

ORDINANCE NO. 120, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE TO LARIMER COUNTY OF A
CONSERVATION EASEMENT AND A RIGHT OF FIRST
REFUSAL ON THE ROCKY RIDGE PROPERTY

A. To meet shared land conservation goals, the City and Larimer County (“County”) have been collaborating for more than two decades on funding partnerships to acquire various open space properties and conservation easements.

B. Earlier this year, the City purchased a 484-acre property in the Wellington Community Separator known as the “Rocky Ridge Property”. The Rocky Ridge Property conserves a buffer along two large reservoirs, ensuring habitat and migration corridors for wildlife and fills in gaps in the community separator. It provides open space, scenic views, and a critical buffer for the reservoirs and the surrounding wetlands habitat. And it encompasses a mix of native and domestic grasses and previously tilled fields.

C. The County has agreed to contribute \$1,505,250 towards the \$5,117,600 total cost of acquisition of the Rocky Ridge Property and related costs in exchange for the City’s agreement to convey to the County a conservation easement (the “Conservation Easement”) over the Rocky Ridge Property. The Conservation Easement will ensure that any development on the Rocky Ridge Property is limited in size and area to designated “building envelopes”, and that the property will be managed to protect its conservation values in perpetuity. The City and County have also agreed that as part of the Conservation Easement the City will retain the ability to construct a parking lot, trailhead and related amenities (vault toilets, shade structures, kiosks), along with soft surface trails. The City will also convey a right of first refusal to the County in case the City ever wishes to sell all or a portion of its fee interest in Rocky Ridge Property, in which case the County would be able to purchase the fee interest up for sale at fair market value.

D. Concurrently with this Ordinance, the City Council is considering Resolution 2024-098 authorizing an intergovernmental agreement between the City and the County regarding the conservation of the Rocky Ridge property (the “IGA”).

E. At its June 12, 2024, meeting, the Land Conservation and Stewardship Board voted unanimously to recommend that Council approve the IGA with Larimer County to partner on the purchase of, and conveyance of a conservation easement for, the Rocky Ridge property.

F. City Code Section 23-111(a) authorizes the City Council to sell, convey or otherwise dispose of any interest in real property owned by the City, provided that 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 the City's conveyance of a conservation easement and granting of a right of first refusal on the Rocky Ridge property to Larimer County as provided herein is in the best interests of the City.

Section 2. The City Council authorizes the Mayor to execute such documents as are necessary to convey a conservation easement to the County on terms and conditions consistent with this Ordinance, together with such 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.

Section 3. The City Council authorizes the Mayor to execute such documents in addition to the IGA as may be necessary to grant a right of first refusal to the County on terms and conditions consistent with this Ordinance, together with such 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.

Introduced, considered favorably on first reading on August 20, 2024, and approved on second reading for final passage on September 3, 2024.

Mayor Pro Tem

ATTEST:

City Clerk

Effective Date: September 13, 2024

Approving Attorney: Ted Hewitt