

ORDINANCE NO. 140, 2017
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES IN THE TRANSPORTATION CAPITAL
EXPANSION FEE FUND AND AUTHORIZING THE TRANSFER OF APPROPRIATIONS
FROM THE TRANSPORTATION CAPITAL EXPANSION FEE FUND INTO THE CAPITAL
PROJECT FUND FOR THE LEMAY AND VINE INTERSECTION PROJECT, AND
TRANSFERRING APPROPRIATIONS TO THE CULTURAL SERVICES AND FACILITIES
FUND FOR THE ART IN PUBLIC PLACES PROGRAM

WHEREAS, the Lemay Avenue realignment and intersection improvements have been prioritized as the City's #1 Transportation Capital Improvement Project and the proposed improvements will construct a new roadway (realigned Lemay) from Lincoln Avenue to Conifer Street, and a new intersection slightly northeast of the existing Vine Drive and Lemay Avenue intersection (the "Project"); and

WHEREAS, the total cost of the Project is expected to be approximately \$22,000,000; and

WHEREAS, the sum of \$2,000,000 is currently appropriated for the Project in the BFO Offers, \$1,400,000 will be appropriated for the Project in this Ordinance from Prior Year Reserves from the Transportation Capital Expansion Fee (TCEF) and \$8,600,000 is expected to be appropriated for the Project in the future from Prior Year Reserves from the TCEF as such funding becomes available; and

WHEREAS, the Project is designed to address both the impact of new development and growth on the City's transportation system as reflected in the City's Master Street Plan and existing infrastructure challenges and the proposed TCEF funding of represents a reasonable portion of the total anticipated Project cost appropriate to address the impact of new development and growth on the City's transportation system; and

WHEREAS, Staff will continue to identify funding sources to make up the additional \$10,000,000 of the total Project costs as they become available; and

WHEREAS, this Ordinance will appropriate \$1,400,000 of Prior Year Reserves in the TCEF for the Project so that Engineering staff can proceed with right-of-way purchases and partner with the City of Fort Collins Utilities Department to utilize early construction cost savings for certain street extensions, street realigning and other necessary Project costs; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council to appropriate by ordinance at any time during the fiscal year such funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated; and

WHEREAS, City staff have determined that the appropriations as described herein are available and previously unappropriated in the Transportation Capital Expansion Fee Fund; and

WHEREAS, Article V, Section 10 of the City Charter authorizes the City Council to transfer by ordinance any unexpended and unencumbered appropriated amount or portion thereof from one fund or capital project to another fund or capital project, provided that the purpose for which the transferred funds are to be expended remains unchanged; the purpose for which the funds were initially appropriated no longer exists; or the proposed transfer is from a fund or capital project in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance; and

WHEREAS, this project involves construction estimated to cost more than \$250,000, as such, Section 23-304 of the City Code requires one percent of these qualified appropriations to be transferred to the Cultural Services and Facilities Fund for a contribution to the Art in Public Places (APP) program.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That there is hereby appropriated for expenditure from reserves in the Transportation Capital Expansion Fee Fund for transfer to the Capital Projects Fund the sum of ONE MILLION FOUR HUNDRED THOUSAND DOLLARS (\$1,400,000) for the Project and appropriated therein.

Section 3. That the unexpended appropriated amount of TEN THOUSAND NINE HUNDRED TWENTY DOLLARS (\$10,920) in the Capital Projects Fund – Lemay and Vine Intersection Project is authorized for transfer to the Cultural Services and Facilities Fund and appropriated therein for Art in Public Places projects.

Section 4. That the unexpended appropriated amount of THREE THOUSAND EIGHTY DOLLARS (\$3,080) in the Capital Projects Fund – Lemay and Vine Intersection Project is authorized for transfer to the Cultural Services and Facilities Fund and appropriated therein for the Art in Public Places Program Maintenance and Operations.

Introduced, considered favorably on first reading, and ordered published this 7th day of November, A.D. 2017, and to be presented for final passage on the 21st day of November, A.D. 2017.



Mayor

ATTEST:


City Clerk




Passed and adopted on final reading on the 21st day of November, A.D. 2017.



Mayor

ATTEST:



City Clerk

