

SUBJECT

Resolution 2011-026 Extending the Deadline for the City and Town of Windsor to Take Certain Actions Required by the Intergovernmental Agreement Pertaining to the Development of the Interstate 25/State Highway 392 Interchange.

EXECUTIVE SUMMARY

On December 21, 2010, the City Council approved an intergovernmental agreement with the Town of Windsor (the "IGA") pertaining to the development of the I-25 interchange at the intersection of State Highway 392 (the "Interchange"). The IGA states that, by March 31, 2011, the City and Windsor will take certain actions to implement the IGA. Staff has recommended that this deadline be extended for sixty days to allow more time for additional staff work and public outreach. Resolution 2011-026 authorizes that extension. The Windsor Town Council is scheduled to consider a similar resolution on March 14, 2011.

BACKGROUND / DISCUSSION

On December 21, 2010, the City Council adopted Resolution 2010-077 authorizing the Mayor to execute the IGA. The primary purposes of the IGA are to set forth the respective financial contributions of the City and Windsor related to the reconstruction of the Interchange, to provide for orderly land use and development within the area immediately surrounding the Interchange, to ensure that the property owners most directly benefitted by the Interchange improvements proportionally share in the cost of the improvements, and to provide for a revenue sharing formula between the City and Windsor.

The IGA establishes a Corridor Activity Center ("CAC") around the Interchange, within which certain land uses have been agreed upon by the parties and two kinds of fees will be imposed to reimburse the City and Windsor for their financial contributions to the construction of the Interchange and to help fund the construction and maintenance of improvements and services within the CAC. The first fee is a development impact fee that will be paid by the property owners within the CAC. The proceeds from that fee will reimburse the City and the Town for their share of the cost of constructing the Interchange (\$2.5 million each). The second is a public improvement fee ("PIF") to be imposed by retailers within the CAC. The PIF revenues will be used primarily to pay for the maintenance of the "enhanced improvements" to the Interchange that the Colorado Department of Transportation will not be maintaining. In addition, the PIF revenues will be used to fund a list of improvements and services that the parties are in the process of identifying, with the input of affected property owners, and that will primarily benefit the properties within the CAC.

Section 3.2 of the IGA requires that, on or before March 31, 2011, the governing bodies of the City and Windsor shall each adopt mutually acceptable design standards for the CAC. Those standards will be adopted by Ordinance No. 036, 2011, which was adopted by the Council on First Reading on March 1, 2011, and is scheduled for second reading on March 22, 2011.

The IGA also sets a deadline of March 31, 2011 for the following additional actions to be taken:

- Staff is to make a recommendation to the governing bodies as to whether the boundaries of the CAC should be changed; and
- The governing bodies are to enact the development impact fee; and
- The governing bodies are to approve a list of improvements and services to be funded by retailers within the CAC through the PIF.

Staff of both municipalities have recommended an extension of the deadline within which these actions are to be taken in order to allow additional time to complete their public outreach and make their recommendations. This Resolution will approve that extension.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

RESOLUTION 2011-026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
EXTENDING THE DEADLINE FOR THE CITY AND TOWN OF
WINDSOR TO TAKE CERTAIN ACTIONS REQUIRED BY THE
INTERGOVERNMENTAL AGREEMENT PERTAINING TO THE DEVELOPMENT
OF THE INTERSTATE 25/STATE HIGHWAY 392 INTERCHANGE

WHEREAS, on December 21, 2010, the City Council adopted Resolution 2010-077 authorizing the Mayor to execute an intergovernmental agreement (the "IGA") with the Town of Windsor ("Windsor"); and

WHEREAS, on December 13, 2010, the IGA was also approved by the Windsor Town Board through the adoption of Resolution 2010-71; and

WHEREAS, the IGA was finalized and fully executed and dated as of January 3, 2011; and

WHEREAS, the primary purposes of the IGA are to set forth the respective financial contributions of the City and Windsor related to the reconstruction of the Interstate 25/State Highway 392 Interchange (the "Interchange"), to provide for orderly land use and development within the area immediately surrounding the Interchange, to ensure that the property owners most directly benefitted by the Interchange improvements proportionally share in the cost of the improvements, and to provide for a revenue sharing formula between the City and Windsor; and

WHEREAS, in furtherance of these purposes, the IGA establishes a Corridor Activity Center ("CAC") around the Interchange, within which certain land uses will be designated and certain monetary exactions will be imposed to reimburse the City and Windsor for their financial contributions to the construction of the Interchange and to help fund the construction and maintenance of improvements and services within such area; and

WHEREAS, Section 3.2 of the IGA requires that, on or before March 31, 2011, the governing bodies of the City and Windsor shall each adopt mutually acceptable design standards for the CAC, which standards have been adopted by both municipalities by ordinance; and

WHEREAS, the IGA also sets a deadline of March 31, 2011 for the staff of the City and Windsor to bring forward any recommended reconfiguration of the boundaries of the CAC, and for the governing bodies to enact a Development Impact Fee to be imposed on property owners within the CAC and approve a list of improvements and services to be funded by retailers within the CAC through a Public Improvement Fee that will be charged upon the sale of their goods or services; and

WHEREAS, staff of both municipalities have recommended an extension of the deadline within which their recommendations must be submitted to the City Council and Town Council in order to allow additional time to complete their public outreach and make their recommendations, and within which the respective governing bodies of the City and Windsor must take any formal action that may be required by the IGA with regard to such recommendations.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the deadline for all actions to be taken under the IGA by March 31, 2011, is hereby extended to June 7, 2011.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 15th day of March A.D. 2011.

Mayor

ATTEST:

City Clerk