

ORDINANCE NO. 113, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING A COLLATERAL ASSIGNMENT OF A LEASE AT
THE NORTHERN COLORADO REGIONAL AIRPORT

A. The Cities of Loveland and Fort Collins (collectively the “Cities” and “Loveland” or “Fort Collins” individually) jointly own and operate the public airport known as the Northern Colorado Regional Airport (the “Airport”).

B. On November 10, 2022, the Northern Colorado Regional Airport Commission approved a ground lease of Airport property for the maintenance and operation of a hangar building with Gamebird Condominium Association (the “Lease”), which was partially subleased to CO Fire Aviation Leasing, Inc. (the “Sublessee”) on January 1, 2024 (the “Sublease”).

C. Article 13 of the Lease requires the Cities’ written consent for any lease assignments; further, Sections 3 and 6 of the Sublease require the Sublessee to comply with all Lease terms, including that any assignments of its Sublease must be made in compliance with the Lease.

D. FMS Bank is a lender (the “Lender”) with which the Sublessee has arranged financing, and the Lender has requested a collateral assignment of the Sublease as security on the loan.

E. The Lender’s Collateral Assignment of Lease, attached hereto as Exhibit A serves as a confirmation of the Cities’ authority to consent and approve the assignment and, in addition, provides the Lender with rights to receive notice of any Sublessee default, to cure such defaults, and request a new lease if the Sublease is terminated.

F. City Council desires to approve the Lender’s Collateral Assignment of Lease, which acknowledges the assignment provides the Lender rights to receive notice of any Sublessee default, to cure such defaults, and request a new lease if the original Sublease is terminated.

G. City Council finds that approval of the Lender’s Collateral Assignment of Lease is in the best interests of the Airport, the City and its residents, and serves the public purpose of furthering economic development of the Airport.

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 approves the Lender’s Collateral Assignment of Lease in the form attached hereto as Exhibit A and incorporated herein by this reference.

Section 2. The City Council hereby authorizes the City Manager to execute the Lender's Collateral Assignment of Lease on behalf of the City and, after consultation with the City Attorney, to further modify the Lender's Collateral Assignment of Lease in form or substances as necessary to fulfill the purposes of this Ordinance and protect the best interest of the City.

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: Dianne Criswell

Exhibit: Exhibit A - Collateral Assignment of Lease