

ORDINANCE NO. 130, 2023  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROVING THE VACATION OF AN EMERGENCY ACCESS EASEMENT LOCATED  
ON LOT 1 OF THE ELIZABETH SUBDIVISION

WHEREAS, Elizabeth Street Holdings, LLC, Kevin R. Krause, Adrian K. Krause, and Barry Schram subdivided lands owned by them by the Elizabeth Subdivision plat, recorded with the Larimer County Clerk and Recorder on May 16, 2018, at Reception No. 20180028923; and

WHEREAS, the subdivision created a Lot 1 with an address of 811 East Elizabeth Street and a Lot 2 with an address of 813 East Elizabeth Street; and

WHEREAS, the subdivision created an emergency access easement (the “Easement”) across Lot 1 to benefit Lot 2 as required by the Land Use Code (“LUC”) and the International Fire Code, as adopted and amended by Chapter 9 of the City Code, (“IFC”) with said Easement dedicated to the City; and

WHEREAS, the Easement is described on Exhibit “A”, attached and incorporated herein by this reference; and

WHEREAS, both Lot 1 and Lot 2 were subsequently conveyed to Kevin R. Krause, who remains the current owner; and

WHEREAS, Mr. Krause constructed a residence on Lot 2, which included the installation of a fire sprinkler system in the residence; and

WHEREAS, because of the fire sprinkler system, the LUC and the IFC no longer require the Easement across Lot 1 to benefit Lot 2, and Mr. Krause has requested the City vacate the Easement so that Lot 1 may be redeveloped without the burden of the Easement; and

WHEREAS, City staff and Poudre Fire Authority staff are recommending the City Council vacate the Easement because it is no longer necessary or required by the LUC and the IFC.

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

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

Section 2. That the City Council hereby finds and determines that the emergency access easement, more particularly described on Exhibit “A” is no longer needed or required for emergency access across Lot 1 to Lot 2 and that it is in the public interest to vacate the same.

Section 3. That the specified emergency access easement is hereby vacated, abated, and abolished, providing that:

A. This vacation shall not take effect until this Ordinance is recorded with the Larimer County Clerk and Recorder by the property owner or his agent.

B. If this Ordinance is not recorded by December 31, 2023, then this Ordinance shall become null and void and of no force and effect.

Introduced, considered favorably on first reading and ordered published this 19th day of September, 2023, and to be presented for final passage on the 3rd day of October, 2023.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading this 3rd day of October, 2023.

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Mayor

ATTEST:

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City Clerk