

RESOLUTION 2020-092
OF THE COUNCIL OF THE CITY OF FORT COLLINS
DEFERRING PAYMENT OF THE STORMWATER PLANT INVESTMENT FEE FOR THE
POUDRE R-1 SCHOOL DISTRICT'S SCHOOL SITE
LOCATED ON EAST PROSPECT ROAD

WHEREAS, the City owns and operates Fort Collins Utilities, which includes a Stormwater Utility; and

WHEREAS, there is a stormwater plant investment fee ("PIF") established by City Code Section 26-512 that is imposed on each and every lot or parcel of land within Fort Collins with respect to which any improvement creates an impervious surface covering more than three hundred fifty (350) square feet of the lot or parcel, and the owners thereof; and

WHEREAS, pursuant to City Code Section 26-511(c), the PIF may be paid at any time after the approval of the plat of a subdivision or, in the case of unplatted property, upon the issuance of a building permit and not before; provided, however, that such fee shall be paid prior to the issuance of a full building permit, or if no building permit is required, upon commencement of construction except to the extent that the deferral of all or any portion of such payment has been approved by the City Council by resolution; and

WHEREAS, the Poudre School District R-1, a Colorado statutory school district ("School District") owns a parcel of land along the north side of East Prospect Road in the S½ of Section 15, T7N, R68W of the 6th P.M., the approximate location of which is depicted on Exhibit "A" attached hereto and incorporated herein by reference ("Subject Parcel"); and

WHEREAS, the Subject Parcel was annexed into Fort Collins through Ordinance No. 131, 1990 (adopted on second reading on January 15, 1991) and is thus subject to the PIF; and

WHEREAS, pursuant to the *Seventh Amendment to Intergovernmental Agreement (Regarding Cooperation on Annexation, Growth Management and Related Issues)* between the City and the Town of Timnath (which City Council approved in Ordinance No. 113, 2014), the City and the Town of Timnath have agreed that the Subject Parcel be disconnected (commonly known as, "de-annexed") from Fort Collins and annexed into Timnath, subject to the completion of the various requirements for those processes; and

WHEREAS, if the disconnection is completed, the Subject Parcel would not be in Fort Collins and would not be subject to the PIF; and

WHEREAS, in the unique facts of this situation, City Council determines that it is appropriate to defer the payment of the PIFs for the Subject Parcel as set forth in this Resolution to provide the opportunity for the School District to complete disconnection of Subject Parcel.

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 stormwater plant investment fees for the Subject Parcel are hereby deferred until December 31, 2021, provided that no such fees shall be due on that date if the Subject Parcel has been disconnected from the City of Fort Collins and annexed into Timnath on or before that date.

Section 3. If the Subject Parcel is not disconnected from the City of Fort Collins and annexed into Timnath on or before December 31, 2021, the City reserves all rights regarding this matter and will take any and all appropriate action including: enforcing any relevant agreements in law and equity; and recovering the stormwater plant investment fees for the Subject Parcel pursuant to City Code and other relevant authority.

Passed and adopted on at a regular meeting of the Council of the City of Fort Collins this 6th day of October, A.D. 2020.



Mayor

ATTEST:



City Clerk



EXHIBIT A

PROPERTY DESCRIPTION

Poudre R-1 Parcel

A parcel of land being part of the South Half (S1/2) of Section Fifteen (15), Township Seven North (T.7N.), Range Sixty-eight (R.68W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado and being more particularly described as follows:

BEGINNING at the Southeast Corner of said Section 15 and assuming the South line of the Southeast Quarter (SE1/4) of said Section 15 as bearing North 89°56'23" West, as determined by a GPS observation, a distance of 2638.04 feet with all other bearings contained herein relative thereto:

THENCE North 89°56'23" West a distance of 2638.04 feet to the South Quarter Corner of said Section 15;

THENCE North 89°56'38" West along the South line of the Southwest Quarter (SW1/4) of said Section 15 a distance of 635.26 feet;

THENCE North 00°03'22" East a distance of 468.93 feet to the Southerly line of that strip of land as described in that Warranty Deed as recorded November 30, 1972 in Book 1531 on Page 759 of the records of the Larimer County Clerk and Recorder (LCCR);

Thence along said Southerly line by the following Two (2) courses and distances:

THENCE South 54°55'30" East (Rec. S. 55°01' E.) a distance of 764.90 feet;

THENCE South 89°53'30" East (Rec. S. 89°59' E.) a distance of 8.89 feet to the East line of said SW1/4;

THENCE North 00°09'39" East along said East line a distance of 54.76 feet to the Northerly line of the aforesaid parcel of land;

THENCE North 54°55'30" West (Rec. S. 55°01' E.) along said Northerly line a distance of 775.87 feet;

THENCE North 00°03'22" East a distance of 804.25 feet to the North line of the South Half of the Southwest Quarter (S1/2 SW1/4) of said Section 15;

THENCE South 89°47'03" East along said North line a distance of 637.70 feet to the Northeast Corner of said S1/2 SW1/4;

THENCE South 89°48'01" East along the North line of the South Half of the Southeast Quarter (S1/2 SE1/4) a distance of 2639.15 feet to the Northeast Corner of said S1/2 SE1/4;

THENCE South 00°12'32" West along the East line of said S1/2 SE1/4 a distance of 1326.04 feet to the **POINT OF BEGINNING**.



Poudre R-1 Parcel



Legend		Notes
Tax Parcels	Rivers and Streams	
PLS&S Township and Range	County Boundary	
PLS&S Sections	Rocky Mountain National Park	
PLS&S Quarter Sections	Incorporated Areas	
Railroads	City or Town	



Scale
1: 12,000



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