

ORDINANCE NO. 114, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF A PERMANENT
ACCESS EASEMENT TO JOSH AND DUSTI SANGER ACROSS
CITY PROPERTY ON TRILBY ROAD

A. The City acquired Coyote Ridge Natural Area through a series of purchases from 1994 to 2019, some jointly with Larimer County. In 2019, the City independently purchased 40 acres from Margaret and Glen Hazelhurst to add to Coyote Ridge Natural Area (the “40-acre site”). As part of the transaction, the Hazelhursts retained a 5-acre inholding around their residence on the 40-acre site. At the time of the land division, a utility easement for a cistern, pump, and the utility line connecting them to their residence, located at 2887 West Trilby Road, was designated on a plat recorded at Reception No. 20190054758 in the records of the Larimer County Clerk and Recorder. However, the plat did not include an access easement to reach the cistern, pump and utility lines.

B. The 5-acre inholding is now owned by Josh and Dusti Sanger. The Sangers recognized they had no recorded access to the cistern, pump and utility lines and reached out to City staff to document their access to this existing infrastructure. Prior to the land division, the Hazelhursts likely used the route to the cistern, pump, and utility lines that the Sangers would like to document now.

C. The City and the Sangers have negotiated an access easement (the “Easement Agreement”) that will recognize their ability to access the cistern, pump, and utility lines on the 40-acre site. The form of the Easement Agreement, with its terms and conditions, is shown on Exhibit A, attached hereto and incorporated herein by this reference. The area of the Easement is approximately one-half acre (the “Easement Area”). The Easement Area is described on Exhibit B to the Easement Agreement.

D. Given the likely historic use of the Easement Area by the Hazelhursts to access the cistern, pump, and utility lines, it is to the City’s advantage to now formalize a property right on terms beneficial to the City. The Easement Agreement defines parameters for access, notification, and restoration. It also requires the Sangers to maintain insurance relating to their use of the Easement and to defend the City in the event of a third-party claim against the City.

E. The City has estimated the fair market value of the Easement is \$1,905. The City is not requesting compensation for the Easement because of the landowners’ historic use of the access route to the cistern, pump, and utility lines prior to the City’s acquisition of the 40-acre site.

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

G. The 40-acre site is subject to a conservation easement owned by Larimer County, recorded on September 20, 2019, at Reception Number 20190057273 in the records of the Larimer County Clerk and Recorder. City staff has notified the County about the City granting the Easement to the Sangers and City staff has received no objection to this property disposition from the County.

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. The City Council finds that granting the Easement on the terms and conditions described herein is in the best interests of the City.

Section 2. 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 on July 1, 2025, and approved on second reading for final passage on July 15, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: July 25, 2025
Approving Attorney: Ted Hewitt

Exhibits: Exhibit A - Easement with Terms and Conditions