

ORDINANCE NO. 004, 2025  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
VACATING THE RIVERBEND COURT RIGHT-OF-WAY AND  
APPROVING EASEMENTS

A. The plat of the Prospect Industrial Park, April 25, 1979, recorded in the Larimer County Records at Reception Number 303647, Book 1947 Page 20, included dedication to the public of right-of-way for Riverbend Court.

B. Liberty Common School (specifically LCS BUILDING CORP) owns all the properties surrounding Riverbend Court (Parcel numbers 8720214901, 8720206903, 8720105906, 8720105008, 8720105010, 8720105007, and 8720105004).

C. Liberty Common School is proceeding through site plan review processes, proposing to expand its school facilities, including building a new junior high school building.

D. The existing right-of-way is not compatible with the proposed school development, including proposed school traffic patterns and the proposed new building, which will be situated atop Riverbend Court, as illustrated in the proposed site plan in Attachment A, attached hereto and incorporated herein.

E. Riverbend Court does not provide any necessary connectivity to other neighborhoods or streets, but it does provide access to the surrounding school properties. There are existing utilities in the area of Riverbend Court; so, Riverbend Court does require drainage, utility, access and emergency access easements.

F. Liberty Common School has requested that the City vacate the Riverbend Court right-of-way described in Attachment B, attached hereto and incorporated herein, and has explained justification for the request.

G. Liberty Common School will dedicate new easements, described in Attachments C and D, attached hereto and incorporated herein, to continue the public drainage, utility, access and emergency access in the area of Riverbend Court.

H. In accordance with City Code Section 23-115(d), pertinent City staff, potentially affected utility companies, emergency service providers and affected property owners in the vicinity of the right-of-way have been contacted, no objection has been reported to the proposed vacation, and the City Engineer recommends approval of the right-of-way vacation.

I. In accordance with City Code Section 23-115(e), the Planning Development and Transportation Director recommends approval that the Riverbend Court right-of-way be vacated.

J. Vacating the Riverbend Court right-of-way will not prejudice or injure the rights of the residents of Fort Collins.

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 hereby finds and determines that the Riverbend Court right-of-way dedicated via the Prospect Industrial Park plat, more particularly described in Attachment B, is no longer needed for right-of-way purposes, except for public drainage, utility, access, and emergency access, and that it is in the public interest to vacate the same.

Section 2. The City Council hereby finds and determines that public drainage, utility, access and emergency access in the area of Riverbend Court remains needed and is in the public interest, and Council hereby approves City acceptance of the easements provided in Attachments C and D.

Section 3. The Riverbend Court right-of-way dedicated via the Prospect Industrial Park plat is hereby vacated, abated and abolished, provided that this vacation shall not take effect until the easements provided in Attachments C and D are accepted by the City and recorded with the Larimer County Clerk and Recorder and until this Ordinance takes effect and is recorded with the Larimer County Clerk and Recorder.

Section 4. In accordance with City Code Section 23-115(f), title to the Riverbend Court right-of-way vacated by this ordinance shall vest in accordance with Colorado Revised Statutes Section 43-2-302.

Introduced, considered favorably on first reading on January 21, 2025, and approved on second reading for final passage on February 4, 2025.

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Mayor

ATTEST:

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City Clerk

Effective Date: February 14, 2025

Approving Attorney: Heather N. Jarvis