

ORDINANCE NO. 135, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE ACQUISITION BY EMINENT DOMAIN
PROCEEDINGS OF CERTAIN LANDS NECESSARY TO CONSTRUCT
CORDOVA ROAD – NORTH OF DUFF DRIVE

A. The City's Master Street Plan, adopted November 21, 2023, shows Cordova Road extending northeast from Duff Drive, turning southeast, and eventually connecting to the existing section of International Boulevard. Cordova Road is an existing roadway from the roundabout at Lincoln Avenue to Duff Drive, built by the Capstone Cottage development in 2017. The Master Street Plan (adopted November 21, 2023) shows Cordova Road extending northeast from Duff Drive, turning southeast, and eventually connecting to the existing section of International Boulevard. This extension will provide alternative ingress and egress to several neighborhoods and schools in the area.

B. To complete the construction of Cordova Road north of Duff Drive (the "Project"), the City of Fort Collins will need to acquire a section of the right-of-way necessary to ensure construction of Cordova Road, north of Duff Drive. This real property is described in Exhibit A, which is attached hereto and incorporated herein (the "Property"). The site address of the Property is 1292 East Lincoln Avenue, Parcel No. 8707200015, according to Larimer County records.

C. The Landing at Lemay Project Development Plan directly north of Capstone Cottages, was approved by the Planning and Zoning Commission on September 21, 2023, and depicted the developer's dedication of the Property and construction of Cordova Road from Duff Drive to Link Lane. After the Planning Commission's approval but before entitlement, the developer informed the City that the developer was unable to acquire the Property.

D. In the development agreement for the Landing at Lemay, the developer agreed to provide the City with \$500,000 towards securing the Property identified for the Cordova Road right-of-way. If the City is successful in acquiring the Property while the Landing at Lemay is under construction, the developer will complete the construction of the Project.

E. If the City is not successful in acquiring the Property while the Landing at Lemay is under construction, the developer has made an additional \$226,564 payment-in-lieu (PIL) for construction of the local portion of Cordova Road between Duff Drive and Link Lane associated with the Property. This PIL will be returned to the developer if the Property is acquired within the established timeframe. The City Council appropriated the developer contribution for acquisition of the Property with Ordinance No. 116, 2024, and the developer contribution for the PIL with Ordinance No. 034, 2025.

F. The City has begun good faith negotiations for the acquisition of the Property. City staff has contacted the property owner, CCC-Fort Collins LLC, to inform them of the City's intent to acquire the parcel in question and determine the owner's willingness to sell the parcel. After several conversations with the property owner, the

property owner has requested that the City pursue a condemnation process, as the property owner has been unable to negotiate a release from the lender's interest in the property. Currently, City staff believes the condemnation will be a friendly condemnation (uncontested) and believes that the City and the property owner will be able to come to an agreement on the sale price for the parcel.

G. The acquisition process will be conducted according to federal and state eminent domain requirements, which must be followed for all property interests throughout the entire acquisition process. These requirements ensure property owners are fairly compensated for their property interests. Staff recommends that City Council authorize the use of eminent domain for this acquisition to provide a fair and equitable process that will allow the City to meet Project goals and construction deadlines.

H. This action will not authorize any new funding for the Project. The action will authorize acquisition of the identified parcel by means of eminent domain. The total fund amount projected for this Project is \$726,564 composed of funds appropriated with prior actions. The development contribution PIL is subject to APP program transfers that were completed with prior appropriation.

I. It is necessary for the City to acquire the Property for the purpose of constructing the Project. The acquisition of the Property may, by law, be accomplished through proceedings of eminent domain.

J. The acquisition of the Property and prompt possession of the Property is desirable and necessary for public use for the construction of the Project, is in the City's and public's best interests, and enhances public health, safety, and welfare because it will allow for the construction of needed public infrastructure within 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 and hereby determines that is it necessary in the public interest and for the public health, safety and welfare that the City acquire the Property to be used for the purpose of completing the construction of Cordova Road north of Duff Drive.

Section 2. The City Council hereby authorizes the City Attorney and other appropriate officials of the City to acquire the Property for the City by eminent domain proceedings.

Section 3. The City Council finds that if acquisition by eminent domain of the Property is commenced, immediate possession is necessary for the public's health, safety, and welfare.

Introduced, considered favorably on first reading on August 19, 2025, and approved on second reading for final passage on September 2, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: September 12, 2025

Approving Attorney: Heather N. Jarvis

Exhibit: Exhibit A - Description of Real Property