

RESOLUTION 2023-033
OF THE COUNCIL OF THE CITY OF FORT COLLINS
TERMINATING THE OIL AND GAS OPERATOR AGREEMENT BETWEEN THE
CITY OF FORT COLLINS AND PROSPECT ENERGY

WHEREAS, by Resolution 2013-024, City Council approved an Oil and Gas Operator Agreement between the City and Prospect Energy, LLC, dated March 19, 2013, that applied to all existing and future operations in the areas that are the subject of the Agreement, and by Resolution 2013-036 the City Council adopted certain amendments thereto (the "Operator Agreement"); and

WHEREAS, by Ordinance 057, 2013, City Council exempted the Prospect Energy oil and gas operations subject to the Amended Agreement from the moratorium in effect at that time on the acceptance or processing of land use applications, permit applications and other applications seeking approval to conduct oil and gas extraction or related operations within the City; and

WHEREAS, pursuant to Operator Agreement Section 1, the effective date of the Operator Agreement is the effective date of Ordinance 057, 2013, which was May 31, 2013; and

WHEREAS, pursuant to Operator Agreement Section 5, the initial term of the Operator Agreement was for five years with automatic renewal of the Operator Agreement for five-year terms unless written notice of the intent to terminate the Operator Agreement is provided at least thirty days prior to the expiration of the current term; and

WHEREAS, the initial five-year term finished on May 31, 2018, and the Operator Agreement automatically renewed for five additional years with such term ending on May 31, 2023; and

WHEREAS, in consideration of the changed nature of the City's authority to regulate the surface impacts and siting of oil and gas operations brought about by Senate Bill 19-181 in a more stringent manner than the terms of the Operator Agreement, and the City's adoption of Land Use Code oil and gas regulations, City Council wishes to terminate the Operator Agreement; and

WHEREAS, the termination of the Operator Agreement is in the best interests of the City and will further the protection of public health, safety, and welfare, and the environment and wildlife resources.

NOW, THEREFORE, BE IT RESOLVED 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 Mayor is authorized to immediately issue written notice to Prospect Energy, LLC in conformance with the Operator Agreement to terminate the Operator Agreement as of the end the current term.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 4th day of April, 2023.

Mayor

ATTEST:

City Clerk