

ORDINANCE NO. 160, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING THE VACATION OF A DRAINAGE EASEMENT LOCATED
ON TRACT A OF THE OLD TOWN NORTH, FIFTH FILING SUBDIVISION

WHEREAS, Rocky Mountain High, LLC, subdivided land owned by it through the Plat of the Old Town North Fifth Filing, recorded with the Larimer County Clerk and Recorder on May 6, 2020, at Reception No. 20200031386; and

WHEREAS, the subdivision created Tract A, located at the southwest corner of the intersection of East Suniga Road and Blondel Street; and

WHEREAS, the subdivision included a drainage easement dedicated to the City for the purpose of capturing offsite stormwater flow (the “Easement”) that covers the entirety of Tract A; and

WHEREAS, the Easement is described on Exhibit “A”, attached hereto and incorporated by this reference; and

WHEREAS, the City has subsequently constructed stormwater improvements – specifically, the Northeast College Corridor Outfall Project – in the vicinity of the Easement that eliminated offsite stormwater flows onto Tract A, thereby eliminating the need for the Easement; and

WHEREAS, Rocky Mountain High, LLC, has requested that the City vacate the Easement so that Tract A may be redeveloped without the burden of the Easement; and

WHEREAS, City staff in the Stormwater Utility has verified that the Easement is no longer necessary and is recommending the City Council vacate the Easement.

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

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

Section 2. That the City Council hereby finds and determines that the Easement, more particularly described on Exhibit “A”, is no longer needed or required for stormwater drainage onto Tract A, and that vacating the Easement is in the best interests of the City, will not impair the viability of the City’s stormwater utility system as a whole, and is for the benefit of the citizens of the City.

Section 3. That the Easement is hereby vacated, abated, and abolished; provided, however, that:

(a) this vacation shall not take effect until this Ordinance is recorded with the Larimer County Clerk and Recorder by the property owner or its agent; and

(b) if this Ordinance is not recorded by December 31, 2023, then this Ordinance shall become null and void and of no force and effect.

Introduced, considered favorably on first reading and ordered published this 21st day of November, 2023, and to be presented for final passage on the 5th day of December, 2023.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 5th day of December, 2023.

Mayor

ATTEST:

City Clerk