

ORDINANCE NO. 165, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
DECLARING CERTAIN CITY-OWNED PROPERTY AT FOSSIL
CREEK WETLANDS NATURAL AREA AS A RIGHT-OF-WAY

A. Immediately south of Trilby Road, just west of Timberline Road, lies the City's 229-acre Fossil Creek Wetlands Natural Area (the "Property").

B. Fossil and Stanton Creeks run through the Property. Where Fossil Creek flows under Trilby Road there is an underpass, a bridge, and trail infrastructure. In addition, there are two easements along Trilby Road, a South Fort Collins Sanitary District easement and a Platte River Power Authority easement.

C. The City seeks to replace the bridge over Fossil Creek (the "Project"), permitting future road, bicycle, and pedestrian infrastructure. The Project is also one element of the City Stormwater Utility's comprehensive stream rehabilitation along Fossil and Stanton Creeks. The existing culvert under Trilby Road is structurally deficient and blocks fish passage and stream habitat connectivity. The Project will restore passage for native fish and macroinvertebrates and connect a soon-to-be restored reach of Fossil Creek (slated for Fall 2025/early-2026) to an upstream reach slated for restoration in the next few years.

D. The Project will use 8,890.61 square feet of the Property as permanent right of way (the "ROW Parcel"), shown in the attached Exhibit A. Real Estate Services staff completed a Comparative Market Analysis to derive the value of the right-of-way declaration at \$8,891.

E. The financial value of the ecological benefits of the Project's stream restoration work to the Property far exceed the monetary value of the ROW. Accordingly, the City's Natural Areas program is receiving a financial benefit for the ROW declaration.

F. In order to establish a public record that the ROW Parcel is intended for use by the City as right-of-way for a public roadway and related improvements, including public utilities, pedestrian, transit, and bicycle access and improvements, landscaping, and such other related purposes as may now or in the future be determined appropriate, staff recommends that the City Council declare the ROW Parcel to be right-of-way.

G. Converting a piece of property owned by the City in fee simple to right-of-way constitutes a conveyance of an interest in the property, as doing so creates certain public rights in the property that would not otherwise exist on City-owned property.

H. Section 23-111(a) of the City Code authorizes the City Council to sell, convey, or otherwise dispose of any interests in real property owned by the City, provided the City Council first finds, by ordinance, that such sale or other disposition 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 as follows:

Section 1. The City Council hereby declares that the real property described on Exhibit A shall constitute right-of-way at Trilby Road, just west of Timberline Road, and may be used for related improvements, including for public utilities, pedestrian, transit and bicycle access and improvements, landscaping, and such other related purposes as may now or in the future be determined appropriate, and hereby finds that such declaration is in the best interests of the City.

Section 2. The City Clerk shall cause this Ordinance to be recorded in the real property records of the Larimer County Clerk and Recorder's office once the Ordinance becomes effective.

Introduced, considered favorably on first reading on October 21, 2025, and approved on second reading for final passage on November 3, 2025.

Mayor Pro Tem

ATTEST:

City Clerk

Effective Date: November 13, 2025
Approving Attorney: Ted Hewitt

Exhibits: Exhibit A – ROW Parcel