

ORDINANCE NO. 065, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE ACQUISITION BY EMINENT DOMAIN PROCEEDINGS OF
TEMPORARY EASEMENTS ON CERTAIN LANDS NECESSARY TO CONSTRUCT
PUBLIC IMPROVEMENTS FOR THE EASTERN SEGMENT OF THE
LAPORTE CORRIDOR IMPROVEMENT PROJECT

WHEREAS, the City is in the process of planning improvements to the Laporte Avenue corridor from Fishback Avenue in the east to Sunset Street in the west to include sidewalk, bicycle lanes, and curb and gutter for the purpose of improving bicycle and pedestrian facilities (the “Project”); and

WHEREAS, the Project is necessary to address increased bicycle and pedestrian use of Laporte Avenue, which has led to higher-than-expected traffic accidents, and several near misses and at least one serious vehicle-pedestrian accident within the Project limits, and to address anticipated future use needs as growth continues in the region; and

WHEREAS, the Project is planned in two segments: the East Segment is that portion of Laporte Avenue east of Grandview Avenue and the West Segment is that portion of Laporte Avenue west of Taft Hill Road; and

WHEREAS, the East Segment is fully funded and targeted to complete design and commence construction by fall 2023; and

WHEREAS, to construct the East Segment of the Project, the City will need to acquire temporary construction easements from eighteen property owners (referenced as “TE-02,” “TE-03,” “TE-04,” “TE-05,” “TE-06,” “TE-07,” “TE-10,” “TE-11,” “TE-12,” “TE-13,” “TE-14,” “TE-15,” “TE-16,” “TE-17,” “TE-18,” “TE-20,” “TE-21,” and “TE-22”) as described on Exhibit “A”, attached hereto and incorporated herein by this reference (the “Property Interests”); and

WHEREAS, the City will negotiate in good faith for the acquisition of the Property Interests from the owners thereof; and

WHEREAS, the acquisition of the Property Interests is desirable and necessary for the construction of the Project, is in the City’s best interest, and enhances public health, safety, and welfare because it will allow for the construction of needed public infrastructure within the City; and

WHEREAS, the acquisition of the Property Interests may, by law, be accomplished through eminent domain.

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 authorizes the City Attorney and other appropriate officials of the City to acquire the Property Interests for the City by eminent domain proceedings.

Section 3. That the City Council further finds that, in the event acquisition by eminent domain of the Property Interests or any of them is commenced, immediate possession is necessary for the public's health, safety and welfare.

Introduced, considered favorably on first reading, and ordered published this 18th day of April, 2023, and to be presented for final passage on the 2nd day of May, 2023.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on this 2nd day of May, 2023.

Mayor

ATTEST:

City Clerk