

ORDINANCE NO. 125, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS
CONDITIONALLY VACATING A PORTION OF CRESTRIDGE STREET RIGHT-OF-WAY

WHEREAS, the Crestridge Street right-of-way (“Right-of-Way”) was dedicated to Larimer County for road purposes as described in the deed of dedication recorded at Book 1655, Page 179, of the Larimer County, Colorado records; and

WHEREAS, the Right-of-Way was subsequently annexed into the City and is currently known as Crestridge Drive which connects South College Avenue to Venus Drive; and

WHEREAS, the developer of the Fort Collins Nissan-Kia development plan, WWW Properties, LLC, (“Developer”) has requested that the City vacate a portion of the Right-of-Way as depicted on Exhibit “A” attached hereto and incorporated herein (such portion hereinafter referred to as the “Vacation Area”); and

WHEREAS, vacation of the Vacation Area will eliminate the connection between Venus Drive and College Avenue; and

WHEREAS, the Fort Collins Nissan-Kia development plan proposes to extend Venus Drive to connect to College Avenue which, if accomplished, would make the Vacation Area no longer necessary as public right-of-way; and

WHEREAS, the City Engineer has routed the vacation request to potentially affected utility agencies, City staff, emergency service providers and affected property owners in the vicinity of the Vacation Area and no objection to the proposed vacation has been received; and

WHEREAS, in accordance with City Code Section 23-115, the City Engineer recommended conditional approval of this vacation to the Planning, Development and Transportation Director, and the Director recommends to Council that the request for vacation be approved with the conditions set forth in the Ordinance; and

WHEREAS, the right of the residents of the City of Fort Collins will not be prejudiced or injured by the vacation of said street Right-of-Way.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby finds and determines that the Vacation Area is no longer needed for right-of-way purposes and that it is in the public’s interest to vacate the Vacation Area provided the conditions in Section 3 are first met.

Section 3. That the Vacation Area is hereby vacated, abated and abolished, provided, that:

- (1) This vacation shall not take effect until this Ordinance is recorded with the Larimer County Clerk and Recorder; and
- (2) This Ordinance shall be recorded only after the extension of Venus Drive to South College Avenue has been constructed pursuant to City approved plans, and the City has initially accepted such extension and the required warranty period has commenced.

Section 4. If this Ordinance is not recorded within three years of the date of second reading of this Ordinance, then this Ordinance shall become null and void. Should this Ordinance become null and void but the existing road improvements within the Vacation Area have been demolished, the Developer must restore at their own expense the road improvements within one-hundred and twenty days of this Ordinance becoming null and void, or such further time as the City Manager may grant in writing their reasonable discretion to restore the road improvements in considerations of the winter season or other construction limitations.

Introduced, considered favorably on first reading and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk