

RESOLUTION 97-76
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL
AGREEMENT WITH THE DOWNTOWN DEVELOPMENT AUTHORITY
REGARDING THE ACQUISITION OF PARKLAND

WHEREAS, the City and the Downtown Development Authority (“DDA”) each have an interest in the purchase of 1.872 acres of property (the “Property”) which has been proposed for sale to the City as an addition to Lee Martinez Park and for related uses, which Property is more particularly described on Exhibit “A”, attached hereto and incorporated herein; and

WHEREAS, the City and the DDA desire to enter into an Intergovernmental Agreement (“IGA”) in order to document the responsibilities of each party with respect to the funding of said property purchase; and

WHEREAS, pursuant to C.R.S. §31-25-808, the DDA has the authority to make conveyances, grants and contributions to the City and the authority to enter into contracts with the City; and

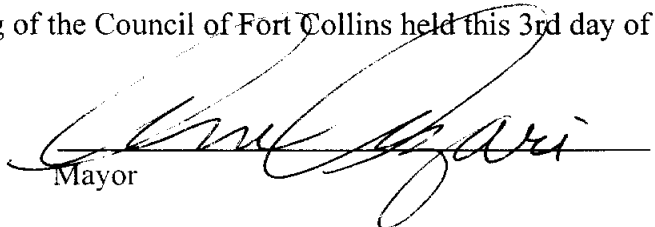
WHEREAS, the Board of Directors of the DDA, at a duly-convened meeting, determined that this Intergovernmental Agreement is consistent with the goals and purposes of the DDA and thereupon approved the terms of the IGA and authorized the Chair of the DDA to execute it; and

WHEREAS, Article II, Section 16 of the City Charter provides that the Council may enter into agreements with other governmental bodies for the performance of cooperative or joint activities; and

WHEREAS, the Council of the City of Fort Collins has determined that it is in the best interest of the citizens of Fort Collins to enter into the IGA.

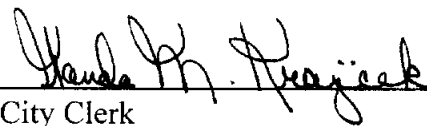
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS, that the Mayor be, and hereby is, authorized to execute the IGA, on behalf of the City, in substantially the form attached hereto as Exhibit “B” and incorporated herein by this reference, subject to such minor revisions as the City Manager and City Attorney may deem necessary and advisable to effectuate the purposes of this Resolution.

Passed and adopted at a regular meeting of the Council of Fort Collins held this 3rd day of June, A.D. 1997.



Mayor

ATTEST:



City Clerk

EXHIBIT A

A tract of land being a portion of Block 24, City of Fort Collins, located in the Northeast Quarter of Section 11, Township 7 North, Range 69 West of the 6th Principal Meridian, being more particularly described as follows:

Considering the East line of the Northeast Quarter of said Section 11 as bearing South 00°06'14" West, from a Brass Cap at the Northeast corner of said Section 11 to a Brass Cap at the East Quarter corner of said Section 11 and with all bearings contained herein relative thereto:

Commencing at the Northeast corner of said Section 11; thence along said East line, South 00°06'14" West, 1107.06 feet; thence North 89°53'46" West, 60.00 feet to a point on the West line of College Avenue; thence along said West line South 00°06'14" West, 26.69 feet to the POINT OF BEGINNING; thence continuing along said West line, South 00°06'14" West, 147.53 feet; thence departing said West line, North 47°37'05" West, 26.70 feet; thence North 81°28'37" West, 30.00 feet; thence South 86°31'23" West 30.00 feet; thence, North 87°22'14" West, 34.74 feet; thence South 56°42'00" West, 102.00 feet; thence South 00°06'14" East 2.10 feet to a point on a non-tangent curve concave to the Southeast having a central angle of 13°40'57", a radius of 521.44 feet and the long chord of which bears South 49°51'32", West 124.23 feet; thence along the arc of said curve 124.52 feet to a point on a non-tangent line; thence along said non-tangent line South 00°06'14" West, 9.82 feet to the North line of Cherry Street; thence along said North line, North 90°00'00" West, 233.00 feet; thence, North 00°00'00" West, 212.04 feet thence, South 68°34'19" East, 97.79 feet; thence South 88°03'22" East, 236.46 feet; thence, North 00°06'14" East, 132.07 feet; thence South 89°53'46" East, 110.88 feet; thence South 00°00'00" East 87.86 feet; thence, North 55°35'31" East 107.97 feet to the Point of Beginning.

EXHIBIT B

INTERGOVERNMENTAL AGREEMENT

THIS INTERGOVERNMENTAL AGREEMENT is made and entered into this _____ day of _____, 1997, by and between the Downtown Development Authority, a body corporate and politic established pursuant to Title 31, Article 26, Part 8 of the 1973 Colorado Revised Statutes, as amended, having its principal offices at One West Art Center, 201 South College Avenue, Fort Collins, Colorado 80524 (the "DDA"), and the City of Fort Collins, Colorado, a municipal corporation, having its principal offices at 300 LaPorte Avenue, Fort Collins, Colorado 80521 (the "City").

WITNESSETH:

WHEREAS, Wonderland Park Development Company ("Wonderland") has submitted an application for the Lee Martinez Planned Unit Development (the "P.U.D.") to the City for the development of approximately 11 acres of property adjacent to the City's Lee Martinez Park; and

WHEREAS, the P.U.D. will allow a "mixed use development" generally consisting of 60 new units of multi-family housing, 12,000 square feet of retail/commercial space and 2.1 acres of property (the "Property") which will be sold to the City as an addition to Lee Martinez Park and for related uses, which Property is more particularly shown on the attached site plan for the P.U.D. attached hereto and incorporated herein by reference as Exhibit "A"; and

WHEREAS, pursuant to C.R.S. §31-25-808, the DDA has the authority to make conveyances, grants and contributions to the City and the authority to enter into contracts with the City; and

WHEREAS, in accordance with the legislative purposes of downtown development authorities as set forth in C.R.S. §31-25-801, the DDA has a substantial interest in the development and redevelopment and renovation of property within its boundaries for the public use of the inhabitants of the City; and

WHEREAS, in exchange for certain commitments from the City regarding the use of funds advanced by the DDA, the DDA desires to contribute the sum of Thirty-five Thousand Dollars (\$35,000) to aid the City in the purchase of the Property on the terms and conditions hereinafter described; and

WHEREAS, the Board of Directors of the DDA, at a duly-convened meeting, determined that this Intergovernmental Agreement is consistent with the goals and purposes of the DDA and thereupon approved the terms of this Intergovernmental Agreement and authorized the Chair of the DDA to execute it.

NOW, THEREFORE, by and in consideration of the above premises and the within terms and conditions, the parties hereto agree as follows:

1. **DDA Contribution to the City.**

The DDA agrees to pay the sum of Thirty-five Thousand Dollars (\$35,000) to the City upon the closing of the purchase by Wonderland of the Property and all related property needed by Wonderland in connection with the P.U.D.

2. **Notices.**

All notices which may be given to parties hereunder shall be in writing and shall be sent to the parties at the addresses specified below:

DDA: The Fort Collins, Colorado Downtown Development Authority
 One West Art Center
 201 South College Avenue
 Fort Collins, CO 80524

CITY: Ron Mills, Right-of-Way Agent
 City of Fort Collins
 P.O. Box 580
 Fort Collins, CO 80522-0580

or to any change of address given in writing by one party to the other.

3. **Appropriation.**

In the event that payment as required herein is not made by December 31, 1997, the payment obligation of the DDA shall thereafter be expressly subject to an annual appropriation by the City and the DDA for such purpose.

4. **Binding Effect.**

This Intergovernmental Agreement shall inure to the benefit of, and be binding upon, the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties have executed this Intergovernmental Agreement as of the date written above.

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

By: _____
Stephen Slezak, Chair

CITY OF FORT COLLINS, COLORADO, a
municipal corporation

By: _____
Ann Azari, Mayor

APPROVED AS TO FORM:

Assistant City Attorney

ATTEST:

Wanda Krajicek, City Clerk

EXHIBIT A

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