

ORDINANCE NO. 027, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT
AGREEMENT WITH LARIMER COUNTY, THE CITY OF LOVELAND
AND SOUTH FORT COLLINS SANITATION DISTRICT REGARDING
AN EXISTING SEWER LINE ON LONG VIEW FARM OPEN SPACE

A. The City of Fort Collins purchased Long View Farm Open Space in 1997 in partnership with Larimer County and the City of Loveland (the “Owners”). Larimer County owns fifty percent of the property, with the City of Fort Collins owning thirty-three percent and the City of Loveland owning the remaining seventeen percent interest.

B. At the time of purchase, Long View Farm Open Space was subject to several utility and right-of-way easements of record. Additionally, South Fort Collins Sanitation District (“SFCSD”) possessed a sewer line across the property.

C. This sewer line was not recorded at the time it was installed in 1981 by SFCSD and the existence of the sewer line was not known to the Owners’ staffs until the summer of 2023 when SFCSD needed access to perform maintenance on the sewer line. The undocumented sewer line runs north to south immediately west of the right-of-way line for U.S. Highway 287.

D. The parties agree that it is in the best interests of both the Owners and SFCSD for the sewer line to be in a documented and recorded easement and they have negotiated an Easement Agreement, attached hereto as Exhibit A and incorporated herein by this reference (the “Easement”).

E. The Easement describes the rights granted to SFCSD to access and maintain the sewer line. The Easement further requires SFCSD to promptly restore vegetation and control erosion in any disturbed areas, in accordance with the Larimer County Resource Protection and Restoration Standards. The Easement also allows the Owners to manage the area of the Easement for open space uses and to have access to and across the area of the Easement. It also provides that SFCSD is liable for damages resulting from the use or operation of the sewer line.

F. Section 23-111 of the City Code authorizes the City Council to dispose of interests in real property owned in the name of the City provided that the City Council first finds, by ordinance, that such disposition is in the best interests of the City.

G. Section 23-114 of the City Code authorizes the City Council to dispose of interests in real property for less than fair market value provided that the City Council determines that such disposition serves a bona fide public purpose.

H. City staff recommends that the City grant the Easement at no cost to the SFCSD. The City Council concurs and determines that the disposition of this property

interest serves a bona fide public purpose in accordance with the requirements of Section 23-114 of the City Code because:

1. The Easement promotes health, safety or general welfare and benefits a significant segment of the citizens of Fort Collins because it allows for the continued operation and maintenance of a sewer line that is part of a network of sewer lines that serves residents of Fort Collins;

2. The continued use of the sewer line supports the City's goal of maintaining a functional sewer system to serve the residents of Fort Collins;

3. The financial support provided through the grant of the Easement to SFCSD can be leveraged through benefits to the cooperative relationship with SFCSD, the County and the City of Loveland;

4. The financial benefit to SFCSD is not substantial relative to the public purpose of maintaining an operational sewer line; and

5. The grant of the Easement will not interfere with current City projects or work programs, hinder workload schedules or divert resources needed for primary City functions or responsibilities because the sewer line already exists, does not hinder City operations and the recordation of the Easement requires minimal City resources.

I. The City Council finds that granting the Easement on Long View Farm Open Space as described above 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 that the City Council hereby authorizes the Mayor to execute the Easement Agreement consistent with this Ordinance, together with such 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, including any necessary changes to the legal description of the Easement, as long as such changes do not materially decrease the size or change the character of the Easement.

Introduced, considered favorably on first reading on February 6, 2024, and approved on second reading for final passage on February 20, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 1, 2024
Approving Attorney: Ted Hewitt