

ORDINANCE NO. 170, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF A PERMANENT NON-EXCUSIVE UTILITY
EASEMENT ON PROPERTY JOINTLY OWNED BY THE CITY OF FORT COLLINS AND
THE CITY OF LOVELAND AT THE NORTHERN COLORADO REGIONAL AIRPORT TO
THE FORT COLLINS-LOVELAND WATER DISTRICT

WHEREAS, the City of Fort Collins (“City”) and the City of Loveland (“Loveland”) (collectively, the “Cities”) jointly own property located in Loveland (the “Property”) known as the Northern Colorado Regional Airport (the “Airport”); and

WHEREAS, the Cities currently operate and maintain the Airport pursuant to that certain Amended and Restated Intergovernmental Agreement for the Joint Operation of the Fort Collins-Loveland Airport dated January 22, 2015, as amended (the “IGA”); and

WHEREAS, in connection with the expansion of its public water systems, the Fort Collins-Loveland Water District (the “District”) has requested the Cities grant it an easement (the “Easement”) over Airport property for the installation of a regional waterline that will, in part, service residents of southern Fort Collins; and

WHEREAS, as consideration to the Airport and the Cities, the District will install water service infrastructure in locations to be determined by Airport staff that will extend service to portions of Airport property anticipated for future development in accordance with the Airport Master Plan; and

WHEREAS, a professional appraiser valued the Easement to be conveyed and the new infrastructure to benefit the Airport, and has determined that the value of the infrastructure exceeds the value of the Easement; and

WHEREAS, the Cities desire to grant the Easement on the terms and conditions more fully set forth in the Easement Agreement attached hereto as Exhibit A and incorporated herein by this reference (the “Easement Agreement”); and

WHEREAS, City Code Section 23-111(a) 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 disposition is in the best interest 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 City’s conveyance of the Easement in exchange for the District’s installation of water infrastructure on the Airport results in the City receiving, at a minimum, fair market value for the Easement.

Section 3. That the City Council hereby authorizes the Mayor to execute the Easement Agreement substantially in the form attached hereto as Exhibit A 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 and ordered published this 5th day of December, 2023, and to be presented for final passage on the 19th day of December, 2023.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 19th day of December, 2023.

Mayor

ATTEST:

City Clerk