

RESOLUTION 2014-051
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL
AGREEMENT WITH THE DOWNTOWN DEVELOPMENT AUTHORITY TO TRANSFER
FUNDING TO THE WILLOW STREET IMPROVEMENTS PROJECT

WHEREAS, the Willow Street Improvements Project (the "Project") is located in the Downtown River District (the "District"), which encompasses an area bordered by Jefferson Street and North College Avenue to the west, Lincoln Street to the southeast, and the Poudre River to the northeast; and

WHEREAS, the District is located in the heart of the origins of Fort Collins and serves as a link to Old Town and the Poudre River for various housing, retail and mixed-use development; and

WHEREAS, the City has entered into partnership relationships with the Downtown Development Authority (the "DDA") and the Colorado Department of Transportation ("CDOT") and others to establish a set of comprehensive improvements within the District for the purpose of creating a welcoming and visually pleasing area which is ready to receive infill development; and

WHEREAS, the City and the DDA have established a prioritization plan which recommends that the Willow Street improvements between North College Avenue and Linden Street should be identified as a high priority; and

WHEREAS, the Project has been designed to be sensitive to the Poudre River and to be consistent with the Downtown River District Streetscape Improvements Project and the Fort Collins Downtown River District Preliminary Plan set as well as the Linden Street Improvements Project; and

WHEREAS, the Linden Streetscape Improvements Project has recently been completed and has project savings in the sum of \$187,565 in funds of the DDA; and

WHEREAS, the City has received obligation payments from developers in the adjacent area in the sum of \$57,435, for a total amount of \$245,000; and

WHEREAS, the City Council has determined that it is in the best interests of the City that the Mayor execute an intergovernmental agreement with the DDA to transfer funding in the amount of \$245,000 to the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the Mayor is hereby authorized to execute an intergovernmental agreement with the Downtown Development Authority for the purpose of transferring funds in the amount of \$245,000, \$187,565 of which is composed of project savings of the DDA and \$57,435 of which is composed of development obligation funds of the DDA, for the purpose of

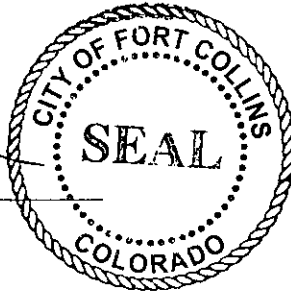
providing additional funding for the Willow Streets Improvements Project. The Intergovernmental Agreement shall be in substantially the form attached hereto as Exhibit "A", subject to such minor modifications as the City Manager, in consultation with the City Attorney, may determine to be necessary and appropriate to protect the interests of the City or to effectuate the purposes of this Resolution.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 1st day of July, A.D. 2014.

Karen Weithorn
Mayor

ATTEST:

Wanda Nelson
City Clerk



**INTERGOVERNMENTAL AGREEMENT REGARDING THE GRANT OF
FUNDS FOR THE WILLOW STREET IMPROVEMENT PROJECT**

This INTERGOVERNMENTAL AGREEMENT ("IGA") is made and executed on the date set forth below by and between the CITY OF FORT COLLINS, COLORADO, a Colorado municipal corporation (the "City") and THE FORT COLLINS, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY, a body corporate and politic (the "DDA").

WITNESSETH:

WHEREAS, pursuant to C.R.S. §31-25-808(g), the DDA is empowered to make contributions, grants, and loans to the City which will further the statutory mission of the DDA;

WHEREAS, the City has released a request for proposals, R.F.P. # 7618 (the "RFP"), regarding the preparation of final engineering and streetscape design plans for the Willow Street improvement project;

WHEREAS, on November 14, 2013, the Board of Directors of the DDA authorized the grant of Two Hundred Forty-Five Thousand Dollars (\$245,000) to the City, to assist the City with its payment obligations under the contract that arises out of the RFP;

WHEREAS, in 2009, pursuant to an IGA between the City and the DDA, the DDA granted to the City the sum of Five Hundred Thousand Dollars (\$500,000.00) for use in connection with the Linden Street Improvement Project (the "Linden Street Grant");

WHEREAS, in 2011, pursuant to an IGA between the City and the DDA, the DDA granted to the City the sum of Five Hundred Thousand Dollars (\$500,000.00) for use in connection with the Linden/Willow Street Intersection Streetscape Improvement Project (the "Linden Intersection Grant");

WHEREAS, subsequent to the Linden Street Grant and the Linden Intersection Grant, the City received obligation payments from developers of adjacent property which resulted in savings to the DDA on its Linden Intersection Grant of Fifty-Seven Thousand Four Hundred Thirty-Five Dollars (\$57,435.00) (the "Linden Intersection Savings");

WHEREAS, the City is currently retaining the Linden Intersection Savings on behalf of the DDA, and the DDA intends for the Linden Intersection Savings to be redirected to the Willow Street improvement project, as part of the DDA's \$245,000 grant for such project;

WHEREAS, Willow Street is located within the boundaries of the DDA and the Willow Street Project is consistent with the statutory goals and purposes of the DDA as set forth in C.R.S. §31-25-801, et seq., and the DDA's adopted plan of development;

WHEREAS, the Willow Street improvement project will further the mission of the DDA by increasing safety, improving traffic flow, and creating a more visually appealing and

attractive pedestrian environment along Willow Street; and

WHEREAS, by Resolution 2014-_____, the City Council of the City authorized the Mayor to execute this IGA.

NOW, THEREFORE, in consideration of the mutual promises and other valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

1. Contribution. The DDA shall grant to the City the sum of Two Hundred Forty-Five Thousand Dollars (\$245,000) under, and subject to, the following terms and conditions:

a. The City shall not be eligible to receive any funds pursuant to this IGA until it has selected a contractor to perform the services requested in the RFP (the "Contractor") and has entered into a contract for the same (the "Contract"). Upon execution of the Contract by the City and the Contractor, the DDA authorizes the release to the City of the Linden Intersection Savings and agrees to promptly pay to the City the sum of One Hundred Eighty-Seven Thousand Five Hundred Sixty-Five Dollars (\$187,565.00) (all such funds referred to hereinafter collectively as the "Grant Funds");

d. The Grant Funds shall be expended by the City solely for (i) payments to the Contractor for its performance of the Contract; and (ii) to cover costs incurred by the City which are directly related to the Contract, including, but not limited to, materials, printing, and document and/or data production or reproduction;

e. Any Grant Funds not expended by the City for the above-stated purposes by December 31, 2015, shall be promptly returned to the DDA;

f. In the event the Grant Funds have not been released to the City by December 31, 2014, the release of such funds after such date shall be expressly conditional upon the reappropriation of such funds by the Board of Directors of the DDA and the City Council of the City, in their sole discretion; and

g. The maximum amount payable pursuant to this IGA shall be \$245,000.00, consisting of the redirected Linden Intersection Savings and \$187,565.00 as a lump-sum payment from the DDA to the City.

2. Accounting. Upon written request of the DDA, the City shall provide to the DDA documentation sufficient for the DDA to determine that the Grant Funds were expended by the City in a manner consistent with this IGA.

3. Governing Law. This IGA shall be governed by, and its terms construed under, the laws of the State of Colorado.

4. Notice. All notices to be given to parties hereunder shall be in writing and shall

be sent by certified mail to the addresses specified below:

DDA: Downtown Development Authority
Attn: Executive Director
19 Old Town Square, Suite 230
Fort Collins, CO 80524

With a copy to: Liley, Rogers & Martell, LLC
Attn: Lucia A. Liley, Esq.
300 South Howes Street
Fort Collins, CO 80521

CITY: City of Fort Collins
Attn: Director of Infrastructure Services
215 N. Mason Street
Fort Collins, CO 80521

With a copy to: City of Fort Collins
Attn: City Attorney
300 LaPorte Avenue
Fort Collins, CO 80521

IN WITNESS WHEREOF, the parties have executed this IGA the day and year of the last signature below written.

CITY OF FORT COLLINS, COLORADO,
a Colorado municipal corporation

By: _____
Karen Weitkumat, Mayor

Date: _____

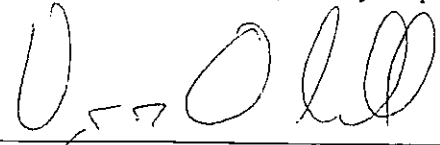
ATTEST:

Wanda Nelson, City Clerk

APPROVED AS TO FORM:

W. Paul Eckman, Deputy City Attorney

THE FORT COLLINS DOWNTOWN
DEVELOPMENT AUTHORITY, a body corporate
and politic

By: 
Wynne Odell, Chairperson

Date: 6/12/14

ATTEST:

By: 
Janet Bramhall, Secretary