

RESOLUTION 2018-037
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING ADDENDUMS TO EXTEND THE TERMS OF THE
INTERGOVERNMENTAL AGREEMENTS BETWEEN THE CITY AND
POUDRE SCHOOL DISTRICT AND THE CITY AND THOMPSON SCHOOL
DISTRICT PERTAINING TO THE LAND DEDICATION AND IN-LIEU
FEE REQUIREMENTS CONTAINED IN SUCH AGREEMENTS

WHEREAS, effective April 21, 1998, the City entered into an intergovernmental agreement with the Poudre School District ("PSD"), which agreement provides for the dedication of land by developers in the City to PSD for the construction of new schools needed to offset the impacts of their development or, in the alternative, for the payment of a fee in-lieu of such dedication, which agreement has been amended by the City and PSD as authorized in City Council Resolution 1998-073, Resolution 1999-044, Ordinance No. 079, 2001, Ordinance No. 150, 2006, Ordinance No. 059, 2011 and Ordinance No. 080, 2013 (the "PSD Agreement"); and

WHEREAS, also effective April 21, 1998, the City entered into a similar intergovernmental agreement with the Thompson School District ("TSD"), which agreement has been amended by the City and TSD as authorized in City Council Resolution 1998-074, Resolution 1999-044 and Ordinance No. 079, 2001 and Ordinance No. 150, 2006 (the "TSD Agreement"); and

WHEREAS, PSD and TSD are jointly referred to herein as the "Districts" and the PSD Agreement and TSD Agreement are jointly referred to herein as the "School Agreements"; and

WHEREAS, the requirements imposed on developers pursuant to the School Agreements have been implemented in Article III of City Code Chapter 7.5; and

WHEREAS, pursuant to Section 9 in the School Agreements, these Agreements terminate on April 21, 2018; and

WHEREAS, City staff is in the process of working with the Districts to update and renew the School Agreements, but this process cannot be completed before this termination date, therefore staff is recommending that the term of the School Agreements be extended through December 31, 2018; and

WHEREAS, attached as Exhibit "A" and incorporated herein by this reference, is an "Addendum Between City of Fort Collins and Poudre School District for Extension of Term" extending the term of the PSD Agreement through December 31, 2018 (the "PSD Addendum"); and

WHEREAS, attached as Exhibit "B" and incorporated herein by this reference, is an "Addendum Between City of Fort Collins and Thompson School District for Extension of Term" extending the term of the TSD Agreement through December 31, 2018 (the "TSD Addendum"); and

WHEREAS, the Council hereby finds and determines that entering into the PSD and TSD Addendums to extend the terms of the School Agreements through December 31, 2018, is in the best interest of the City and necessary for the public's health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED 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 Mayor is hereby authorized to execute the PSD Addendum in substantially the form attached hereto as Exhibit "A," subject to such minor modifications as the Mayor, 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.

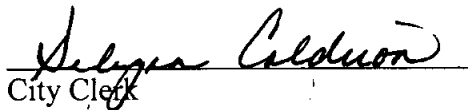
Section 3. That the Mayor is hereby authorized to execute the TSD Addendum in substantially the form attached hereto as Exhibit "B," subject to such minor modifications as the Mayor, in consultation with the City Attorney, may determine to be necessary and appropriate to protect the interests of the 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 17th day of April, A.D. 2018.

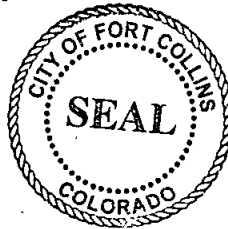


Mayor

ATTEST:



City Clerk



ADDENDUM BETWEEN CITY OF FORT COLLINS AND Poudre SCHOOL DISTRICT
FOR EXTENSION OF TERM

This "Addendum between City of Fort Collins and Poudre School District for Extension of Term" (this "Addendum") is made this _____ day of April, 2018, by and between Poudre School District R-1, a political subdivision of the State of Colorado ("School District"), and the City of Fort Collins, a home rule city of the State of Colorado ("City"), to extend the term of that certain "Intergovernmental Agreement Concerning Land Dedications or Payments in Lieu for School Purposes" with the effective date of April 21, 1998, and as subsequently amended by the School District and the City (the "Agreement").

NOW, THEREFORE, in consideration of their mutual promises and undertakings as herein set forth, the receipt and sufficiency of which are hereby mutually acknowledged, the School District and the City agree as follows:

1. That Section 9 of the Agreement is hereby amended by adding thereto the following sentence:

Notwithstanding the foregoing, the term of this Agreement shall be extended through December 31, 2018.

2. That except for the above addition to Section 9 as provided in this Addendum, the Agreement, including the most recent Exhibits "A" and "B" (attached hereto for convenient reference), shall remain unchanged and in full force and effect. Without limiting the generality of the foregoing, it is expressly agreed that the City shall continue to collect and distribute in-lieu funds in accordance with the Agreement through the term thereof as hereby extended.

POUDRE SCHOOL DISTRICT R-1

By _____
President, Board of Education

ATTEST:

By _____
Secretary, Board of Education

CITY OF FORT COLLINS, COLORADO
A Municipal Corporation and Home Rule City

By _____
Mayor

ATTEST:

By _____
City Clerk

ADDENDUM BETWEEN CITY OF FORT COLLINS AND THOMPSON SCHOOL
DISTRICT FOR EXTENSION OF TERM

This "Addendum between City of Fort Collins and Thompson District for Extension of Term" (this "Addendum") is made this _____ day of April, 2018, by and between Thompson School District, a political subdivision of the State of Colorado ("School District"), and the City of Fort Collins, a home rule city of the State of Colorado ("City"), to extend the term of that certain "Intergovernmental Agreement Concerning Land Dedications or Payments in Lieu for School Purposes" with the effective date of April 21, 1998, and as subsequently amended by the School District and the City (the "Agreement").

NOW, THEREFORE, in consideration of their mutual promises and undertakings as herein set forth, the receipt and sufficiency of which are hereby mutually acknowledged, the School District and the City agree as follows:

1. That Section 9 of the Agreement is hereby amended by adding thereto the following sentence:

Notwithstanding the foregoing, the term of this Agreement shall be extended through December 31, 2018.

2. That except for the above addition to Section 9 as provided in this Addendum, the Agreement, including the most recent Exhibits "A" and "B" (attached hereto for convenient reference), shall remain unchanged and in full force and effect. Without limiting the generality of the foregoing, it is expressly agreed that the City shall continue to collect and distribute in-lieu funds in accordance with the Agreement through the term thereof as hereby extended.

THOMPSON SCHOOL DISTRICT R-1

By _____
President, Board of Education

ATTEST:

By _____
Secretary, Board of Education

CITY OF FORT COLLINS, COLORADO
A Municipal Corporation and Home Rule City

By _____
Mayor

ATTEST:

By _____
City Clerk