

ORDINANCE NO. 150, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE ADVERTISEMENT AND FUTURE SALE OF THE REAL
PROPERTY LOCATED AT 945 EAST PROSPECT ROAD

A. The City has owned the real property located at 945 East Prospect Road (the “Property”) since 1991. The Property was purchased as part of an intersection improvement project at East Prospect Road and Lemay Avenue, which included plans to construct an eastbound right turn lane on East Prospect Road. The right turn lane was to be constructed as part of the proposed commercial redevelopment of the southwest corner of the intersection. But the redevelopment did not move forward, and the right turn lane was not constructed.

B. Since acquiring the Property, the City has leased the residence located on it and the current tenant is residing on the Property. If the City maintains ownership of the Property, the City’s current or future uses of the Property would require incurring ongoing maintenance costs and liability risk.

C. On February 2, 2023, City Council adopted Ordinance No. 004, 2023, which authorized the sale of the Property to Kum & Go, L.C., an Iowa limited liability company, however that sale was terminated.

D. City staff is recommending the Property be sold on the open market, while retaining the right-of-way for the planned right turn lane, and placing the proceeds from the sale in the Transportation Fund.

E. The City provided adequate notice of lease termination to the tenant effective November 1, 2024.

F. 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.

G. Under Section 23-114 of the City Code, any sale or lease of City property interests must be for an amount equal to or greater than the fair market value of such interests. The Property will be listed at fair market value.

H. The City Council finds that the sale is in the best interests of the City and its citizens in that it will eliminate the City’s ongoing maintenance responsibilities and liability risk, generate fair market sales proceeds that can be used to advance City Council priorities, and allow the Property to be utilized in its highest and best use as determined by the open market.

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 that the sale of 945 East Prospect Road as provided herein is in the best interests of the City.

Section 2. City staff is authorized to advertise the Property for sale and that the Mayor is authorized to execute a deed and such other documents as are necessary to convey the Property to a willing buyer on terms and conditions consistent with this Ordinance, together with such other additional terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary and appropriate to protect the interests of the City or effectuate the purposes of this Ordinance.

Introduced, considered favorably on first reading on October 15, 2024, and approved on second reading for final passage on November 4, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: November 14, 2024
Approving Attorney: Ted Hewitt