

ORDINANCE NO. 025, 2021
OF THE COUNCIL OF THE CITY OF FORT COLLINS
VACATING PORTIONS OF GRANT AVENUE ALLEY
RIGHT-OF-WAY

WHEREAS, the City received a dedicated alley right-of-way for the Grant Avenue Alley in 1892 as documented on the West Side Addition Plat, Book1, Page 19 of the Larimer County Clerk and Recorder's records; and

WHEREAS, the current owners of 428 Grant Avenue and 420 Grant Avenue, Fort Collins, Colorado, have approached the City's Development Review Team about various projects that would require vacation of that portion of the Grant Avenue alley right-of-way that runs through their properties, legally described and depicted on Exhibit "A" attached hereto and incorporated by reference ("Alley ROW"); and

WHEREAS, the northwest portion of the Alley ROW is surrounded by Sycamore Street on the North, Grant Avenue to the West, Loomis Avenue to the East, and Cherry Street to the South as shown on Exhibit "B" attached hereto and incorporated by reference; and

WHEREAS, the Alley ROW has never been opened for public access or use and it is currently undeveloped and blocked by fences and well-established landscaping; and

WHEREAS, in accordance with City Code Section 23-115, the City Engineer has solicited comments from potentially affected parties and recommended approval of the vacation to the Planning, Development and Transportation Director (the "Director"), and the Director recommends to City Council that the request for vacation be approved with the reservation of a utility easement over and under that portion of the Alley ROW legally described and depicted on Exhibit "C" attached hereto and incorporated by reference; and

WHEREAS, vacating the Alley ROW will not prejudice or injure the right of the residents of the City of Fort Collins.

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.

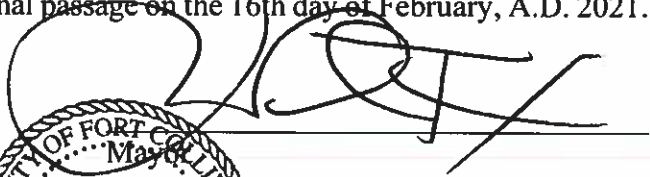
Section 2. That the City Council hereby finds and determines that a portion of the Alley ROW, more particularly described in Exhibit "A" and visually referenced in Exhibit "B" is no longer needed for right-of-way purposes, subject to reservation of an easement for utility purposes over that real property described and depicted on Exhibit "C", and it is in the public interest to vacate said right-of-way.

Section 3. That those portions of the Alley ROW more particularly described and depicted on Exhibit "A" attached hereto are hereby vacated, abated and abolished provided, however, that:

- (1) there is hereby reserved to the City a perpetual easement for utility purposes over, under, and across that portion of the Alley ROW more particularly described and depicted on Exhibit "C"; and
- (2) this vacation shall not take effect until this Ordinance is recorded with the Larimer County Clerk and Recorder.

Section 4. In accordance with City Code Section 23-115(f), title to that portion of the Alley ROW vacated by this ordinance shall vest in accordance with Section 43-2-302, C.R.S.

Introduced, considered favorably on first reading, and ordered published this 2nd day of February, A.D. 2021, and to be presented for final passage on the 16th day of February, A.D. 2021.



ATTEST:


City Clerk

Passed and adopted on final reading on the 16th day of February, A.D. 2021.


Mayor

ATTEST:


City Clerk

