

ORDINANCE NO. 008, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF A PERMANENT
NON-EXCLUSIVE UTILITY EASEMENT JOINTLY OWNED
BY THE CITY OF FORT COLLINS AND THE CITY OF
LOVELAND AT THE NORTHERN COLORADO REGIONAL
AIRPORT FOR THE NEW AIRPORT TERMINAL FACILITY

A. The City of Fort Collins (“City”) and the City of Loveland (“Loveland”) (collectively, the “Cities”) jointly own property located in Loveland (the “Property”) known as the Northern Colorado Regional Airport (the “Airport”).

B. The Cities currently operate and maintain the Airport pursuant to that certain Amended and Restated Intergovernmental Agreement for the Joint Operation of the Fort Collins-Loveland Airport dated January 22, 2015, as amended (the “IGA”).

C. In connection with the ongoing construction of the new airport terminal facility project, Loveland Utilities has requested a permanent non-exclusive easement for installation of Loveland-owned utility systems to serve the terminal (the “Easement”) over and across that portion of the Airport property legally described and depicted on Exhibit A attached hereto and incorporated herein by this reference (the “Easement Property”).

D. The Cities desire to grant the Easement on the terms and conditions more fully set forth in the Grant of Utility Easement attached hereto as Exhibit A and incorporated herein by this reference (the “Easement Agreement”).

E. City Code Section 23-111(a) authorizes the City Council to sell, convey or otherwise dispose of any interest 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 interest 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 finds that the City's conveyance of the Easement on the terms and conditions set forth in the Easement Agreement for less than fair market value serves a bona fide public purpose and is in the best interests of the City as required by City Code Section 23-114 because:

a. The use to which the Easement Property will be put promotes health, safety or general welfare and benefits a significant segment of the citizens of Fort Collins by facilitating public investment in and improvement of the Airport and the users it serves, and will allow utility service for the new public terminal facility currently being constructed;

b. The use to which the Easement Property will be put supports one (1) or more of the City Council's goals, adopted policies, projects or plans, including the Airport Master Plan, which was approved by Council;

c. The financial support provided by the City through the below-market disposition of the Easement Property will be leveraged with other funding or assistance enabling the construction and operation of the new terminal facility, which the City has partnered with the City of Loveland to complete;

d. The sale or lease will not result in any direct financial benefit to any private person or entity, except to the extent such benefit is only an incidental consequence and is not substantial relative to the public purpose being served because it will enable development of the new public terminal facility for the benefit of the Cities and the greater public; and

e. Granting the Easement for less than fair market value will not interfere with current City projects or work programs, hinder workload schedules, or divert resources needed for primary City functions or responsibilities and will ultimately benefit the Airport and the Cities.

Section 2. The City Council hereby authorizes the Mayor to execute the Easement Agreement 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 January 16, 2024, and approved on second reading for final passage on February 6, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: February 16, 2024
Approving Attorney: Ryan Malarky