

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 12

DATE: October 6, 2009

STAFF: Matt Baker
Chuck Seest

SUBJECT

First Reading of Ordinance No. 095, 2009, Amending Ordinance No. 136, 2007, Assessing the Cost of Improvements in the Timberline and Prospect Special Improvement District No. 94.

FINANCIAL IMPACT

Timberline and Prospect Special Improvement District No. 94 is a developer funded district. No City funds were used. Assessments against a certain property will be removed from the assessment role and collected upon development of the property through a repayment agreement.

EXECUTIVE SUMMARY

The Timberline and Prospect Special Improvement District No. 94 (SID No. 94) made improvements to the Timberline and Prospect intersection that were necessary for development in the area to proceed. It was funded by two contributing developers in the area. No City bonds were issued for the construction. Other undeveloped property receiving benefit from the improvements were assessed their proportionate share of the costs.

A certain property owner was inadvertently assessed. This property owner has two parcels which, upon development, will contribute traffic impacts into the Timberline and Prospect intersection. However, at this time, the parcels are just outside City limits.

This Ordinance amends the original assessing ordinance to remove these two parcels. A repayment agreement will be filed to require payment when this property develops. In accordance with the Intergovernmental Agreement with Larimer County, this property is eligible for annexation and would be required to annex upon development.

BACKGROUND

Street improvements were completed for Timberline Road, from Drake to Prospect. The Timberline-Prospect intersection was the most heavily congested intersection in the City. In the absence of any City capital improvement funding for this intersection, two impacted developers elected to privately fund these improvements in order to proceed with their development projects.

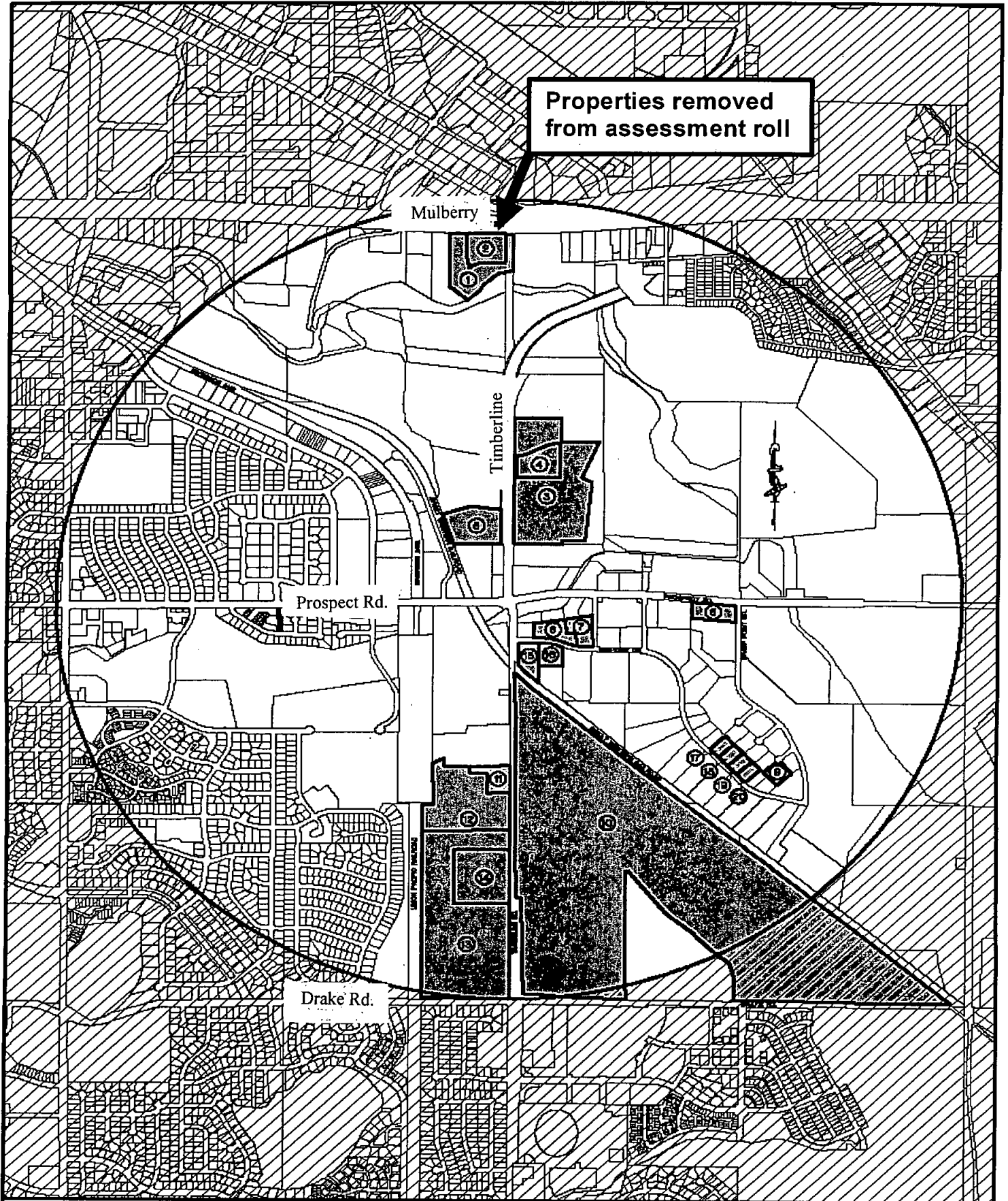
Developers contributed \$2,500,000 to the City for the engineering design and construction of the improvements to the Timberline and Prospect intersection. The James Company and the St. Charles Investment Group proposed the formation of an involuntary SID as a financing mechanism to allow

for fair and equitable assessment of all benefitting property owners. The City created the Timberline and Prospect SID No. 94 in October 2005.

These developers are the majority property owners and will receive the proceeds of SID No. 94 to spread a portion of the costs through assessments to other undeveloped property in the area benefitted by the improvements.

ATTACHMENTS

1. Location map



Properties removed from assessment roll

Mulberry

Timberline

Prospect Rd.

Drake Rd.



**TIMBERLINE ROAD WIDENING
DISTRICT MAP**

(ONE MILE RADIUS AROUND TIMBERLINE/PROSPECT INTERSECTION)



ORDINANCE NO. 095, 2009
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING ORDINANCE NO. 136, 2007, ASSESSING THE
COST OF IMPROVEMENTS IN THE TIMBERLINE AND PROSPECT
SPECIAL IMPROVEMENT DISTRICT NO. 94

WHEREAS, the City Council has heretofore duly adopted Resolution 2003-122, Resolution 2005-083, Resolution 2005-091 and Ordinance No. 090, 2005, of the City (the "Creation Ordinance") relating to the creation of the Timberline and Prospect Special Improvement District No. 94 of the City (the "District") for the purpose of making the following improvements: additional turn lanes, additional travel lanes, raised medians, an improved traffic signal, and new asphalt pavement in and around the intersection of Timber Road and Prospect Road (the "Improvements"); and

WHEREAS, pursuant to the Creation Ordinance and the District Engineering Report on file with the City Clerk of the City, the Improvements have been fully acquired, constructed and installed; and

WHEREAS, on October 2, 2007, the City Council adopted Resolution 2007-093, receiving and accepting a Statement of Cost of the District and District Assessment Roll that had been prepared by the City Engineer and Financial Officer of the City, respectively, and ordering notice of the proposed assessments was published pursuant to Section 22-88 of the City Code; and

WHEREAS, on November 6, 2007, after public notice of the proposed assessments, the City Council held a public hearing for the purpose of hearing and determining any complaints or objections made in writing by any owner of property to be assessed for the cost of the District, which complaint or objection was filed in the office of the City Clerk within thirty (30) days from the publication of the notice of the proposed assessments; and

WHEREAS, all complaints or objections duly made and filed by such property owners to the City Council having been heard and considered by the City Council, and based upon the Final Cost/Benefit Study prepared by Bonnie Roerig & Associates, LLC, Study Date September 5, 2007, to evaluate relevant market data related to the District, the City Council adopted Ordinance No. 136, 2007, assessing the cost of the Improvements and providing for payment and collection of the assessments; and

WHEREAS, City staff has since determined that two parcels included in the District Assessment Roll, identified as SID Tract Number 1 and 2 therein, are outside of the City limits and were not properly included in said Assessment Roll; and

WHEREAS, in light of the foregoing, the two parcels described hereinafter are being removed from the District Assessment Roll, and will instead be required to make reimbursement for an appropriate share of the cost of the Improvements upon annexation to the City and development.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Ordinance No. 136, 2007 (the "Ordinance"), is hereby amended as follows:

Section 1. Section 1 of the Ordinance is amended to reflect that the total cost of the District, including final construction costs, engineering and construction management costs, publication costs and any other incidental costs of the District is \$2,254,479.

Section 2. Exhibit "A" to the Ordinance is replaced with the attached "Exhibit A-1" and all references to Exhibit A modified accordingly to refer to Exhibit A-1.

Section 3. Section 3 of the Ordinance is amended to reflect that the total principal component of the first installment of assessments due pursuant to Exhibit A-1 would have been \$132,610, with a estimated total interest component of \$66,280.

Section 4. Except as amended herein, the Ordinance shall remain in full force and effect, as adopted.

Introduced and considered favorably on first reading and ordered published this 6th day of October, A.D. 2009, and to be presented for final passage on the 20th day of October, A.D. 2009.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 20th day of October, A.D. 2009.

Mayor

ATTEST:

City Clerk

Timberline Special Improvement District No. 94
Assessment Roll

SID Tract Number	Owner's Name & Address	Parcel Number/ Schedule Number	Legal Description	Assessed Amount
3	PS-Timberline Lakes, LLC 103 W. Mountain Avenue Fort Collins, CO 80525-0000	87173-08-003/R1225758	See the attached Exhibit B	\$ 425,001.94
4	PS-Timberline Lakes, LLC 103 W. Mountain Avenue Fort Collins, CO 80525-0000	87173-07-001/R1225740	See the attached Exhibit B	\$ 68,548.70
5	USTL, LLLP, et. al. 760 Whaler's Way, Bldg. A-200 Fort Collins, CO 80525	87184-14-001/R1225766	See the attached Exhibit C	\$ 167,009.56
6	Sharp Point Properties, LLC 1800 Broadway, Suite 210 Boulder, CO 80302	87202-18-006/R1604944	Lot 6, Spring Creek Center PUD, FTC	\$ 66,056.02
7	Sharp Point Properties, LLC 1800 Broadway, Suite 210 Boulder, CO 80303	87202-18-007/R1604945	Lot 7, Spring Creek Center PUD, FTC	\$ 59,824.32
8	Sharp Point Properties, LLC 1800 Broadway, Suite 210 Boulder, CO 80303	87202-12-005/R1192655	Lot 5, Prospect Park East PUD, FTC	\$ 71,041.38
9	Arapahoe Technologies, Inc. 305 W. Magnolia 204 Fort Collins, CO 80521	87201-05-011/R0168696	Lot 11, Prospect Industrial Park, FTC	\$ 2,492.68
11	Timberline Autoplex, LLC P.O. Box 272549 Fort Collins, CO 80527-2549	87191-44-001/R1641578 87191-44-002/R1641579 87191-44-003/R1641580 87191-44-005/R1641582	Lot 1, Timberline Center, FTC ¹ Lot 2, Timberline Center, FTC ¹ Lot 3, Timberline Center, FTC ¹ Lot 5, Timberline Center, FTC ¹	\$ 43,621.90
12	Timberline Development, LLC P.O. Box 1046 Loveland, CO 80539	87191-44-004/R1641581 87191-44-006/R1641583 87191-44-007/R1641584 87194-44-008/R1641585 87194-44-009/R1641586 87194-44-010/R1641587 87194-44-011/R1641588 87194-44-012/R1641589 87194-44-013/R1641590 87194-44-014/R1641591	Lot 4, Timberline Center, FTC ² Lot 6, Timberline Center, FTC ² Lot 7, Timberline Center, FTC ² Lot 8, Timberline Center, FTC ² Lot 9, Timberline Center, FTC ² Lot 10, Timberline Center, FTC ² Lot 11, Timberline Center, FTC ² Lot 12, Timberline Center, FTC ² Lot 13, Timberline Center, FTC ² Lot 14, Timberline Center, FTC ²	\$ 255,499.70

SID Tract Number	Owner's Name & Address	Parcel Number/ Schedule Number	Legal Description	Assessed Amount
14	Fort Collins Capital Leasing Corporation 1225 17th St, Suite 2300 Denver, CO 80202	87194-22-901/R1641049	Lot 1, Spring Creek Farms North, FTC	\$ 128,373.02
15	Midpoint and Timberline, LLC 2121 Midpoint Drive, Suite 302 Fort Collins, CO 80525	87202-20-001/R1626624	See the attached Exhibit D	\$ 62,317.00
16	Gypro Properties, LLC 1400 E. 61st St. Denver, CO 80216	87202-20-002/R1626625	Lot 2, Centerpoint Plaza, FTC	\$ 49,853.60
17	Jim Kernaghan 6118 Normandy Ct. Fort Collins, CO 80525	87201-05-016/R0168742	Lot 16, Prospect Industrial Park, FTC	\$ 13,702.24
18	Cowen Transfer & Storage Co. P.O. Box 7265 Colorado Springs, CO 80933-7265	87202-06-017/R0168769	Lot 17, Prospect Industrial Park, FTC	\$ 13,717.97
19	Marjorie C. Lynch Marital Trust 3705 Cumulus View Colorado Springs, CO 80904	87202-06-018/R0168777	Lot 18, Prospect Industrial Park, FTC	\$ 13,702.24
20	Hess Land, LLC 1312 Blue Spruce Dr., Unit 6 Fort Collins, CO 80524	87202-09-019/R1645442	Lot 19, Prospect Industrial Park, FTC	\$ 13,716.51