain its pond as well as its stormwater drainage improvements on the City Property; and

WHEREAS, the value of the City Easement is at least equal to if not exceeding the value of the Sun Easement, so no additional compensation from Sun to the City for the Sun Easement is required; and

WHEREAS, Section 23-111(a) of the City Code authorizes the City Council to sell, convey, or otherwise dispose of any interest in real property owned by the City, provided that the City Council first finds, by ordinance, that such sale or other disposition is in the best interests of the City.

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 City Council hereby finds that the conveyance of the Sun Easement in exchange for the City Easement on the terms and conditions described herein is in the best interests of the City.

Section 3. That the City Council hereby authorizes the Mayor to execute a Reciprocal Stormwater Drainage Easement Agreement to convey the Sun Easement to and accept the City Easement from Sun, 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 to, any necessary changes to the legal descriptions of the Easements, as long as such changes do not materially increase the size or change the character of the interests to be conveyed.

Introduced, considered favorably on first reading and ordered published this 19th day of July, A.D. 2022, and to be presented for final passage on the 16th day of August, A.D. 2022.

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Mayor Pro Tem

ATTEST:

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City Clerk

Passed and adopted on final reading this 16th day of August, A.D. 2022.

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Mayor

ATTEST:

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City Clerk