

ORDINANCE NO. 083, 2021
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF A WASTEWATER EASEMENT ON LARIMER
COUNTY LANDFILL PROPERTY TO LARIMER COUNTY

WHEREAS, the City of Fort Collins (the “City”), the City of Loveland (“Loveland”) and Larimer County (the “County”) jointly own the property located in Fort Collins known as the Larimer County Landfill and managed by the County (the “Property”); and

WHEREAS, the City owns a 50% interest in the Property, Loveland owns a 25% interest, and the County owns a 25% interest; and

WHEREAS, the County has requested an easement to install a new wastewater service line to serve the future Larimer County Behavioral Health Facility (the “Facility”), a 58,000 square foot mental health crisis center the County plans to construct on land it owns south of the Property at the northwest corner of Taft Hill Road and Trilby Road in unincorporated Larimer County; and

WHEREAS, the proposed easement is 30 feet wide, approximately 1.022 acres in size and runs in a north-south direction along the eastern edge of the Property, the location of the proposed easement being described more particularly on Exhibit “A”, attached and incorporated herein by this reference (the “Easement”); and

WHEREAS, the City, the County and Loveland are parties to an Intergovernmental Agreement Related to Corrective Measures at the Landfill, dated December 29, 2020, which established a framework for their mutual commitments and responsibilities related to remediation of environmental contamination at and from the Landfill; and

WHEREAS, the parties have negotiated mutually agreeable terms in an Easement agreement to address said environmental conditions, including that construction be conducted in compliance with all federal, state and local environmental permitting requirements, and that the County will be solely responsible for any increased costs of environmental remediation work required by the IGA that result from the County’s construction, operation and existence of the wastewater service line in the Easement; and

WHEREAS, the approximate fair market value of the Easement based on the City’s 50% ownership interest in the Property is approximately \$4,500; and

WHEREAS, City staff is recommending that the City not charge the County for the Easement as the conveyance of the property interest serves a bona fide public purpose under Section 23-114 of the City Code because:

- The use to which the Easement will be put promotes the health, safety and general welfare and benefits a significant segment of the citizens of Fort Collins by assisting in the construction of the Facility, which is intended to make mental health services more accessible and affordable for residents within Larimer County, including residents within the City;

- The Council supports the goal of collaborating within other agencies to address poverty issues and other identified high-priority human service needs, including mental health care, which may make homelessness rare, short-lived and non-recurring;
- The financial support provided by the City through the below-market disposition of the Easement will be leveraged by Loveland also granting the easement for no charge and by the County funding the construction of the Facility;
- The conveyance of the Easement will not result in any direct financial benefit to any private person or entity; and
- Conveying the Easement for less than fair market value will not interfere with current City projects or programs, hinder workload schedules or divert resources needed for primary City functions or responsibilities; and

WHEREAS, although the County is a part owner of the Property, the City's consent to the Easement is necessary for installation of the proposed wastewater service line because the line is not for the benefit of the Landfill but instead is an encumbrance on the City' interest in the Property; and

WHEREAS, Section 23-111(a) of the City Code authorizes the City Council to sell, convey or otherwise dispose of any interest in real property owned by the City, provided that the City Council first finds, by ordinance, that such sale or other disposition is in the best interests of the City.

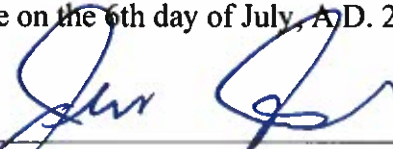
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

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 that the City's conveyance of the Easement to the County as provided herein serves a bona fid public purpose and is in the best interests of the City.

Section 3. That the Mayor is hereby authorized to execute such documents as are necessary to convey the Easement to the County on terms and conditions consistent with this Ordinance, together with such additional terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City, including but not limited to, any necessary changes to the legal description of the Easement, as long as such changes do not materially increase the size or change the character of the interests to be conveyed.

Introduced, considered favorably on first reading, and ordered published this 15th day of June, A.D. 2021, and to be presented for final passage on the 6th day of July, A.D. 2021.



Mayor

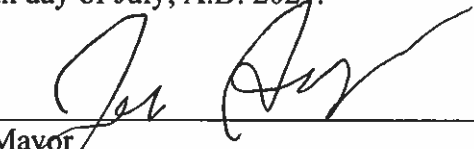
ATTEST:



City Clerk · *Interim*



Passed and adopted on final reading on this 6th day of July, A.D. 2021.



Mayor

ATTEST:



City Clerk · *Interim*



MARTIN/MARTIN, INC., 4251 Kipling, Wheat Ridge, Colorado 80034-4001
Larimer County Behavioral Health
NE4 9 Sewer Easement

No	Bearing	Chord	Radius	M Arc	C Arc	Delta
001	S00-08-43E	1484.660				
002	S89-51-17W	30.000				
003	N00-08-43W	1484.490				
004	N89-32-01E	30.000				

CLOSURE = 0.002 N14-00-51E

PERIMETER = 3029.150 PRECISION = 1: 1000000

AREA = 44537.22 SQ. FEET OR 1.022434 ACRES