

ORDINANCE NO. 165, 2017
OF THE COUNCIL OF THE CITY OF FORT COLLINS
CREATING AND ESTABLISHING THE MIDTOWN BUSINESS IMPROVEMENT
DISTRICT, APPOINTING THE INITIAL MEMBERS OF THE BOARD OF DIRECTORS
OF THE DISTRICT, APPROVING THE DISTRICT'S INITIAL OPERATING PLAN AND
BUDGET, AND DESIGNATING THE AREA AS A LOCATION FOR
NEW BUSINESS OR COMMERCIAL DEVELOPMENT

WHEREAS, the City Council (the "Council") of the City of Fort Collins, Colorado (the "City"), has received a petition for the organization (the "Petition") of the Midtown Business Improvement District (the "District") within the City; and

WHEREAS, based upon the Petition and other evidence presented to Council, the Council finds that Petition is in proper form and has been signed in conformity with the Business Improvement District Act, C.R.S. Section 31-25-1201 *et seq.*, as amended (the "Act"); and

WHEREAS, the Council further finds and determines that the signatures on the Petition are genuine, and that the signatures of parties thereon represent the persons who own real or personal property in the service area of the proposed District having a valuation for assessment of not less than fifty percent of the valuation for assessment of all real and personal property in the service area of the proposed District and who own at least fifty percent of the acreage in the proposed District; and

WHEREAS, the Petition sets forth, among other things:

- (a) The name of the proposed District, which is: "Midtown Business Improvement District;"
- (b) A general description of the boundaries and service area of the proposed District which is: the boundaries include parcels fronting South College Avenue from Prospect Road in the north to Harmony Road in the south, as well as those fronting East Foothills Parkway between East Swallow Road and South College Avenue in the City. A map of the proposed District's boundary is also attached to the Petition and in the Petition is a statement that the boundaries of the District include all properties within the service area perimeter which are classified as commercial property as defined in C.R.S. Section 31-25-1203(2) of the Act, all of which is located in the City (the "Service Area");
- (c) A general description of the types of services or improvements or both to be provided by the proposed District;
- (d) The names of three persons to represent the petitioners, who have the power to enter into agreements relating to the organization of the District;
- (e) A request that the Council appoint the initial members of the Board of Directors of the District pursuant to C.R.S. Section 31-25-1209(1)(b);

(f) A request that the Council consider the District's initial operating plan and budget for approval in accordance with Section 31-25-1211, C.R.S.; and

(g) A request that the Council approve the organization of the District; and

WHEREAS, the Council has determined that it appears the allegations of the Petition are true; and

WHEREAS, the Council has determined that the types of services or improvements to be provided by the proposed District are of the type which best satisfy the purposes of the Act; and

WHEREAS, the Petition was filed with a cash deposit in an amount sufficient to cover all municipal expenses associated with these proceedings in case the organization of the proposed District is not effected; and

WHEREAS, the Service Area of the proposed District is entirely within the City; and

WHEREAS, the Service Area of the proposed District is not located within any other existing business improvement district; and

WHEREAS, a map of the boundaries of the Service Area of the proposed District is attached hereto as Exhibit "A", a legal description of the Service Area of the proposed District is attached hereto as Exhibit "B", and said exhibits are incorporated herein by reference.

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 following a duly noticed and held public hearing, as described below, and upon consideration of a recommendation from City staff that an ordinance be enacted creating the District, the Council further finds and determines:

(a) That the proposed District was initiated by a Petition filed in the Office of the City Clerk of the City of Fort Collins, on the 16th day of October 2017, that the Petition was sufficient, that the allegations in the Petition are true, that the Petition is in due and regular form, and the Petition was properly executed;

(b) That the Council has heretofore fixed a place and time for a hearing on the Petition, which hearing was scheduled for Tuesday, November 21, 2017, at 6:00 p.m., in the City Council Chambers, City Hall West, 300 LaPorte Avenue, Fort Collins, Colorado;

(c) That the proponents of the District mailed notice of such hearing to each property owner within the boundaries of the proposed District in accordance with C.R.S. Section 31-25-1206 and as evidenced in the "Certification of Mailing of Public Notice of Hearing on Petition for

the Organization of a Business Improvement District” attached as Exhibit “C” and incorporated by reference;

(d) That a notice of the hearing was also duly published on November 11, 2017, in the *Fort Collins Coloradoan* in accordance with C.R.S. Section 31-25-1206 and as evidenced in the “Affidavit of Publication” attached as Exhibit “D” and incorporated by reference;

(e) That the initial operating plan and budget (the “Budget”) were filed in the Office of the City Clerk of the City of Fort Collins, and that initial operating plan has been revised to read as shown in Exhibit “E” attached hereto and incorporated herein by reference (the “Initial Operating Plan”);

(f) That the Initial Operating Plan, as shown in Exhibit “E”, and the Budget on file with the City Clerk have been reviewed by the Council and are both hereby approved;

(g) That the proposed District is lawful and necessary, should be created and established, and that the proposed District does not include territory that is within any other business improvement district; and

(h) That the Service Area of the proposed District is hereby designated, after notice and public hearing, as a location for new business or commercial development.

Section 3. The District is hereby created, organized, and established for the purposes and shall have the powers set forth in the Act, except as otherwise modified in this Ordinance. All services and improvements provided by the District shall be undertaken in accordance with the Act and the District’s Initial Operating Plan, as the Plan may be amended from time to time with the approval of the Council as provided in C.R.S. 31-25-1211. In addition, any amendments to this Ordinance shall be effective only when approved by the Council.

Section 4. The Service Area of the District is depicted in Exhibit “A” and legally described in Exhibit “B”. The District is located entirely within the City of Fort Collins and a general description of the Service Area is as follows: the boundaries include parcels fronting South College Avenue from Prospect Road in the north to Harmony Road in the south, as well as those fronting East Foothills Parkway between East Swallow Road and South College Avenue in the City. The boundaries of the proposed District shall consist of all “commercial property” now or hereafter located within the Service Area, as that term is defined at C.R.S. Section 31-25-1203(2), but specifically excluding all taxable personal property. The District may provide services and improvements inside and outside of the Service Area as set forth in the District’s Initial Operating Plan, as amended.

Section 5. Inclusion and exclusion of property into or from the District shall be completed as provided in the Act.

Section 6. The District shall be a quasi-municipal corporation and political subdivision of the State of Colorado with all powers and responsibilities thereof. The District shall hereafter have the corporate name specified in the Petition: Midtown Business Improvement District.

Section 7. Pursuant to C.R.S. Section 31-25-1209(1)(b), the Board of Directors of the District (the "Board") shall consist of nine (9) electors of the District, appointed by the Mayor and confirmed by City Council. Each member of the Board shall be an elector of the District, as that term is defined at C.R.S. Section 31-25-1203(4)(a). The initial members of the Board are hereby appointed and confirmed (and shall take office upon qualification):

- (a) Steve Taylor for a term ending December 31, 2019,
- (b) Rayno Seaser for a term ending December 31, 2020,
- (c) Mike Dellenbach for a term ending December 31, 2019,
- (d) David Fritzler for a term ending December 31, 2020,
- (e) Spiro Palmer for a term ending December 31, 2019,
- (f) Luke McFetridge for a term ending December 31, 2020,
- (g) John Gaffney for a term ending December 31, 2019,
- (h) Lauren DeRosa for a term ending December 31, 2020, and
- (i) Carrie Baumgart for a term ending December 31, 2019.

Section 8. In accordance with C.R.S. Section 31-25-1209(1)(b), members of the Board shall serve at the pleasure of the Council. Meetings of the Board shall be subject to the Colorado Open Meetings Law. A majority of the Directors in office constitute a quorum. Officers of the District shall include a Chairperson and President, Vice-President, Secretary, Assistant Secretary and Treasurer. The Directors shall elect the District's officers. Within thirty (30) days after a vacancy occurs or as otherwise provided by law, a successor shall be appointed by the Council by ordinance.

Section 9. Within thirty (30) days of the effective date of this Ordinance, or within thirty (30) days of each subsequent appointment to the Board by the City Council by ordinance, each member of the Board shall appear before an officer authorized to administer oaths and take an oath that he or she will faithfully perform the duties of his or her office as required by law and will support the constitution of the United States, the constitution of the State of Colorado, and laws made pursuant thereto. The Board shall carry out the responsibilities required of such Board by the Act and other applicable law.

Section 10. The Initial Operating Plan and the Budget are hereby approved by the City as the District's 2017 and 2018 operating plan and budget as required by the Act. The Board will formally adopt the District's annual budgets following the effective date of this Ordinance in compliance with the Colorado Local Government Budget Law. Once formally adopted by the Board, a copy of the District's budgets will be provided to the City's Economic Health Office. The budgets for subsequent years shall be incorporated into the District's annual operating plan submitted to the City for review and approval on or before September 30th of each year (commencing with September 30, 2018), as required by C.R.S. Section 31-25-1211. The District is authorized to proceed with elections for any purpose authorized by the Act and the Initial Operating Plan. The District shall have the power to issue debt, subject to the limits and restrictions on the same as set forth in the Initial Operating Plan and electoral approval. The District shall have the power to provide improvements as defined in C.R.S. Section 31-25-1203(5), and services as described in C.R.S. Section 31-25-1212, as limited by the Initial Operating Plan.

Section 11. As provided in the Initial Operating Plan, the initial term of the District shall be for ten (10) years from the effective date of this Ordinance (the "Termination Date"). If the Council does not approve an amendment to the Initial Operating Plan and this Ordinance to extend this initial term, the District's existence shall cease on the Termination Date.

Section 12. The actions of the City Clerk and petitioner in setting and providing public notice of the public hearing on the sufficiency of the Petition and in furtherance hereof are hereby ratified and confirmed.

Introduced, considered favorably on first reading, and ordered published this 21st day of November, 2017, and to be presented for final passage on the 5th day of December, 2017.


Mayor

ATTEST:


City Clerk



Passed and adopted on final reading on the 5th day of December, 2017.

Pro Tem 
Mayor

ATTEST:


City Clerk



EXHIBIT A
Midtown Business Improvement District (BID) Boundary

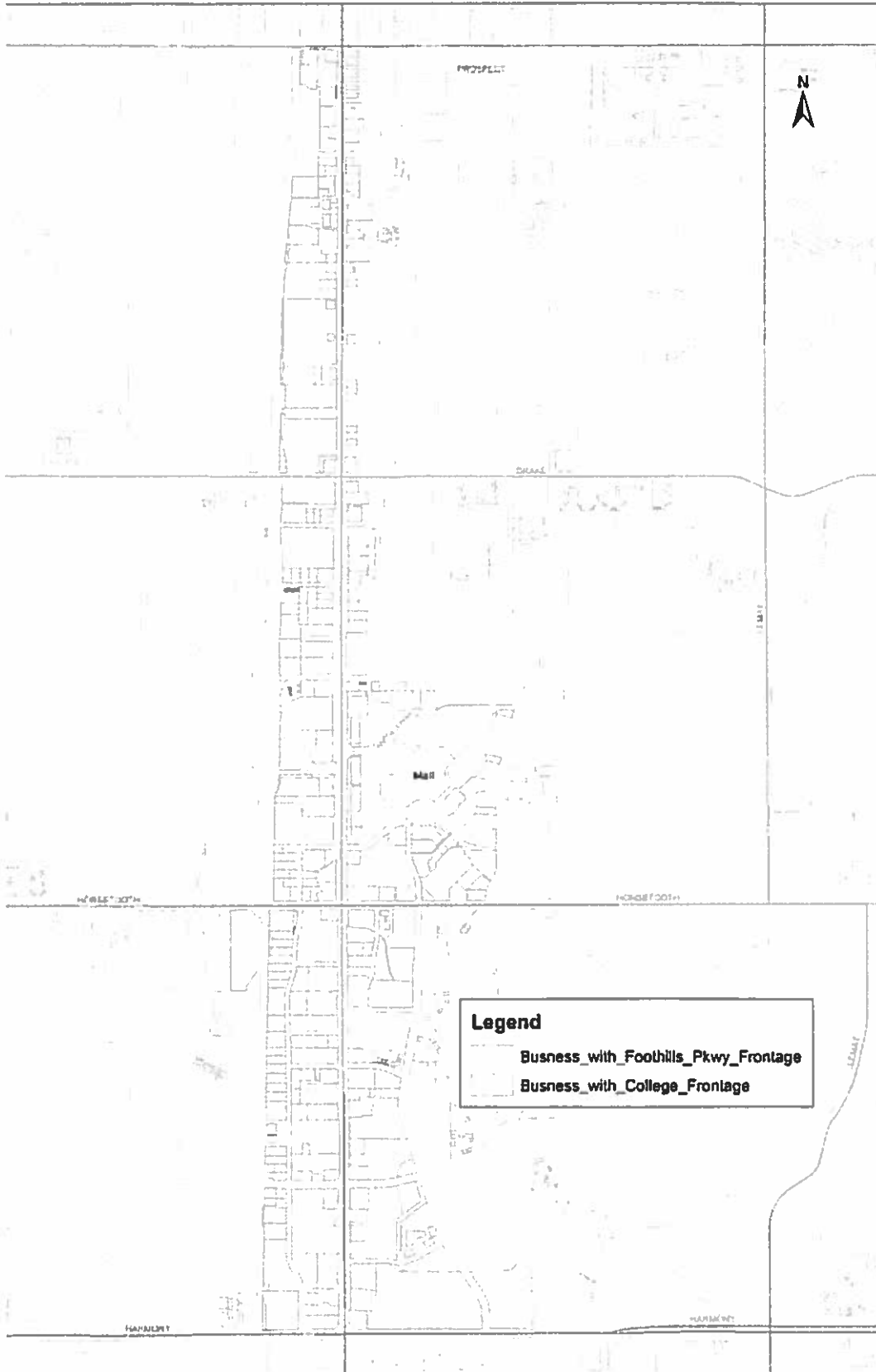


EXHIBIT B

EXHIBIT B
 Midtown Business Improvement District (BID)
 Legal Description of Parcels

972517001	LOT 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
972517002	BEG 20 FT S OF NW COR LOT 14, MAYNARD HWY, ETC. THIS 200 FT. THE PARIA WITH N LN LOT 14, 17S-67 7H3 2 FT. THE PARIA WITH N LN LOT 14, 38 FT. TH N 201 FT. TH W PARIA WITH N LN LOT 14, 113 FT. 1700B L(1) 970M7511
972517003	THE, SOUTHMOOR VILLAGE 5TH, ETC
972517004	ALL BLS 7, THUNDERBOLD EST 9TH, TOG WITH VAC 10 FT RD ADJ BLE ON W, TOG WITH VAC 5.30 FT D(1) CLEAR RD ADJ BLE ON H, ETC
972517005	LOT 2, BLK 1, IMPACT OF PR BLK 1, THUNDERBOLD (S 9TH SUB, TOG WITH VAC N 30 FT D(1) CLEAR RD ADJ LOT 1 ON S, ETC
972517006	UNIT 1, BUTGERS BLDG CONDO, ETC
972517007	UNIT 2, BUTGERS BLDG CONDO, ETC
972517008	UNIT 3, BUTGERS BLDG CONDO, ETC
972517009	UNIT 4, BUTGERS BLDG CONDO, ETC
972517010	UNIT 5, BUTGERS BLDG CONDO, ETC
972517011	UNIT 6, BUTGERS BLDG CONDO, ETC
972517012	UNIT 7, BUTGERS BLDG CONDO, ETC
972517013	UNIT 8, BUTGERS BLDG CONDO, ETC
972517014	UNIT 9, BUTGERS BLDG CONDO, ETC
972517015	LOT 2, BLK 1, HARBORWAY CENTRAL, ETC
972517016	LOT 7, THUNDERBOLD EST 6TH, ETC (MORNING 972527 27 187)
972517017	LOT 8, VILLA PUD, ETC. LESS 201 60008729
972517018	LOT 1 (FOURTH AND PUD PHASE ONE, ETC
972517019	HW 240 FT LOT 2 & W 240 FT OF S 50 FT LOT 1, EX C 65 FT OF N 2 FT, MAYNARD, ETC
972517020	LOT 1, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
972517021	LOT 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
972517022	ALL PORTABLE VALUE LIGHTS, ETC. LESS RD W TO ETC PER 7013064802
972517023	LOT 2, BOURBONNIE, 2ND FL, ETC
972517024	TR A, SHOPPED PUD, ETC
972517025	TR B, OBSERVATORY HHS, ETC. LESS RD PER 95052352, ETC 13 PALMER RETAIL, MINOR SUB, ETC
972517026	LOT 1 & W 38 FT OF LOT 2, FERRY BURE, ETC. LESS RD PER 20650011078
972517027	A PORT OF LOT 2, SPRING CT, ETC. D(1) AS BEG AT PT WITH BLANS 5 08 OF W 37 76 FT FROM NE COR LOT 2, TH 5 08 OF W 105 90 FT, N 54 15 W 23 94 FT, W 20 98 FT, N 01 22 30 W 128 131 FT TO BEG
972517028	LOT 1, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
972517029	LOT 1, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
972517030	LOT 1, MARKET PLACE PUD, ETC
972517031	LOT 1, HARBORWAY 1ST, ETC
972517032	PT LOT 1, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
972517033	PT LOT 1, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
972517034	LOT 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
972517035	LOT 1, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
972517036	LOT 1, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
972517037	LOT 1, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
972517038	TR 2, MARKET PLACE, ETC. AND ALSO PER FROM 972510000 AS FOLLOWS: COM AT SE COR SEC 23 240 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100
972517039	TR 3, MARKET PLACE, ETC. ALSO LOT 2, EXTENSION OF MARKET PLAZA, LESS RD PER 1605-3102. ALSO TR PER 201 60078005 BLS AS COM AT SE COR 23 240 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100
972517040	TR 1, MARKET PLACE, ETC
972517041	LOT 54, OREGON PLAZA 2ND FLOOR, ETC
972517042	LOT 2, MORELAND SUB, ETC
972517043	LOT 1, GREEN, ETC. LESS 960 0071, LESS POR TO CITY PER 201 60057254.
972517044	TR IN NE 1/4 26-749, BEG AT PT WITH BLANS N 89 30 W 118 46 FT, S 0 30 W 30 FT, 348 34 E 69 60 FT, S 0 19 E 757 32 FT FROM NE COR, SD PT FROM HWY LN HWY 1, TH 50 19 E 60 19 E 60 FT ALG SD HWY LN HWY 1, N 89 30 W 382 6 FT, N 0 15 W 60 FT, S 0 30 E 3
972517045	PT LOT 6, SPRING CT, ETC. BEG AT NW COR OF S 0 25 E 51 16 FT TPO, N 89 39 30 E 40 77 FT, N 0 20 30 W 3 3 FT, N 89 39 30 E 09 09 FT TO WALKY NOW LN HWY 297 51 1 20 30 E 57 2 FT, W 90 8 FT, N 0 25 W 51 84 FT MA, TPOB
972517046	PT LOT 6, SPRING CT, ETC. BEG AT NW COR LOT 6, S 0 25 E 51 16 FT, N 89 39 30 E 40 77 FT, N 0 20 30 W 3 3 FT, N 89 39 30 E 09 09 FT TO WALKY NOW HWY 297, N 1 20 30 W 47 33 FT, W 89 1 FT MA, TPOB
972517047	LOT 1, ED CARROLL VOLKSWAGEN AVENUE PUD, ETC
972517048	LOT 8, SPRING CT, ETC. LESS HWY IN 1094 537
972517049	N 89 FT LOT 6, WALKERS, ETC
972517050	LOT 1, BLS 3, THUNDERBOLD 5TH, ETC
972517051	LOT 1, DOWE GARDEN BARRON SUB, ETC
972517052	LOT 4, FORT COLLINS RETAIL CENTER PUD, ETC
972517053	LOT 3, MOUNTRING, ETC. ALG W TR SE 374 26-749 D(1) BEG, BIG PT S LN LOT 3, MOUNTRING SUB N 89 43 08 W 50 FT TO PT W LN US HWY 281, S 0 19 00 W 870 81 FT ALG SD HWY LN, N 89 45 00 W 133 33 FT FROM E 1/4 COR SD SEC 26, TH 50 15 00 W 35 FT, N 89 45 00 W
972517054	TR A, REPAR PT, UNIVERSITY SHOPPING CENTER, ETC
972517055	LOT 5, 4 & N 5 FT OF LOT 5, LESS STATE HWY, BLK 1, MORRIS, ETC
972517056	LOT 2, CHURCH CENTER (201100650) HWY LN PT OF LOT 5, MAYNARD, ETC
972517057	W LN PT OF LOT 5, MAYNARD, ETC
972517058	LOT 1, BANJING CAHNS, ETC (20042093180)
972517059	W 164 FT OF LOT 5 & THE W 18 FT OF LOT 6, THUNDERBOLD EST 6TH, ETC. LESS 20042093180
972517060	LOT 35, SOUTH COLLEGE HHS 1ST, ETC
972517061	LOT 1, GARDENWAY AT HARBORWAY ROAD PUD 1ST, ETC
972517062	LOT 1, HARBORWAY CENTER PUD, CINCINNATI CITY STORE, ETC
972517063	LOT 5, FORT COLLINS RETAIL CENTER PUD, ETC
972517064	LOT 1, FORT COLLINS RETAIL CENTER PUD, ETC

9725767001	LOT 1, BLDG. 1, REPRAT PT OF BLDG. 1 THUNDERBOLT EST 9TH SUB, ETC
9726140001	LOT 2, MARKET PLACE PUD, ETC
9725122010	LOTS 10 AND 11, THUNDERBOLT EST 3TH, ETC. (EAS) 55 FT 50 LOT 11
9726100012	TRAILER 1A 76-76-64 BLDG AT PT ON WALKWAY HWY 287 W/ BEARS N 89 307' W 318 46 FT, S 0 307' W 30 FT, S 48 34' E 69 6 FT, S 0 19' W 1070 66 FT FROM NE COR. S 0 19' W 70 FT ALG SD R/W TO NE COR TR DE C W 1357 33
9724125005	S 45 57' OF LOT 5, ALL LOT 6, N 20 5 FT OF LOT 7, BLDG. 1, MOUNTAIN SUB, ETC. (EAS) 1094-576
9724110112	LOT 12, BLDG. 1, C BRADEN'S ADD, ETC
9724110111	LOT 11, BLDG. 1, C BRADEN'S ADD, ETC
9723413001	PANA, REPRAT PT, UNIVERSITY SHOPPING CENTER, ETC. (EAS) 201 200 12621 (PO CITY OF ETC)
9724130004	TR. B, REPRAT PT, UNIVERSITY SHOPPING CENTER, ETC
9724130004	LOT 44, SOUTH COLLEGE HTS PHD, ETC
9725122004	LOT 4, THUNDERBOLT EST 6TH, ETC
9725130014	LOT 14, FOOTHILLS MALL REDEVELOPMENT SUB, ETC (201 400 28776)
9725130013	LOT 13, FOOTHILLS MALL REDEVELOPMENT SUB, ETC (201 400 28776)
9725130015	LOT 15, FOOTHILLS MALL REDEVELOPMENT SUB, ETC (201 400 28776)
9725130012	LOT 12, FOOTHILLS MALL REDEVELOPMENT SUB, ETC (201 400 28776)
9725131010	TRACT 1, FOOTHILLS MALL REDEVELOPMENT SUB, ETC (201 400 28776)
9725130017	LOT 17, FOOTHILLS MALL REDEVELOPMENT SUB, ETC (201 400 28776)
9725131001	TRACT C, FOOTHILLS MALL REDEVELOPMENT SUB PHD 2, ETC (201 500 29510) (EAS FROM TAX DISTRICT 11002 ON PARCEL 9725131-018)
9725131011	LOT 11, FOOTHILLS MALL REDEVELOPMENT SUB PHD 2, ETC (201 500 29510)
9725131019	LOT 19, FOOTHILLS MALL REDEVELOPMENT SUB PHD 2, ETC (201 500 29510)
9725130009	LOT 9, FOOTHILLS MALL REDEVELOPMENT SUB, ETC (201 400 28776)
9725130016	LOT 16, FOOTHILLS MALL REDEVELOPMENT SUB, ETC (201 400 28776)
9725131018	LOT 18, FOOTHILLS MALL REDEVELOPMENT SUB PHD 2, ETC (201 500 29510)
9725130010	LOT 10, FOOTHILLS MALL REDEVELOPMENT SUB, ETC (201 400 28776)
9725131005	TRACT E, FOOTHILLS MALL REDEVELOPMENT SUB, ETC (201 400 28776)
9726140001	LOT 1, FIRST REPRAT EST CHOICE BANK OF FORT COLLINS, ETC
9726131001	TR. A, TOWNS "A" UNIVERSITY AUTO PUD, ETC
9726131002	LOT 2, HARVARD PHD, ETC
97241216010	LOT 10, BLDG. 1, C BRADEN'S, ETC. (EAS HWY 68, 1090-487
9725100014	TR. IN 76-648 BLDG AT E 1/4 COR. N 89 41' W 50 FT TO W ADJ HWY 287 287 1/2 COLLEGE AVE. N 0 19' E ALG W ROW LN 618 33 FT TPOB. N 0 19' E ALG SD W ROW LN 200 FT, M 89 41' W 370 FT, S 0 19' W 200 FT, S 89 41' W 370 FT, S 0 19' W 200 FT, W 89 41' E 370 FT TPOB.
9725122008	LOT B, THUNDERBOLT EST 6TH, ETC
9724270001	FOUNTAINHEAD PUD PHASE TWO, ETC
9724271001	441 FOUNTAINHEAD PUD PHASE 1A, ETC. (EAS) 89014999 DK. BLDG AT PT W/ BEARS S 89 307' E, S 0 29' 36" E 9714 NE COR SD SUB. TH N 89 307' 24" E 33 FT, S 0 29' 36" E 17 67 FT, N 89 307' 34" E 12 52 FT, M 44 36' 24" E 1 04 FT, TH ALG

STATE OF COLORADO, CITY OF FORT COLLINS

CERTIFICATION OF MAILING OF PUBLIC NOTICE OF HEARING ON PETITION FOR THE ORGANIZATION OF A BUSINESS IMPROVEMENT DISTRICT

IN RE THE ORGANIZATION OF THE MIDTOWN BUSINESS IMPROVEMENT DISTRICT

Pursuant to Section 31-25-1206, C.R.S, the undersigned does hereby certify that on behalf of the City Clerk of the City of Fort Collins, Colorado, that certain PUBLIC NOTICE OF HEARING ON PETITION FOR THE ORGANIZATION OF THE MIDTOWN BUSINESS IMPROVEMENT DISTRICT attached hereto as Exhibit 1 was deposited in the U.S. Mail, first-class, postage pre-paid, on Wednesday, November 8, 2017, to the property owners within the service area and boundaries of the proposed Midtown Business Improvement District at those certain mailing addresses set forth in Exhibit 2. The addresses identified in Exhibit 2 were obtained from the tax records of Larimer County, as required by Section 31-25-1206, C.R.S.

Brielle Geist

Brielle Geist, Paralegal Assistant
Spencer Fane LLP
1700 Lincoln Street, Suite 2000
Denver, CO 80203

STATE OF COLORADO)
) ss.
CITY AND COUNTY OF DENVER)

Subscribed and sworn to before me this Tuesday, 14th of November, 2017, by Brielle Geist.

Witness my hand and official seal.
My commission expires:

Feb. 9, 2018

(S E A L)

Lori A. Garofalo
Notary Public

LORI A. GAROFALO
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19944001467
MY COMMISSION EXPIRES FEBRUARY 9, 2018

EXHIBIT 1

PUBLIC NOTICE OF HEARING ON

PETITION FOR THE ORGANIZATION OF THE MIDTOWN BUSINESS IMPROVEMENT DISTRICT IN THE CITY OF FORT COLLINS, COLORADO, AND CONSIDERATION OF AN ORDINANCE ORGANIZING THE MIDTOWN BUSINESS IMPROVEMENT DISTRICT, PROVIDING FOR THE APPOINTMENT OF THE DIRECTORS THEREOF, AND APPROVING THE INITIAL OPERATING PLAN AND PRELIMINARY 2018 BUDGET THEREFOR

PUBLIC NOTICE IS HEREBY GIVEN that there was filed in the office of the City Clerk of the City of Fort Collins a Petition for the Organization of the Midtown Business Improvement District ("Proposed District") in accordance with the provisions of the Business Improvement District Act, Part 12 of Article 25 of Title 31, C.R.S. Said Petition is pending the hearing on the sufficiency of said Petition and action on an ordinance to organize the Proposed District by the City Council as the governing body of the City of Fort Collins (the "City").

Said Petition states, among other things:

(a) A general description of the boundaries and service area of the Proposed District, which includes parcels fronting South College Avenue from Prospect Road in the north to Harmony Road in the south, as well as those fronting East Foothills Parkway between East Swallow Road and South College Avenue in the City of Fort Collins, County of Larimer, State of Colorado. A full legal description and map of the boundaries of the Proposed District are on file and available for public inspection at the offices of Spencer Fane LLP, 1700 Lincoln Street, Suite 2000, Denver, CO 80203 and at the offices of the Fort Collins City Clerk's Office, 300 LaPorte Ave., Fort Collins, CO 80521.

(b) The Proposed District shall be empowered to provide all or part of the services and improvements allowed under Colorado law for business improvement districts, including "Improvements" as that term is defined in Section 31-25-1203(5), C.R.S., services as described in Section 31-25-1212(1)(f), C.R.S., and other powers granted to such districts under Section 31-25-1212, C.R.S., to the extent set forth in its Operating Plan.

(c) That the initial nine (9) members of the Board of Directors of the Proposed District shall be appointed by the City, as provided in Section 31-25-1209(1)(b), C.R.S.

The Petition is on file at the office of the City Clerk of the City of Fort Collins, and is available for public inspection.

NOTICE IS FURTHER GIVEN that by order of the City Council of the City of Fort Collins, a public hearing on said Petition shall be held at the hour of 6:00 p.m. on November 21, 2017, in the Council Chambers at City Hall West, City of Fort Collins, 300 LaPorte Ave., Fort Collins, CO 80521, at which time and place any interested party may appear and be heard on the sufficiency of the Petition.

NOTICE IS FURTHER GIVEN that the City Council, at the conclusion of said hearing, if it determines that the Petition satisfies the requirements of the Business Improvement District Act, shall consider the adoption of a proposed ordinance creating and establishing the Midtown Business Improvement District, providing for the appointment of Board Members of the District, and approving the initial Operating Plan and preliminary 2018 budget therefor.

The City of Fort Collins will make reasonable accommodations for access to City services,

programs and activities and will make special communication arrangements for persons with disabilities. Please call 221-6515 (V/TDD: Dial 711 for Relay Colorado) for assistance.

By: /s/ Delynn Coldiron, City Clerk
City of Fort Collins, Colorado

EXHIBIT 2

Account #: FTC-1000349304

FORT COLLINS COLORADOAN

Invoice Text

PUBLIC NOTICE OF HEARING ON PETITION FOR THE ORGAN

STATE OF COLORADO)
) ss: AFFIDAVIT OF PUBLICATION
COUNTY OF LARIMER)

I, being duly sworn, deposes and says that said is the legal clerk of the Fort Collins Coloradoan, that the same is a daily newspaper of general circulation and printed and published in the City of Fort Collins, in said county and state; that the notice or advertisement, of which the annexed is a true copy, has been published in said daily newspaper for

1 Day;

that the notice was published in the regular and entire issue of every number of said newspaper during the period and time of publication of said notice, and in the newspaper proper and not in a supplement thereof; that the first publication of said notice was contained in the issue of said newspaper on

Saturday, November 11, 2017

that the last publication thereof was contained in the issue of said newspaper on

Saturday, November 11, 2017

that said Fort Collins Coloradoan has been published continuously and uninterruptedly during the period of at least six months next prior to the first publication of said notice or advertisement above referred to; that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, or any amendments thereof; and that said newspaper is a daily newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

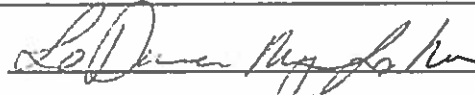


Legal Clerk

Subscribed and sworn to before me, within the County of Larimer, State of Colorado this

Wednesday, November 15, 2017

My Commission expires September 3, 2019



Notary Public

LADDONNA MARY LAMAR
NOTARY PUBLIC - STATE OF COLORADO
My Identification # 20154035099
Expires September 3, 2019

Legal No.0002527424

Delivered to:

**SPENCER FANE BRITT & BROWNE
1700 N LINCOLN ST STE 2000
DENVER, CO 80203**

Affidavit Prepared
Wednesday, November 15, 2017
12:49 pm

PUBLIC NOTICE OF HEARING ON PETITION FOR THE ORGANIZATION OF THE MIDTOWN BUSINESS IMPROVEMENT DISTRICT IN THE CITY OF FORT COLLINS, COLORADO, AND CONSIDERATION OF AN ORDINANCE ORGANIZING THE MIDTOWN BUSINESS IMPROVEMENT DISTRICT, PROVIDING FOR THE APPOINTMENT OF THE DIRECTORS THEREOF, AND APPROVING THE INITIAL OPERATING PLAN AND PRELIMINARY 2018 BUDGET THEREFOR

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City Council as the governing body of the City of Fort Collins (the "City"). Said Petition states, among other things:

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(b) The Proposed District shall be empowered to provide all or part of the services and improvements allowed under Colorado law for business improvement districts, including "improvements" as that term is defined in Section 31-25-1200(3), C.R.S., services as described in Section 31-25-1212(1)(f), C.R.S., and other powers granted to such districts under Section 31-25-1212, C.R.S., to the extent set forth in its Operating Plan.

(c) That the initial nine (9) members of the Board of Directors of the Proposed District shall be appointed by the City, as provided in Section 31-25-1209(1)(b), C.R.S.

The Petition is on file at the office of the City Clerk of the City of Fort Collins, and is available for public inspection.

NOTICE IS FURTHER GIVEN that by order of the City Council of the City of Fort Collins, a public hearing on said Petition shall be held at the hour of 6:00 p.m. on November 21, 2017, in the Council Chambers at City Hall West, City of Fort Collins, 300 LaPorte Ave., Fort Collins, CO 80521, at which time and place any interested party may appear and be heard on the sufficiency of the Petition.

NOTICE IS FURTHER GIVEN that the City Council, at the conclusion of said hearing, if it determines that the Petition satisfies the requirements of the Business Improvement District Act, shall consider the adoption of a proposed ordinance creating and establishing the Midtown Business Improvement District, providing for the appointment of Board Members of the District, and approving the Initial Operating Plan and preliminary 2018 budget therefor.

The City of Fort Collins will make reasonable accommodations for access to City services, programs and activities and will make special communication arrangements for persons with disabilities. Please call 221-4313 (V/TDD: Dial 711 for Relay Colorado) for assistance.
By: /s/ Delynn Calderon, City Clerk
City of Fort Collins, Colorado

2017-024
Coloradoan
November 11, 2017

**Midtown Business Improvement District (BID)
Initial Operating Plan
2017-2018**

BID NAME

The BID shall operate as the Midtown Business Improvement District (BID).

LEGAL AUTHORITY

A BID in Colorado is organized pursuant to the Business Improvement District Act, Section 31-25-1201 et seq., Colorado Revised Statutes. A BID is legally created via the following process:

- Stakeholders acquire petition signatures of commercial property owners representing a majority of the total assessed value and a majority of the total acreage of the proposed BID area.
- The City adopts an ordinance establishing the district, following notice and a public hearing.

ABOUT MIDTOWN

Midtown is a growing, thriving hub in central Fort Collins. The properties adjacent to College Avenue, from approximately Prospect Road south to Harmony Road, as well as the Foothills Mall, make up Midtown. In total, the corridor spans slightly over three miles. Today, Midtown is an active place with a wide range of commercial activities and a limited amount of residential and institutional uses.

Automobile dealerships make up a significant portion of the business mix, while big box retailers dominate the shopping offer. Within the last few years, there has been renewed commitment to and interest in supporting a revitalized Midtown with a focus on a long-term strategy to support the growth of the district, both physically and economically.

THE VISION FOR MIDTOWN

Midtown is on the cusp of big change. With the opening of the new Foothills Mall and significant investment taking place throughout the corridor, stakeholders envision a refreshed future for the district, one that reinvigorates the area with destination retail, higher-density development, commercial opportunities and unique urban living opportunities. A distinctive identity, placemaking, events, activities and people-oriented uses will create a new shopping and entertainment hub in the heart of Fort Collins, providing distinctive options and opportunities for locals and visitors to the community.

THE BID'S ROLE IN MIDTOWN

The development of the Midtown BID provides an opportunity to create a sustainable funding source to leverage public sector investments and provide private sector stakeholders in the area with a stronger platform through which to advocate for – and directly fund – needed improvements as Midtown comes into a new era. The Midtown BID will:

- Create a collective voice to accomplish the goals of the neighborhood, provide leadership for the neighborhood, and champion the vision of Midtown.
- Serve as the activator of the Midtown neighborhood, providing programming, marketing and activities year-round.
- Purposefully improve and advance Midtown and facilitate economic growth and overall increased vitality in Midtown.
- Develop and establish Midtown's character and personality, communicate it succinctly, and bring it to life.
- Create synergistic relationships with the City of Fort Collins to create an accessible and desirable place for locals and visitors.

- Find interesting, active and creative uses for shops, sidewalks and open spaces that can boost the economy, thus diversifying the mix and adding new business opportunities.
- Provide awareness, recognition, promotion and education about Midtown.
- Keep Midtown safe, clean and welcoming.
- Be an administrative umbrella that brings the neighborhood together and maximizes funding opportunities for the future of Midtown.

BID BOUNDARIES

The Midtown BID includes parcels fronting South College Avenue from Drake Road in the north to Boardwalk Drive in the south, as well as those fronting East Foothills Parkway between East Swallow Road and South College Avenue in the City of Fort Collins, County of Larimer, State of Colorado, and illustrated by the boundary attached in **EXHIBIT A**. These boundaries are more particularly described by the attached database of parcels within the BID boundaries and their legal descriptions as **EXHIBIT B**.

BID SERVICES

The specific services that the BID will fund have been developed and prioritized by the business and property owners of Midtown, and include:

- ***Midtown Promotion, Management, and Business Support:*** The BID will be the go-to resource for Midtown, providing leadership and business support, while championing stakeholders' needs to create an environment that's welcoming to the larger community and visitors. Projects to support the stakeholders will include:
 - Dedicated staff that can manage Midtown, advocate for Midtown needs, and focus on leveraging resources and improvements for the area.
 - Promotion of Midtown commercial sector development that supports strategic economic growth and creates a vibrant environment in which Midtown businesses can thrive.
 - Supplementing the BID budget and identifying strategic funding opportunities to leverage and enhance the base assessments collected from year to year.
 - Building partnerships and developing strategies to increase community participation, leadership and coordination, including specifically partnerships with the City of Fort Collins, the Fort Collins Downtown Development Authority, and the Downtown Fort Collins Business Association.
 - Providing business support for Midtown businesses, serving as the "concierge" for all things Midtown and helping businesses succeed by providing them with useful tools and resources, including tracking policies, data, and other useful information.
 - Shaping the retail, restaurant and overall storefront experience in Midtown by developing and implementing a strategy for strengthening the offer on the ground level and enhancing the existing business mix in Midtown.

- ***Midtown Branding, Marketing, and Activation:*** The BID will develop and deliver a unique experience that encourages locals and visitors to explore Midtown and establish a strong identity that is recognizable and highlights the distinctive Midtown offer. Projects will include:
 - Development of an authentic, compelling and clear brand for Midtown that uniquely identifies its offer and potential.
 - Producing targeted marketing and messaging to the community and visitors.
 - Developing year-round programming, events and activities that draw in diverse demographic groups to experience and explore Midtown and give them a reason to stay, explore and spend money in the district.

- Facilitating events that drive traffic into businesses and leveraging partnerships with Midtown stakeholders.
 - Public and community relations in support of growing the Midtown corridor that help promote why Midtown is a destination in its own right.
- **Midtown Placemaking and Maintenance:** The BID will work to activate the public realm in Midtown and develop a clean, safe and friendly environment, offering enhancements and amenities that create a welcoming destination and support larger-scale infrastructure projects proposed for the area. Projects will include:
 - Creation of a unique Midtown ambiance and sense of place that is safe, accessible, walkable and easy to park.
 - Development of a unifying aesthetic for Midtown's public spaces and right of way through the addition of public realm amenities throughout Midtown, including more benches, bike racks, public art and trash/recycling cans.
 - Investments in unique Midtown wayfinding signage and gateways that create a sense of place and help guests explore the area whether by car, by bicycle, or on foot.
 - Adding color and vibrancy to the district by funding banners, holiday lighting and public art.
 - Sidewalk cleaning and power washing, litter and weed cleanup and graffiti removal as well as snow removal at intersections and critical public access areas.
 - Greening, including planting and maintaining flowers, pocket parks and other green spaces.
 - Working with City of Fort Collins to complement existing projects and maintenance efforts and to establish new synergistic opportunities.

BID ASSESSMENT METHOD AND BUDGET

The BID will utilize an assessment method that is based upon linear frontage of a property on College Avenue and Foothills Parkway within the BID boundary. **The initial assessment will be \$10 per linear foot, annually.** Only commercially-assessed properties will be included. The BID will raise approximately \$170,000 in its first year of operations.

Additionally, the BID will have the ability to raise the assessment annually not to exceed the Consumer Price Index for all Urban Consumers (CPI-U) for the Denver-Boulder-Greeley, Colorado metropolitan area. This decision will be at the discretion of the BID board.

In the first year of BID operations, it is proposed that the BID would invest resources to undertake the following five key projects:

1. Develop the Midtown brand and identity
2. Establish a Midtown-branded wayfinding and signage program, including installing gateways into the Midtown area
3. Hire full-time staff to work specifically for Midtown, serving as a liaison to stakeholders and an advocate to the City of Fort Collins on matters critical to Midtown's future
4. Develop and implement a program of year-round events to be produced in partnership with local stakeholders
5. Design and implement placemaking enhancements, including holiday lighting, public art, banners and flowers

Bringing in revenue and contributions in addition to the BID assessment will increase impact and help the organization to best leverage investments into Midtown. To that end, the BID will work to procure supporting funding from the City of Fort Collins as well as grants, donations, sponsorships,

memberships, fee-for-service projects, crowdsourcing and partnerships on top of the BID special assessment. The BID Board, with City approval, would determine the annual operating budget each year of BID operations, based upon the priorities set out in this plan.

Properties adjacent to, but not within the BID boundaries, may elect to participate in the BID. Upon request, the BID would provide technical assistance to help. To do so, the owners of such properties would be required to file a written petition with the City of Fort Collins, requesting that their property be included in the BID. The petition shall be accompanied by a deposit of money sufficient to pay all costs of the inclusion or exclusion proceedings. Public notice will be given, a public hearing will be held and an ordinance may be adopted by Fort Collins City Council. The determination of assessment for properties joining the BID which do not have frontage on either College Avenue or Foothills Parkway shall be assessed the same frontage rate as the rest of the BID for their particular frontage on the street they are located.

BID BONDING

As allowed by law, the BID may issue bonds or other multiple-year financial obligations *only if the BID is authorized to do so by its operating plan, budget and its voters in a future election.* The election must comply with all applicable state requirements, including the TABOR Amendment, and would limit the amount of debt that may be issued to no more than the amount that is approved by the BID voters.

BID GOVERNANCE

The BID statute allows for a board of 5 to 11 members who are BID electors. The Midtown BID board will initially consist of *nine* appointed members from the Midtown BID area. The Midtown BID recommends that City Council appoint the following initial board members:

Board Member	Affiliation	Rationale for Inclusion on Board
Steve Taylor	Hot Corner Concepts	Long standing Fort Collins business owner and resident who has participated in the Old Town DDA and will help represent the restaurant users along the corridor
Rayno Seaser	The Egg & I	Long standing Fort Collins business owner and resident who has participated and will also help represent the restaurant users along the corridor
Mike Dellenbach	Dellenbach Chevrolet	Long standing Fort Collins business owner and resident who will help represent the car dealers along the corridor
David Fritzler	BBVA Compass	Well established and respected member of the business community who will help represent the financial

		institutions along the corridor
Spiro Palmer	Palmer Properties	Long standing Fort Collins business owner and resident who will help represent the shopping centers and general businesses along the corridor
Luke McFetridge	NewMark Merrill Mountain States	President of the SFCBA leading the efforts to form the BID and will remain on the Board to see the vision through
John Gaffney	Foothills Mall	GM of Foothills Mall, representing a catalyst project in Midtown and demonstrating the Mall's commitment to the BID by serving on the board
Lauren DeRosa	Wild Birds	Long standing resident and business owner in Fort Collins and will help represent the business lessees
Carrie Baumgart	Markley Motors	Chief Operating Officer of Markley Motors representing the car dealers in the district

The terms of office shall be staggered to encourage continuity in BID governance. The maximum length of a term is three (3) years and the consecutive term limit shall be two (2) terms. After a member has fulfilled two consecutive terms, that person may not be a member of the Midtown BID governing body for three (3) years before being reappointed.

BID MANAGEMENT STRUCTURE

The Midtown BID expects to work with the South Fort Collins Business Association (SFCBA) to deliver its services and hire staff. The SFCBA is a 501(c)(6) organization that supports the development of Midtown Fort Collins.

BID TERM

BIDs in Colorado may be perpetual. However, the Midtown BID will have an initial ten-year term. This will allow for property and business owners to evaluate the BID's effectiveness at the end of the term. If the BID is deemed successful, the BID Board will request that the City Council renew the BID by ordinance after the initial period. If the BID is not considered to be successful, it will sunset at the end of the initial term.

CITY SERVICES

BID services will be designed to supplement existing City services and will be in addition to City services that are currently provided in Midtown. BID services will not replace any existing City services.

The Midtown BID will provide a number of benefits to the City of Fort Collins, including:

- A collective leader and champion for the vision of Midtown, and clear partner with which the City can work
- Help the City of Fort Collins advance its key strategic objectives
- Clear economic benefits, including but not limited to:
 - Increased sales revenue through the activation, marketing and promotion of Midtown creating more visitors and more spending in the area
 - Development of Midtown as an entertainment and shopping hub
 - Interesting, active and creative uses for shops, sidewalks and open spaces
- Opportunity to further demonstrate the commitment to Midtown outlined in the City's Midtown Plan
- Create a second activity center in Fort Collins and a "place" beyond downtown in Fort Collins for visitors and locals
- Beautification of the City through a refreshed and invigorated area

ANNUAL REVIEW

The BID Act requires the BID to file an annual operating plan and budget with the City on or before September 30 of each year. The City will review and approve the operating plan and budget as provided by law.

DISSOLUTION

Under Colorado law, the BID may be dissolved following a public hearing if property owners representing at least 50% of acreage within the BID and at least 50% of total assessed value within the BID submit petitions for dissolution to City Council. City Council also retains discretion to initiate dissolution proceedings if the BID fails to submit an operating plan and budget for two successive years.

COMPLIANCE WITH APPLICABLE LAWS

The BID is a quasi-municipal corporation and political subdivision of the State of Colorado. Accordingly, in addition to the specific requirements of the BID Act and this operating plan, the BID shall comply with all applicable state laws including but not limited to the Colorado Open Meetings Law (Sec. 24-6-401, et seq., C.R.S.), the Local Government Budget Law of Colorado (Sec. 29-1-101, et seq., C.R.S.), the Colorado Local Government Audit Law (Sec. 29-1-601, et seq., C.R.S.), the Colorado Open Records Act (Sec. 24-72-201, et seq., C.R.S.), and the Colorado Fair Campaign Practices Act (Sec. 1-45-101, et seq., C.R.S.).

PUBLIC IMPROVEMENTS

The BID Act authorizes business improvement districts to acquire, construct, finance, install, and operate "improvements," which are defined in the BID Act to mean "public improvements" (Sec. 31-25-1203(5), C.R.S.), but only to the extent such improvements are authorized in an approved operating plan. In conformance with the BID Act, the BID shall only acquire, construct, finance, install, and operate those improvements authorized in this operating plan and any such authorized improvements shall be available and open to the public in a non-discriminatory manner.

SECURITY SERVICES

The BID may not provide security services as permitted by the BID Act in 2017 or 2018 or in the future without the City Council authorizing such services in an amendment of this operating plan or in a future operating plan approved by Council.

EXHIBIT A
Midtown Business Improvement District (BID) Boundary

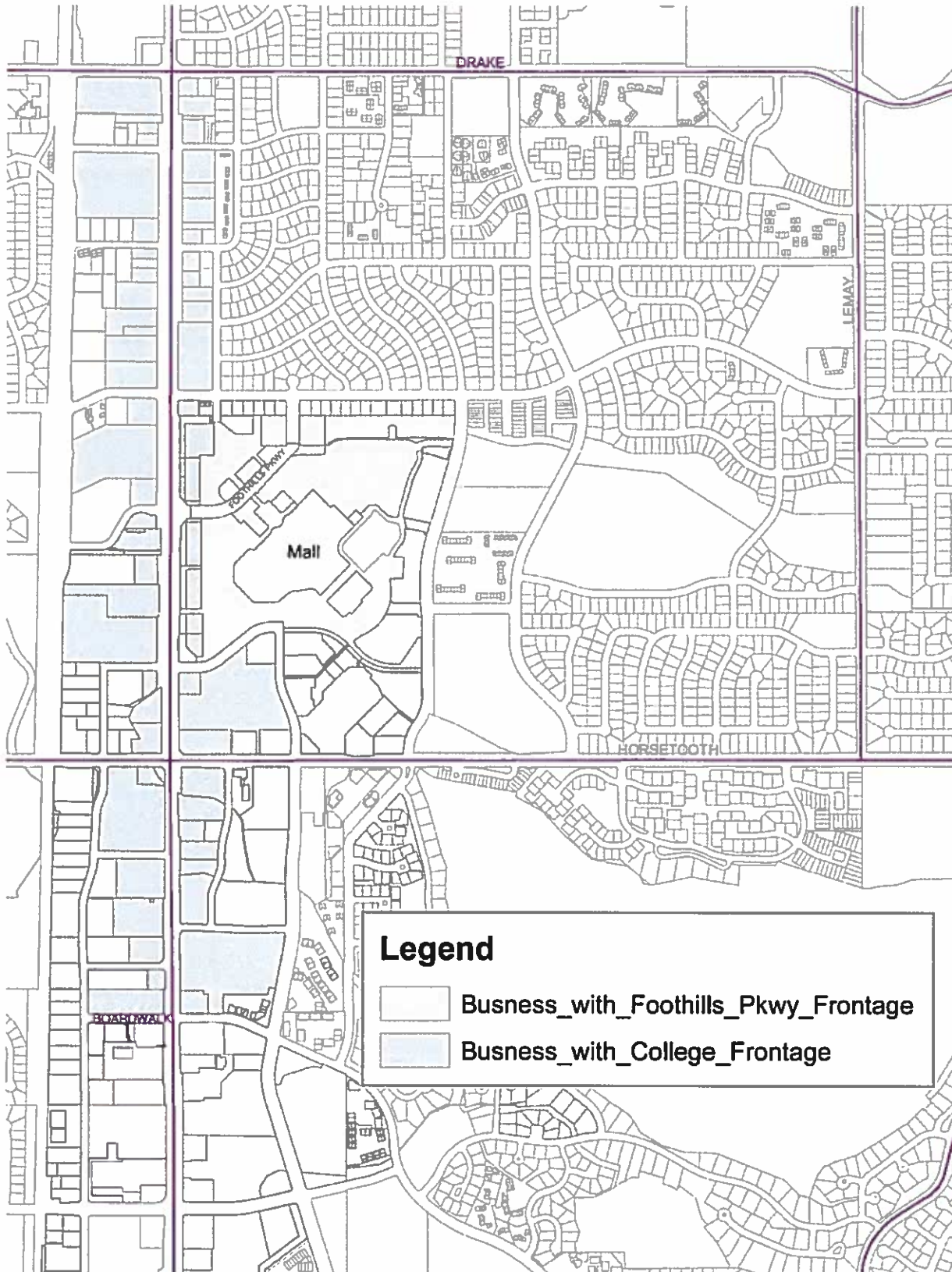


EXHIBIT B
Midtown Business Improvement District (BID)
Legal Description of Parcels

PARCEL NUMBER	LEGAL DESCRIPTION
9779.0001D	TR K, SOUTHWOOD VILLAGE 5TH, FIC
9779.24.0001	ALL BLK 2, THUNDERBIRD EST 9TH, TOG WITH VAC 30 FT RD ADJ SD BLK ON W, TOG WITH VAC 5 30 FT DEL CLAIR RD ADJ SD BLK ON N, FIC
9779.26.0003	LOT 3, BLK 1, REPLAT OF PT BLK 1, THUNDERBIRD EST 9TH SUB, TOG WITH VAC N 30 FT DEL CLAIR RD ADJ SD LOT ON S, FIC
9779.22.0007	LOT 7, THUNDERBIRD EST 6TH, FIC [COMBINE 97252 22 102]
9779.64.95.001	LOT B, VILLA PUD, FIC, LESS 20140008729
9779.64.13.002	ALL POUDDRE VALLEY MOTORS, FIC, LESS ROW TO FIC PER 20130064802
9779.64.13.002	LOT 2, MOURNING SUB, 2ND FIC, FIC
9779.64.13.001	TR A, SHOPKO PUD, FIC
9779.64.13.002	TR 2, OBSERVATORY HTS, FIC, LESS RD PER 950627252, LESS PALMER RETAIL MINOR SUB, FIC
9779.64.13.001	LOT 1 & W 30 FT OF LOT 2, FEENEY SUB, FIC, LESS RD PER 200560011076
9779.64.13.002	LOT 1, LESS N 82 FT, & LOT 2, WALTERS, FIC
9779.64.13.001	LOT 1, HARVARD 1ST, FIC
9779.64.13.002	PT LOT 1, STRACHAN SUB, 2ND, FIC, BEG N 89 45' 30" E 111.8 FT, TH N 0 27' 15" W 31.62 FT, TH N 45 34' 15" W 44.78 FT, TH N 0 24' 45" W 155.52 FT, TH N 0 24' 30" E 401.28 FT, TH S 0 14' 30" E 187 FT, TH S 0
9779.64.13.001	LOT 1, & 2, & E 30 FT OF LOT 3, REPLAT OF SWALLOW, FIC
9779.64.13.002	LOT 3, CREGER PLAZA 2ND REPLAT, FIC
9779.64.13.001	LOT 2, MORELAND SUB, FIC
9779.64.13.002	LOT 3, GHENT, FIC, LESS 96030371, LESS POR TO CITY PER 20150057258
9779.64.13.001	TR IN ME 1/4 26-7-69, BEG AT PT WH BEARS N 89 30' W 118.46 FT, S 0 30' W 30 FT, S 44 34' E 69.60 FT, S 0 19' E 25' 12 FT FROM NE COR, SD PT LY ON WRLY N/W LN HWY 3, TH S 0 19' E 60 FT ALG SD WRLY N/W LN, N 89 30' W 362.4 FT, N 0 19' W 60 FT, S 0 30' E 3
9779.64.13.002	N 82 FT OF LOT 1, WALTERS, FIC
9779.64.13.001	LOT 1, BLK 1, THUNDERBIRD EST 9TH, FIC
9779.64.13.002	LOT 1, OLIVE GARDEN MINOR SUB, FIC
9779.64.13.001	LOT 3, MOURNING, FIC, ALG W TR SE 1/4 26-7-69 DESC, BEG PT S LN LOT 3, MOURNING SUB N 89 43' 00" W 50 FT TO PT W LN US HWY 287, S 0 19' 00" W 870.81 FT ALG SD W LN, N 89 45' 00" W 183.33 FT FRM E 1/4 COR SD SEC 26, TH S 0 15' 00" W 35 FT, N 89 45' 00" W
9779.64.13.002	W 388 FT OF LOT 5, & THE W 18 FT OF LOT 6, THUNDERBIRD EST 6TH, FIC, LESS 20040063975
9779.64.13.001	TR A & B, SOUTH COLLEGE COMMERCIAL, FIC AND ALSO ROW VACATED BY 20110028779
9779.64.13.002	S 55 FT OF LOT 11, THUNDERBIRD EST 7TH, FIC
9779.64.13.001	LOT 2, BLK 1 REPLAT PT OF BLK 1 THUNDERBIRD EST 9TH SUB, FIC
9779.64.13.002	LOT 3, 4, 5, 8, 9, 10, 27, 28, 29 & S 26 FT OF LOT 2, & 78 S 36 91 FT LOT 30 & PT VAC WASON ST, FIC, DESC AS BEG SW COR LOT 27, N 0 54' E 345.96 FT, N 89 55' E 341.14 FT, S 89 54' E 385 FT, S 0 51' E 334.95 FT, TH ALG ARC 15 FT RAD CUR R, 73.61 F
9779.64.13.001	LOT 1, LOT 6, PT LOTS 7, 2ND 32, PT VAC S WASON ST, HIGH ST, AND S COLLEGE FRONTAGE RD, SOUTH MESA SUB FIC DESC, BEG AT SW COR SD LOT 32, TH N 89 55' 00" E 338.24 FT, TH S 00 05' 00" E 169.11 FT, TH S 89 54' 00" E 395.74 FT, TH N 09 57' 30" E 27.91 FT
9779.64.13.002	LOT 11 & 9 FT OF LOT 12, S MESA, FIC
9779.64.13.001	LOT 2, FOOTHILLS MALL REDEVELOPMENT SUB, FIC [20140028776]
9779.64.13.002	LOT 1, MORELAND SUB, FIC
9779.64.13.001	COMM AT NE COR OF LOT 1, BLK 1, REPLAT OF LOTS 1, 2, 3 & 4, CREGER PLAZA SUB, TH S 45 04' 34" E 42.14 FT, TH S 00 01' 26" W 601.79 FT, TH ALG TH ARC OF A CURVE TO R, RAD 15 FT, C/A 90 27' 55", L/C BEARS S 45 27' 54" W 21.28, A DIST OF 23.68 FT, TH N 89 3
9779.64.13.002	COMM AT NE COR OF LOT 1, BLK 1, REPLAT OF LOTS 1, 2, 3 & 4, CREGER PLAZA SUB, TH N 89 43' 14" W 63.38 FT TP OB, TH S 27 27' 45" E 70.37 FT, TH S 40 53' 13" E 83.72 FT, TH S 00 00' 00" E 17.16 FT, TH N 90 00' 00" W 63.49 FT, TH N 00 00' 00" E 9.70 FT, TH N
9779.64.13.001	LOT 2, MATTERHORN PUD, FIC
9779.64.13.002	TRACT A, PASTOR SUB, FIC
9779.64.13.001	LOT 1, THUNDERBIRD EST 6TH, FIC, LESS 97024358
9779.64.13.002	ALL NATIONAL, FIC
9779.64.13.001	LOT 1, RICHIE'S EXPRESS CARWASH SUBDIVISION, FIC [20010631512], LESS 20140013073
9779.64.13.002	LOT 1, TR C, 1ST REPLAT SHOPKO PUD, FIC
9779.64.13.001	LOT 1B, LESS N 10 FT, REPLAT OF LOT 1, HARVARD SUB, 2ND, FIC
9779.64.13.002	LOT 1A & N 10 FT LOT 1B, REPLAT OF LOT 1, HARVARD SUB, 2ND, FIC
9779.64.13.001	E 135 FT OF LOT 5, RED PLAZA SOUTH SUBDIVISION, PUD, FIC
9779.64.13.002	LOTS 2 & 4, FEENEY SUB, FIC
9779.64.13.001	PT LOT 14, THUNDERBIRD EST 7TH, FIC, ALSO PT THUNDERBIRD EST 9TH, FIC, DESC AS BEG AT PT WH BEARS S 0' 45" E 1379.56 FT, E 95 FT FROM NW COR 25-7-69, E 120 FT, S 150 FT, W 135 FT, N 0' 45" W 135 FT, TH ALG ARC 15 FT RAD CUR R, 23.57 FT, L/C W 44 53' 38"
9779.64.13.002	PT OF LOT 1, STRACHAN SUB 2ND, FIC, DESC: BEG AT A PT ON N LN OF E HORSETOOTH RD WH BEARS N 89 45' 30" E 111.80 FT & N 00 27' 15" W 31.62 FT & N 45 34' 15" W 26.14 FT & N 89 45' 30" E 368.97 FT FROM SW COR OF 25-7-69, TH N 00 14' 30" W 187 FT
9779.64.13.001	LOTS 10 AND 11, THUNDERBIRD EST 7TH, FIC, LESS S 55 FT SD LOT 11
9779.64.13.002	TR IN ME 1/4 26-7-69 BEG AT PT ON WRLY N/W LN HWY 287 WH BEARS N 89 30' W 118.46 FT, S 0 30' W 30 FT, S 44 34' E 69.6 FT, S 0 19' W 757.1 FT, S 10 59' 30" E 102 FT, S 0 19' W 1020.66 FT FROM NE COR, S 0 19' W 70 FT ALG SD N/W TO NE COR TR DESC IN 1337.33
9779.64.13.001	LOT 4, THUNDERBIRD EST 6TH, FIC
9779.64.13.002	LOT 14, FOOTHILLS MALL REDEVELOPMENT SUB, FIC [20140028776]
9779.64.13.001	LOT 13, FOOTHILLS MALL REDEVELOPMENT SUB, FIC [20140028776]
9779.64.13.002	LOT 15, FOOTHILLS MALL REDEVELOPMENT SUB, FIC [20140028776]
9779.64.13.001	LOT 17, FOOTHILLS MALL REDEVELOPMENT SUB, FIC [20140028776]

9726331010	TRACT J, Foothills Mall Redevelopment Sub. FIC [20140028776]
9726330017	LOT 17, Foothills Mall Redevelopment Sub. FIC [20140028776]
9726330003	TRACT C, Foothills Mall Redevelopment Sub Fil No 2, FIC [20150020510]; LESS POR IN TAX DISTRICT 11002 ON PARCELS 9725333-01B
9726330011	LOT 11, Foothills Mall Redevelopment Sub Fil No 2, FIC [20150020510]
9726330019	LOT 19, Foothills Mall Redevelopment Sub Fil No 2, FIC [20150020510]
9726330009	LOT 9, Foothills Mall Redevelopment Sub. FIC [20140028776]
9726330016	LOT 16, Foothills Mall Redevelopment Sub. FIC [20140028776]
9726330018	LOT 18, Foothills Mall Redevelopment Sub Fil No 2, FIC [20150020510]
9726330010	LOT 10, Foothills Mall Redevelopment Sub. FIC [20140028776]
9726330001	LOT 1, FIRST REPLAT, 1ST CHOICE BANK OF FORT COLLINS, FIC
9726330003	TR A, TOYS "R" US, WESTERN AUTO PUID, FIC
9726330002	LOT 2, HARVARD 2ND, FIC
9726330034	TR IN 26-7-69, BEG AT E 1/4 COR, N 89 43' W 50 FT TO W ROW HWY 287 IS COLLEGE AVE, N 0 19' E ALG SD W ROW LN 818.33 FT TPOB, N 0 19' E ALG SD W ROW LN 200 FT, N 89 43' W 370 FT, S D 19' W 200 FT, S 89 43' W 370 FT, S D 19' W 200 FT, W 89 43' E 370 FT TPOB,
9726330008	LOT 8, THUNDERBIRD EST 6TH, FIC
9726330001	LOT 3, Foothills Mall Redevelopment Sub. FIC [20140028776]
9726332001	LOT 1, STRACHAN SUB, 5TH FL, FIC