

DISTRICT COURT, LARIMER COUNTY, COLORADO Larimer County Justice Center 201 La Porte Avenue Suite 100 Fort Collins, CO 80521 970-494-3500	DATE FILED: June 7, 2017 3:37 PM FILING ID: 159EB0947D704 CASE NUMBER: 2016CV31096
<p>Plaintiff: CITY OF FORT COLLINS, a Colorado municipal corporation; and Poudre Fire Authority, a Colorado public entity,</p> <p>v.</p> <p>Defendant: KEITH GILMARTIN, an individual.</p>	<p>▲ COURT USE ONLY ▲</p>
	Case No.: 16CV31096 Div.: Ctrm: 3C
<p>ORDER GRANTING MOTION FOR PARTIAL SUMMARY JUDGMENT PURSUANT TO C.R.C.P. 56(a)</p>	

THE COURT, having reviewed the parties' briefing on Plaintiffs' Motion for Partial Summary Judgment Pursuant to C.R.C.P. 56(a) ("Motion"), having reviewed the pleadings herein, and being otherwise fully advised in the premises,

HEREBY ORDERS THAT the Motion is GRANTED. Accordingly, the Court hereby enters summary judgment in favor of Plaintiffs and against Defendant Keith Gilmartin, on Plaintiffs' Third Claim for Relief for Declaratory Judgment, ordering that:

1. That portion of the easement conveyed by Mr. Gilmartin and his parents by way of the January 15, 1991 Deed of Easement ("Deed of Easement") attached as Exhibit C to the Motion and to which Mr. Gilmartin was the servient estate holder as of the commencement of

this action (the "Easement") is a public easement for use by the public as authorized by the City of Fort Collins (the "City");

2. The City and the Poudre Fire Authority (the "Authority") (as the City's assign) and their respective directors, officers, employees, volunteers, agents, guests, and invitees may use the Easement free from interference from Mr. Gilmartin for all uses that a public roadway may be used as authorized by the City, including but not limited to, ingress to and egress from the Authority's training center located at 3400 West Vine Drive in Fort Collins, Colorado and parking vehicles within the Easement; and

3. Any further interference by Mr. Gilmartin with Plaintiffs' rights under the Deed of Easement will constitute trespass and private nuisance.

So ORDERED this _____ day of _____, 2017.

BY THE COURT:

District Court Judge