

ORDINANCE NO. 103, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
VACATING ALLEY RIGHT-OF-WAY IN THE GHENT
SUBDIVISION SUBJECT TO CONDITIONS

A. City Code Section 23-115 provides that the City Council may vacate a City right-of-way upon a finding that the right-of-way being considered for vacation is no longer needed for right-of-way purposes, and that the vacation is in the public's interest.

B. Colorado Revised Statutes ("C.R.S.") Section 43-2-303(1)(a) provides that the City Council may by ordinance vacate a roadway or part thereof located within the corporate limits of the city. C.R.S. Section 43-2-303(3) further provides that upon vacation, rights-of-way may be reserved for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric, telephone, and similar lines and appurtenances.

C. The alley right-of-way proposed to be vacated concerns 16 feet of public right-of-way dedicated by the Ghent subdivision plat and is shown on Exhibit A (the "Vacation Area") and is no longer desirable or necessary to retain for street purposes because it is not being used for vehicular, pedestrian, multi-modal, or utility purposes, aside from the Lumen utility line.

D. The alley runs through a property that is being redeveloped. The redevelopment project is known as SWC Drake College, and the developer has requested the right-of-way vacation to facilitate redevelopment of the property.

E. The redevelopment project will provide private street connections to Drake Road, College Avenue, and Thunderbird Drive. These connections are depicted in the Overall Development Plan for the property approved by the Fort Collins Planning and Zoning Commission on May 15, 2025. The developer is coordinating with Lumen to relocate the existing utility line from the alley right-of-way to a different location, after which the alley right-of-way will serve no public purpose. Once the Lumen utility line has been relocated, the right-of-way vacation will take full effect. The alley right-of-way must be conditionally or fully vacated in order for the City to approve the SWC Drake College redevelopment project.

F. The proposed vacation will not leave any adjoining land without access to an established public road, and the City Engineer and the Planning, Development, and Transportation Director recommend approval of this conditional right-of-way vacation subject to the conditions described herein.

G. Notification has been provided to affected utility agencies, emergency service providers, and adjacent property owners as required.

H. The City Council finds that the vacation of the Vacation Area, subject to the conditions set forth below, is in the best interests of the City and serves a valid public purpose.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council hereby finds and determines that the alley right-of-way proposed to be vacated concerns 16 feet of the alley right-of-way dedicated by the Ghent subdivision plat and shown on Exhibit A, attached hereto and incorporated herein, is no longer needed for alley right-of-way purposes and that it is in the public interest to vacate the Vacation Area, subject to the conditions set forth in Section 3 of this Ordinance.

Section 2. Subject to the fulfillment of the conditions set forth in Section 3 of this Ordinance, 16 feet of the alley right-of-way dedicated by the Ghent subdivision plat and shown on Exhibit A is hereby vacated.

Section 3. The vacation set forth in this Ordinance shall not be effective until the following conditions are satisfied:

- (a) The developer of SWC Drake College shall relocate the existing Lumen utility line from the alley right-of-way to a different location, after which the alley right-of-way will serve no public purpose; and
- (b) After relocating the Lumen utility line from the alley right-of-way, the developer of SWC Drake College shall notify the City of the completion of that relocation so that this Ordinance can be recorded with the Larimer County Clerk and Recorder.

Section 4. Upon the fulfillment of the conditions stated in Section 3 of this Ordinance, the City shall record this Ordinance with the Larimer County Clerk and Recorder, at which point the vacation shall become effective.

Section 5. In accordance with City Code Section 23-115(f), title to the right-of-way vacated by this Ordinance shall vest as provided in C.R.S. Section 43-2-302.

Section 6. Maintenance of the Vacation Area shall be the responsibility of those in whom title vests and shall be undertaken as provided in City Code Section 20-42, Section 24-42, and any other applicable requirements.

Introduced, considered favorably on first reading on June 17, 2025, and approved on second reading for final passage on July 1, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: July 11, 2025

Approving Attorney: Stefanie Boster

Exhibits: Exhibit A – Right-of-Way Legal Description