

District Court, Larimer County, State of Colorado 201 LaPorte Avenue, Suite 100 Fort Collins, CO 80521-2761 (970) 494-3500	DATE FILED: February 7, 2021 9:51 AM CASE NUMBER: 2020CV30833
<p>THE CITY OF FORT COLLINS, COLORADO, a Colorado home rule city and municipal corporation,</p> <p>Plaintiff,</p> <p>v.</p> <p>PLANNING ACTION TO TRANSFORM HUGHES STADIUM SUSTAINABLY CORP., a Colorado nonprofit corporation; and ELENA M. LOPEZ; MELISSA ROSAS; and PAUL PATTERSON, each in their official capacity as a petition representative of the persons signing the petition for a citizen-initiated ordinance relating to the City of Fort Collins rezoning and acquiring certain real property,</p> <p>Defendants.</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <p>Case No.: 2020 CV 30833</p> <p>Courtroom: 3B</p>
<p>ORDER GRANTING IN PART AND DENYING IN PART MOTION TO AMEND FINAL JUDGMENT</p>	

The parties have filed a joint motion to amend the final judgment under Colo. R. Civ. P. 59. The motion covers two items: it seeks (1) amendment of the Order Denying in Part and Granting in Part Motions for Summary Judgment to reflect that plaintiff City of Fort Collins (“City”) didn’t concede that a clause in Section 4 of the Initiated Ordinance was legislative; and (2) revision of the ballot measure to correctly reflect the Court’s rulings in the prior Order and here.

The motion is granted as to item 1. The Order is amended to reflect that the City doesn’t concede that the clause “cease acquisition efforts” in Section 4 of the Initiated Ordinance is legislative. As the City notes, it never has conceded that given its pleadings and arguments. The Court thought that the City was, in fact, conceding that the entirety of Section 4 was legislative, but it should’ve clarified that point with counsel. In any event, since the motion is joint, it’s granted. The

Court again thanks counsel for both parties for their professionalism and presentations during argument.

On item two, the motion is denied to the extent the City seeks amendment of the judgment to reflect that the clause “cease acquisition efforts” is administrative. The Court already ruled—with or without the City’s concession—that all of Section 4 is legislative, including the objectionable clause:

In turn, Section 4 provides that the City can’t de-annex, cease acquisition efforts, or rezone the Hughes Stadium Property without voter approval. As part of a rezoning initiative, Sections 3 and 4 are “general and permanent in character,” involving the promulgation and effectuation of a new land-use policy for the Hughes Stadium Property. And Section 4 of the Initiated Ordinance makes it crystal clear that the rezoning can’t be undone, except by another voter-approved ordinance, further cementing the permanent nature of the policy.

Order at 15–16 (citation omitted); *see also id.* at 16 (“Section 4 prevents the City from de-annexing or ceasing acquisition efforts without voter approval.”).

The motion, however, is granted to the extent the parties request that the ballot measure that’ll be submitted to the electors be amended to correctly reflect the Court’s rulings. It is, therefore, ordered that the City submit the following ballot measure to the electors:

PROPOSED CITIZEN-INITIATED ORDINANCE

Shall the City enact an ordinance requiring the City Council of the City of Fort Collins to immediately rezone upon passage of the ordinance a 164.56-acre parcel of real property formerly home to the Hughes Stadium from the Transition District to the Public Open Lands District, and requiring the City to acquire the property at fair market value to use said property for parks, recreation, and open lands, natural areas, and wildlife rescue and restoration, and further prohibiting the City from de-annexing, ceasing acquisition efforts or subsequently rezoning the property without voter approval of a separate initiative referred to the voters by City Council, and granting

legal standing to any registered elector in the City to seek injunctive and/or declaratory relief in the courts related to City noncompliance with said ordinance.

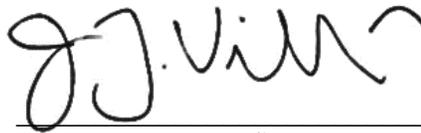
YES/FOR _____

NO/AGAINST _____

The Clerk is directed to enter an amended final judgment.

SO ORDERED this 7th day of February, 2021.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.G. Villaseñor", written over a horizontal line.

JUAN G. VILLASEÑOR
District Court Judge