

EMERGENCY ORDINANCE NO. 130, 2008
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE DISCONNECTION OF PORTIONS
OF THE ARAPAHO BEND NATURAL AREA AND PORTIONS OF HARMONY ROAD,
STRAUSS CABIN ROAD AND KECHTER ROAD

WHEREAS, on this same date, the City Council has adopted Emergency Ordinance No. 128, 2008, authorizing the conveyance of the Arapaho Bend Natural Area (the “Natural Area”) to the Fort Collins Leasing Corporation (the “Corporation”) and has subsequently received from the Corporation an application to disconnect from the City certain portions of the Natural Area, which portions are included in the property description attached hereto as Exhibit “A” [Exhibit “A” is on file in the office of the City Clerk] and incorporated by this reference, and has also received from the City Manager an application to disconnect certain portions of Harmony Road, Strauss Cabin Road and Kechter Road that are also shown on Exhibit “A,”; and

WHEREAS, on this same date, the City Council has also adopted Emergency Ordinance No.129, 2008, amending Divisions 2.12 of the City’s Land Use Code to establish a procedure for disconnecting land from the City; and

WHEREAS, 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 in order to protect the health, safety and welfare of the residents of the City, to immediately grant such applications and to also disconnect from the City those portions of Harmony Road, Strauss Cabin Road and Kechter Road also shown on Exhibit “A;” and

WHEREAS, under Section 2.12.6 of the City’s Land Use Code, when the owner of a tract of land within and adjacent to the boundary of the City desires to have that tract disconnected from the City, the owner may apply to the City Council for the enactment of an ordinance disconnecting the tract of land from the City; and

WHEREAS, on receipt of such an application, it is the duty of the City Council to give due consideration to the 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 the tract, it shall enact an ordinance effecting such disconnection; and

WHEREAS, if such an ordinance is enacted, it shall be immediately effective upon filing the original and two certified copies thereof with the Larimer County Clerk and Recorder to accomplish the disconnection, who 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 with the Department of Revenue, as provided by Section 31-12-113(2)(a.5), C.R.S.; 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 the disconnection from the City of the real property described in Exhibit "A" is in the best interests of the City and will not prejudice such interests.

Section 2. That said property is hereby disconnected.

Section 3. That the City Clerk is hereby directed to forthwith file an original and two certified copies of this Ordinance in the Office of the Larimer County Clerk and Recorder.

Section 4. 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