

ORDINANCE NO. 039, 2018
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE LEASE OF CITY-OWNED PROPERTY AT
211 SOUTH BRYAN AVENUE TO THE FORT COLLINS BASEBALL CLUB, INC.

WHEREAS, the City of Fort Collins is the owner of the property located west of the intersection of West Oak Street and South Bryan Avenue, commonly known as the City Park Ballfields (the "Property"); and

WHEREAS, located on the Property is a building identified as 211 South Bryan Avenue, Fort Collins, Colorado, 80524 (the "Premises"); and

WHEREAS, since 1983, the City has been leasing the Premises to the Fort Collins Baseball Club, Inc. (formerly the Youth Baseball Association), a local non-profit corporation ("FCBC"); and

WHEREAS, FCBC's most recent lease has expired, and FCBC desires to continue leasing the Premises for up to twenty-five years, beginning with a ten-year term and followed by three five-year extensions at the City's option; and

WHEREAS, rent for the Premises would be \$25 per year, in recognition of the community benefits derived from FCBC's recreational and competitive baseball programming; and

WHEREAS, FCBC would pay for all utilities, building maintenance, communication services, trash services, janitorial services and taxes related to the Premises; and

WHEREAS, City staff believes it is in the best interests of the community to continue leasing the Premises to FCBC; and

WHEREAS, under Section 23-113(b) of the City Code, the City Council may lease any and all interests in real property owned in the name of the City if the City Council first finds that the lease is in the best interests of the City; and

WHEREAS, if the proposed term of the lease exceeds twenty years, the lease must be approved by the City Council by ordinance; and

WHEREAS, 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 interest unless the City Council determines that such sale or lease serves a bona fide public purpose, based on the five factors listed in Section 23-114; and

WHEREAS, leasing the Premises to FCBC for less than fair market value serves a bona fide public purpose because:

- (1) The use to which the property will be put promotes health, safety or general welfare and benefits a significant segment of the citizens of Fort Collins by providing recreational and competitive baseball programming that promotes community engagement and health;
- (2) The proposed lease supports Goals 6 and 8 of the Fort Collins Parks and Recreation Policy Plan because it is a collaborative effort to attract more residents and visitors to use and participate in Park and Recreation services and facilities, and it helps create a seamless and cohesive customer service delivery system;
- (3) The financial support provided by the City through the below-market lease of the Premises will be leveraged with other funding and assistance received by FCBC;
- (4) The lease will not result in any direct financial benefit to any private person or entity, except to the extent such benefit is only an incidental consequence and is not substantial relative to the public purpose being served; and
- (5) Leasing the property for less than fair market rent will not interfere with current City projects or work programs, hinder workload schedules or divert resources needed for primary City functions or responsibilities.

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 the City Council hereby finds that leasing the Premises located at 211 South Bryan Avenue under the terms listed above is in the best interests of the City.

Section 3. That the City Council further finds that such lease for less than fair market value serves a bona fide public purpose for the reasons stated in the recitals above.

Section 4. That the City Manager is hereby authorized to execute a lease agreement for the Premises on terms and conditions consistent with this Ordinance, together with such additional terms and conditions as the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to protect the interests of the City, including any necessary changes to the legal description of the Premises, as long as such changes do not materially increase the size or change the character of the Premises leased.

Introduced, considered favorably on first reading, and ordered published this 6th day of March, A.D. 2018, and to be presented for final passage on the 20th day of March, A.D. 2018.



Mayor


ATTEST:



City Clerk



Passed and adopted on final reading on the 20th day of March, A.D. 2018.



Mayor Pro Tem

ATTEST:



City Clerk

