

EMERGENCY ORDINANCE NO. 129, 2008
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING DIVISION 2.12 OF THE CITY'S LAND USE CODE
TO ADD A NEW SECTION ESTABLISHING A PROCEDURE
FOR DISCONNECTING PROPERTY FROM THE CITY

WHEREAS, on this same date, the City Council has adopted Emergency Ordinance No. 128, 2008, authorizing the conveyance of a portion of the Arapaho Bend Natural Area (the "Property") to the Fort Collins Capital Leasing Corporation; and

WHEREAS, the City Council has received from the Fort Collins Capital Leasing Corporation an application to disconnect the Property from the City and has received from the City Manager an application to disconnect from the City certain portions of Harmony Road, Strauss Cabin Road and Kechter Road; and

WHEREAS, the City's Land Use Code ("LUC") states, in Section 2.12.1 thereof, that the annexation of lands to the City shall be in accordance with the laws of the state, and establishes certain other regulations relating to annexation; and

WHEREAS, the LUC does not contain a procedure for disconnecting land from the City; and

WHEREAS, state law establishes such a procedure for statutory cities but is silent as to the manner in which disconnections should occur from home rule municipalities such as Fort Collins; and

WHEREAS, the City Council believes that the statutory process for disconnection from statutory cities is fair and reasonable, and that, in order to prevent the Town of Timnath's annexation of a critical gateway to the City that has, for twenty-eight years, been contained in the City's Growth Management Area, and for the various reasons stated in Emergency Ordinance No. 128, 2008, the City Council believes it to be in the best interests of the City and necessary to protect the health, safety and welfare of the residents of the City to immediately amend the provisions of the LUC to establish such procedure for disconnection. and;

WHEREAS, Article II, Section 6 of the Charter of the City authorizes the Council to adopt emergency ordinances, which shall be finally passed on first reading by the affirmative vote of at least five members of the Council and which shall contain a specific statement of the nature of the emergency.

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

Section 1. That Division 2.12 of the City's Land Use is hereby amended by changing the title thereof to read "Annexation and Disconnection of Land" and by adding a new Section 2.12.6 to read in its entirety as follows:

Division 2.12 Annexation and Disconnection of Land

...

2.12.6 Application - enactment - filing.

When the owner of a tract of land within and adjacent to the boundary of the City desires to have said tract disconnected from the City, such owner may apply to the City Council for the enactment of an ordinance disconnecting such tract of land from the City. On receipt of such application, it is the duty of the City Council to give due consideration to such application, and, if the City Council is of the opinion that the best interests of the City will not be prejudiced by the disconnection of such tract, it shall enact an ordinance effecting such disconnection. If such an ordinance is enacted, it shall be immediately effective upon filing with the County Clerk and Recorder to accomplish the disconnection, and two certified copies thereof shall also be filed with the County Clerk and Recorder. The County Clerk and Recorder shall file one certified copy with the Division of Local Government in the Department of Local Affairs, as provided by section 24-32-109, C.R.S., and the other copy shall be filed with the Department of Revenue, as provided by section 31-12-113(2)(a.5), C.R.S.

Section 3. That the City Clerk is hereby directed to cause the publication of this Ordinance in the Fort Collins Coloradoan no later than October 21, 2008.

Introduced, considered favorably by five (5) members of the Council of the City of Fort Collins and finally passed as an emergency ordinance and ordered published this 14th day of October, A.D. 2008.

Mayor

ATTEST:

City Clerk