

ORDINANCE NO. 029, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING THE CONVEYANCE OF A TEMPORARY
CONSTRUCTION EASEMENT, DEDICATION OF A
PERMANENT, NONEXCLUSIVE WATERLINE EASEMENT, AND
DEDICATION OF A PERMANENT, NONEXCLUSIVE SEWER
LINE EASEMENT, ALL ON CITY PROPERTY, FOR THE BENEFIT
OF THE SUN FOOTHILLS FORT COLLINS DEVELOPMENT

A. The City owns a parcel of undeveloped real property located south of Trilby Road and east of South College Avenue as shown and described on Exhibit “A”, attached and incorporated herein by reference, which is part of the City’s Affordable Housing Land Bank Program (the “City Property”).

B. Sun Foothills Fort Collins, LLC (“Sun”) intends to develop housing (the “Development”) on a parcel of land directly to the north and adjacent to the City Property (the “Sun Property”).

C. Sun has submitted plans for the Development to the City (the “Development Plans”), which have been reviewed by City staff. As part of the development review process City staff asked Sun to acquire necessary easements for the Development, including three easements on the City Property.

D. These easements (collectively, “the Easements”) include:

1. A temporary construction easement to Sun for a period of up to four years over 96,132 square feet of the City Property as shown and described on Exhibit “B”, attached and incorporated herein by reference (the “TCE”). Approximately one-half of the TCE area includes land already burdened by a reciprocal drainage easement between Sun and the City, where Sun will construct drainage improvements.
2. A waterline easement to the Fort Collins-Loveland Water District over 570 square feet of the City Property as shown and described on Exhibit “C”, attached and incorporated herein by reference; and
3. A sewer line easement to the Fort Collins-Loveland Sanitation District over 4,740 square feet of the City Property as shown and described on Exhibit “D”, attached and incorporated herein by reference.

E. Section 23-111(a) of the City Code 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 other disposition is in the best interests of the City.

F. In addition, Section 23-114 of the City Code requires that any sale or other conveyance of property interests approved under section 23-111(a) be for an amount equal to or greater than the fair market value of such interest.

G. City staff estimates the value of the Easements at \$157,602; however, staff also estimates that the work Sun will do on the City Property in the Easements, including installing storm drainage improvements and stubbing in a water line and a sewer line, will increase the value of the City Property by approximately \$370,260 and make it a better site for potential future development as part of the Land Bank Program. Therefore, staff recommends that the City convey the Easements to Sun for no additional monetary compensation.

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 Easements to Sun on the terms and conditions described herein is in the best interests of the City.

Section 2. The City Council authorizes the Mayor to execute such documents as are necessary to convey the Easements to Sun on terms and conditions consistent with this Ordinance, together with such 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, including, but not limited to, any necessary changes to the legal descriptions of the Easements, as long as such changes do not materially increase the size or change the character of the interests to be conveyed.

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: Ingrid Decker