

ORDINANCE NO. 115, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
VACATING THE CITY'S PROPERTY RIGHTS IN A RAILROAD
EASEMENT AT 3842 REDMAN DRIVE, FORT COLLINS

A. The City's Natural Areas Department manages approximately 60 acres of land along the Cooper Slough near I-25 including 36 acres along Vine Drive and another 24 acres just off Mulberry Street/Highway 14 (the "Parcels"). The Parcels are bifurcated by a 31-acre property owned by Super Vacuum Manufacturing Co., Inc. and Bonfire, LLC (the "Super Vac Property"). As a result of acquiring one of the Parcels, the City acquired a railroad easement on the Super Vac Property, over which the City could build a railroad spur line (the "Easement"). The Easement is shown in Exhibit A, attached hereto and incorporated herein by this reference.

B. Super Vacuum Manufacturing Co., Inc. and Bonfire, LLC seek to expand their facilities on the Super Vac Property, which are used to build emergency ventilation products, particularly for firefighting. To do that, the Super Vac Property must be cleared of conflicting property interests. The Easement conflicts with Super Vacuum Manufacturing Co., Inc.'s and Bonfire, LLC's expansion plans.

C. City staff advise that the Easement is of no benefit to the City. No railroad spur exists on the Easement and the City has no intention of building a railroad spur on the Easement. Further, City staff have estimated the fair market value of the Easement at zero dollars (\$0). In the interest of eliminating unused and unusable property interests held in the name of the City, and to cooperate with Super Vacuum Manufacturing Co., Inc. and Bonfire, LLC, the City is willing to vacate its interest in the Easement without compensation.

D. To eliminate an unusable and unnecessary encumbrance on the Super Vac Property, the City, through this Ordinance, vacates its Easement on the Super Vac Property. The form of the Vacation of Easement Agreement with its terms and conditions is shown on Exhibit B, attached hereto and incorporated herein by this reference. The Super Vac Property is described on Exhibit A to the Vacation of Easement Agreement.

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

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 finds that granting the Vacation of Easement Agreement on the terms and conditions described herein is in the best interests of the City.

Section 2. The City Council hereby authorizes the Mayor to execute the Vacation of Easement Agreement substantially in the form attached hereto as Exhibit B with such modifications or 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 or effectuate the purposes of this Ordinance.

Section 3. The Ordinance shall not be construed now or in the future as constituting City Council approval, support for approval, or waiver of any City regulatory requirement, including any development application process whether in administrative or quasi-judicial review, for any facility expansion referenced herein.

Introduced, considered favorably on first reading on July 1, 2025, and approved on second reading for final passage on July 15, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: July 25, 2025
Approving Attorney: Ted Hewitt

Exhibits: Exhibit A - Easement
Exhibit B – Vacation of Easement Agreement