

ORDINANCE NO. 121, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF A PERMANENT
EASEMENT AND TEMPORARY CONSTRUCTION EASEMENTS
ON PARKS PROPERTY

A. To the west of North College Avenue and to the north of Maple Street, the City owns two parcels that adjoin the privately-owned property at 425 and 429 North College Avenue. One of the City's parcels is to the north of 425 and 429 North College Avenue (the "City's North Parcel") and the other City parcel is to the south of 425 and 429 North College Avenue (the "City's South Parcel").

B. Rightside Investments, LLC ("Rightside") owns 425 and 429 North College Avenue and seeks a Permanent Easement ("PE") and a Temporary Construction Easements ("TCEs") on the City's South Parcel; and also seeks a TCE on the City North Parcel. Rightside seeks to redevelop its properties. The PE and TCEs will allow Rightside to deconstruct an existing cesspool on the North Parcel and to facilitate the installation of a new sewer line on the South Parcel.

C. Rightside will use an open-trench excavation method within a TCE on the City's North Parcel to open and pump out an existing cesspool. Following removal of the contents, the cesspool walls will be collapsed, and the resulting excavation will be backfilled with suitable fill material and compacted.

D. Rightside seeks both a PE and a TCE on the City's South Parcel to install a new sewer line. The TCE will provide Rightside with the necessary access and work area to perform the open-trench excavation and install the new sewer line. The PE will accommodate the sewer line and associated piping necessary to connect the properties located at 425 and 429 North College Avenue to the new sewer system and will remain in place following completion of construction.

E. The form of the PE with its terms and conditions is shown on Exhibit A, attached hereto and incorporated herein by this reference. The area of the PE is described on Exhibit B to the PE.

F. The form of the TCEs with its terms and conditions is shown on Exhibit B, attached hereto and incorporated herein by this reference. The areas of the TCEs are described on Exhibit B to the TCEs.

G. The City's North Parcel and the City's South Parcel are managed by the City's Parks Department.

H. The City has determined the fair market value of the PE and TCEs together is \$601. Rightside will pay the City \$601 for the PE and the TCEs and also pay the City

for its staff time relating to this matter. The Parks Department will receive the \$601 compensation.

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

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. City Council finds that granting the conveyance of the PE and the TCEs on the terms and conditions described herein is in the best interests of the City.

Section 2. City Council hereby authorizes the Mayor to execute the PE 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.

Section 3. City Council hereby authorizes the Mayor to execute the TCEs substantially in the form attached hereto as Exhibit B 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.

Section 4. This Ordinance shall not be construed as constituting City Council approval, support for approval, or waiver of any City regulatory requirement, including any development application process whether in administrative or quasi-judicial review, for any project referenced herein.

Introduced, considered favorably on first reading on September 1, 2026, and approved on second reading for final passage on September 15, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: September 25, 2026

Approving Attorney: Ted Hewitt

Exhibits: Exhibit A – Permanent Easement
 Exhibit B – Temporary Construction Easements