

RESOLUTION 2020-084  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL  
AGREEMENT WITH LARIMER COUNTY TO IMPLEMENT THE LARAMIE FOOTHILLS  
EXPANSION 2020 – LAND CONSERVATION PROJECT

WHEREAS, to meet shared land conservation goals, the City and Larimer County (“County”) have been working together since 2003 to conserve land in the Laramie Foothills – Mountains to Plains Conservation Area, including the Red Mountain Open Space (“Red Mountain”) directly west of the City’s Soapstone Prairie Natural Area; and

WHEREAS, on January 21, 2020, the City Council approved Resolution 2020-009 authorizing an intergovernmental agreement between the City and Larimer County, pursuant to which the City paid the County a portion of its costs for acquiring an inholding parcel in Red Mountain and the County conveyed a conservation easement and a right of first refusal over the Red Mountain inholding to the City; and

WHEREAS, Great Outdoors Colorado (GOCO) has awarded Larimer County \$812,475 in GOCO grant funds for the Laramie Foothills Expansion 2020 – Land Conservation Project (the “Project”); and

WHEREAS through the Project the County intends to acquire for conservation, in partnership with the City, fee title and conservation easements to four additional parcels of real property located adjacent to or near Red Mountain known as the Hawk Canyon Ranch, West Red Mountain Ranch, South Red Mountain Ranch, and Green Valley Ranch, and hopes to acquire a fifth parcel, Boxelder Ranch, separately from the GOCO grant (collectively, the “Ranches”); and

WHEREAS, the County proposes buying two of the Ranches totaling 1,669 acres in fee simple to become part of Red Mountain, and acquiring conservation easements on the other three Ranches totaling 1,864 acres; and

WHEREAS, the City wishes to collaborate with the County on the costs and responsibilities of conserving the Ranches by splitting the acquisition costs with the County; and

WHEREAS as part of this arrangement the County would convey to the City conservation easements (the “Conservation Easements”) on the two Ranch properties the County purchases in fee; and

WHEREAS, the City already holds a conservation easement on the rest of Red Mountain; and

WHEREAS, the City and County have negotiated a proposed intergovernmental agreement regarding the Project, a draft of which is attached hereto as Exhibit “A” and incorporated herein by reference (the “IGA”); and

WHEREAS, the total cost of the Project will be approximately \$8.4 million: in addition to the \$812,475 in GOCO grant funds the County would contribute approximately \$4.91 million and the City would contribute approximately \$2.65 million; and

WHEREAS, under the terms of the IGA the City would pay the County a portion of the costs of acquiring each Ranch, including a portion of the due diligence costs incurred by the County for each acquisition, and the County would convey the two Conservation Easements to the City by separate deeds of conservation easement; and

WHEREAS, the City's portion of the funds has already been appropriated and is available for expenditure in the Natural Areas fund; and

WHEREAS, under the IGA the County will also grant the City a right of first refusal if the County ever wishes to sell all or a portion of the property interests it acquires for the Project, and the County would retain a right of first refusal if the City wishes to sell the Conservation Easements; and

WHEREAS, if either party were to sell or transfer its interest to a third party, the City and County would split any proceeds from that conveyance in the same proportion as their contributions to this Project; and

WHEREAS, at its regular meeting on August 12, 2020, the Land Conservation and Stewardship Board voted to recommend that the City Council approve the IGA; and

WHEREAS, the proposed collaboration with the County, as documented in the IGA, meets the criteria of the Natural Areas Department's Land Acquisition Partnership Guidelines; and

WHEREAS, Article II, Section 16 of the City Charter empowers the City Council, by ordinance or resolution, to enter into contracts with governmental bodies to furnish governmental services and make charges for such services, or enter into cooperative or joint activities with other governmental bodies; and

WHEREAS, Section 29-1-203 of the Colorado Revised Statutes provides that governments may cooperate or contract with one another to provide certain services or facilities when such cooperation or contracts are authorized by each party thereto with the approval of its legislative body or other authority having the power to so approve; and

WHEREAS, the City Council has determined that entering into the IGA with the County and acquiring the Conservation Easements are in the best interests of the City.


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 City Council hereby authorizes the Mayor to execute the IGA, pursuant to which the City will pay the County a portion of its costs for acquiring the Ranches, and in exchange the County will convey to the City the Conservation Easements and a right of first refusal over its interests in the Ranches while retaining a right of first refusal in the Conservation Easements, in substantially the form attached hereto as Exhibit "A," together with such modifications and additions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City or further the purposes of this Resolution, as set forth above.

Section 3. That the City Council hereby authorizes the City Manager to execute and accept the Conservation Easements, as described in this Resolution and the IGA, and such other instruments and documents required to complete their conveyance to the City.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 15th day of September, A.D. 2020.

  
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Mayor

ATTEST:

  
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City Clerk