

ORDINANCE NO. 012, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 23-113 OF THE CODE OF THE CITY
OF FORT COLLINS TO AUTHORIZE THE CITY MANAGER
TO APPROVE SUBLEASES OF CITY PROPERTY

WHEREAS, Section 23-113 of the City Code authorizes the City Council to lease any and all interests in real property owned by the City, and authorizes the City Manager to lease interests in real property owned by the City for a definite term of five years or less; and

WHEREAS, sometimes a tenant leasing property from the City in accordance with an ordinance or resolution approved by the City Council will ask to sublease all or a portion of that property to a subtenant; and

WHEREAS, the City Code does not currently address whether the City Manager may approve a sublease on City property if the City Council did not specifically grant the tenant the right to sublease in the ordinance or resolution approving the lease; and

WHEREAS, City staff is recommending that the City Council amend Section 23-113 of the City Code to state that if the City Council has approved a lease it creates a presumption that the tenant may sublease all or a portion of the property for a term of five years or less, with the approval of the City Manager or whoever the City Manager may designate, such as the Operation Services Director, unless the terms of the tenant's lease restrict, condition or prohibit subleasing; and

WHEREAS, the City Council finds that such an amendment is in the best interests of the City and its citizens.

NOW, THEREFORE, BE IT ORDAINED 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 Section 23-113 of the Code of the City of Fort Collins is hereby amended by the addition of a new subsection (c) to read as follows:

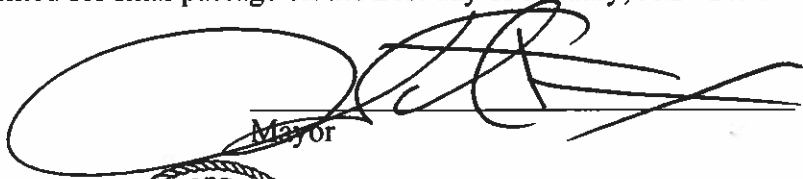
Sec. 23-113. - Leases.

...

(c) A lease approved by the City Council pursuant to this Section or § 23-111 is presumed to include the right of the tenant to sublease all or a portion of the leased property for a definite term of five (5) years or less with the written consent, and in the sole discretion, of the City Manager or

the City Manager's designee, unless the terms of such lease further restrict, condition or prohibit subleasing.

Introduced, considered favorably on first reading, and ordered published this 7th day of January, A.D. 2020, and to be presented for final passage on the 21st day of January, A.D. 2020.



Mayor

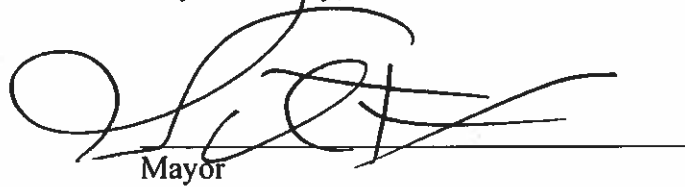
ATTEST:



City Clerk



Passed and adopted on final reading on the 21st day of January, A.D. 2020.



Mayor

ATTEST:



City Clerk

