

ORDINANCE NO. 125, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF AN EMERGENCY
ACCESS EASEMENT ON A PORTION OF THE LARIMER
COUNTY LANDFILL TO POUUDRE FIRE AUTHORITY

A. The Larimer County Solid Waste Facility at 5887 S. Taft Hill Road ("Landfill") is a regional solid waste processing and disposal site operated and maintained by Larimer County (the "County").

B. The site on which the Landfill operates is described as the North one-half of Section 9, Township 6 North, Range 69 West of the 6th P.M. ("Landfill Site").

C. Since 1967 the Landfill Site has been and is currently owned in the following undivided interests: 50% the City, 25% the County, and 25% the City of Loveland (together, the "Owners").

D. The City operated the Landfill from 1963 until January 1, 1975, after which the County operated the Landfill pursuant to an agreement among the Owners dated November 21, 1974. The County remains the current operator of the Landfill.

E. Larimer County seeks to install new improvements at the Landfill to support a new regional waste management and diversion system, including a new central diversion and transfer station (the "Transfer Station"). As part of the project to build the new Transfer Station, the Larimer County Planning Commission requested that the Owners convey an access easement to Poudre Fire Authority to create a secondary access route to the Transfer Station for emergency fire access. Poudre Fire Authority intends to use existing dirt and gravel roads on the Landfill Site for the easement.

F. The form of the easement with its terms and conditions (the "Easement") is shown on Exhibit A, attached hereto and incorporated herein by this reference. The area of the Easement is described on Exhibit A to the Easement.

G. The City has estimated the fair market value of the Easement is \$35,437.

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.

I. Section 23-114 of the City Code authorizes the City Council to dispose of interests in real property for less than fair market value provided that the City Council determines that such disposition serves a bona fide public purpose.

J. City staff has recommended that the City grant the Easement at no cost to Poudre Fire Authority.

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 Easement on the terms and conditions described herein is in the best interests of the City and serves a bona fide public purpose in accordance with the requirements of Section 23-114 of the City Code because:

- a. The Easement promotes health, safety or general welfare and benefits a significant segment of the residents of Fort Collins because it allows for effective fire response at the Landfill;
- b. The Easement supports the City's goal of helping to ensure a safe community with effective fire response;
- c. The financial support provided through the grant of the Easement to Poudre Fire Authority can be leveraged through benefits to the City's cooperative relationship with Poudre Fire Authority;
- d. The financial benefit to Poudre Fire Authority is not substantial relative to the public purpose of improving emergency response to fire;
- e. The grant of the Easement will not interfere with current City projects or work programs, hinder workload schedules or divert resources needed for primary City functions or responsibilities.

Section 2. The City Council hereby authorizes the Mayor to execute the Easement substantially in the form attached hereto as Exhibit A with such modifications or 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 or effectuate the purposes of this Ordinance.

Introduced, considered favorably on first reading on July 15, 2025, and approved on second reading for final passage on August 19, 2025.

Mayor

ATTEST:

Sr. Deputy City Clerk

Effective Date: August 29, 2025

Approving Attorney: Ted Hewitt

Exhibits: Exhibit A – Deed of Dedication of Easement