

RESOLUTION 2023-008
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF FORT COLLINS AND THE FORT COLLINS DOWNTOWN
DEVELOPMENT AUTHORITY REGARDING THE RENOVATION AND
REDEVELOPMENT OF OLIVE STREET ALLEY, HARPER-GOFF ALLEY AND EAST
MYRTLE STREET ALLEY

WHEREAS, on January 10, 2008, the Board of Directors of the Downtown Development Authority, a body corporate and politic (the “DDA”), commissioned Russell+Mills Studios (“R+M”) to prepare a Master Plan for Downtown Alleys and Integrated Walkways for the redevelopment of designated alleys within the boundaries of the DDA (the “Master Plan”); and

WHEREAS, the purpose of the Master Plan was to propose improvements to certain alleyways located in or adjacent to the DDA’s boundaries to address deterioration, safety, parking, incompatibility of modes of travel and trash collection practices, leading to a more visually pleasing appearance in the alleyways and a “shared street” concept whereby the alleyways would be more conducive to vehicle, pedestrian and bicycle traffic, and provide greater connectivity between Fort Collins Downtown, the Colorado State University campus and the Fort Collins River District; and

WHEREAS, on May 18, 2010, the Fort Collins City Council adopted Resolution 2010-027 authorizing the City Manager to execute the intergovernmental agreement by and between the City and the DDA relating to the construction, operation and maintenance of the Montezuma Fuller Alley and Old Firehouse Alley improvements (the “2010 IGA”); and

WHEREAS, on February 1, 2011, the City Council adopted Resolution 2011-006 authorizing the City Manager to execute a separate IGA with the DDA relating to the construction, operation and maintenance of the West Myrtle Alley (the “2011 IGA”); and

WHEREAS, in 2014 the DDA and the City negotiated and agreed upon that certain “Intergovernmental Agreement Regarding Maintenance of Certain Downtown Alleys”, under which the DDA pays the City to perform certain maintenance services within the alleys redeveloped under the 2010 IGA and 2011 IGA (the “Maintenance IGA”); and

WHEREAS, on May 1, 2018, the City Council adopted Resolution 2018-042, authorizing the City Manager to execute an intergovernmental agreement with the DDA relating to the construction, operation and maintenance of the Old Firehouse Alley/Seckner Alley and West Mountain Alley (the “2018 IGA”); and

WHEREAS, on January 5, 2021, the Fort Collins City Council adopted Resolution 2021-001, authorizing the City Manager to execute an intergovernmental agreement with the DDA relating to the construction, operation and maintenance of Tenney Court North Alley and West Oak Street Alley (the “2021 IGA”); and

WHEREAS, on June 15, 2021, the Fort Collins City Council adopted Resolution 2021-068, authorizing the City Manager to execute an amendment to the 2021 IGA with the DDA relating to the construction, operation and maintenance of certain Alley Enhancement on City-owned property abutting Tenney Court North Alley (the “2021 IGA Amendment”); and

WHEREAS, on October 10, 2019, the DDA Board approved the redevelopment in 2023 of West Olive Street Alley, Harper Goff Alley and East Myrtle Street Alley, as depicted on Exhibit “A” of the attached IGA (the “Alleys”); and

WHEREAS, on December 9, 2021, the DDA Board commissioned Norris Design, Inc., to prepare plans and specifications for renovation of the Alleys; and

WHEREAS, the City and DDA have formulated and agreed upon a Basis of Design, dated August 11, 2022, to clarify design expectations for redevelopment of the Alleys and to serve as a foundation for design expectations for future alley enhancement projects in downtown Fort Collins, which is included in Exhibit “B” to the attached IGA (“Basis of Design”); and

WHEREAS, the construction plans, entitled “Fort Collins Downtown Alley Enhancements – West Olive Street Alley, Harper Goff Alley, and East Myrtle Street Alley”, dated October 5, 2022, currently are at sixty percent (60%) completion and will be brought to one hundred percent (100%) completion with the assistance of the Contractor (selected in 2020 pursuant to a competitive sealed proposal process in connection with the 2021 alley enhancement project as described in the 2021 IGA); and

WHEREAS, once completed, the construction plans will be subject to approval by the City in accordance with the City’s Capital Projects Review process and, upon such approval, the construction plans will be on file in the offices of the DDA and with the Engineering Department of the City (the “Construction Plans” or “Alley Enhancements”); and

WHEREAS, the Alleys are in need of substantial renovation and redevelopment, and the Alley Enhancements will provide aesthetic and economic benefits to the area encompassed by the DDA, and to the City as a whole; and

WHEREAS, the Alley Enhancements will be designed and constructed in accordance with the Basis of Design, current Larimer County Urban Area Street Standards, and the Construction Plans, as approved through the City’s Capital Projects Review process; and

WHEREAS, the City is the owner of the right-of-way within the Alleys (the “ROW”); and

WHEREAS, on March 21, 2017, the City adopted the Downtown Plan which supports development of an integrated pedestrian network consisting of alleyways; and

WHEREAS, the construction of the Alley Enhancements (the “Alley Enhancement Project”) is consistent with and in furtherance of the Downtown Plan; and

WHEREAS, the DDA will contract with the Contractor for and manage the construction of the Alley Enhancements, will pay the costs associated with construction of the Alley Enhancements, and upon their completion, will be responsible for certain maintenance and repair obligation in relation thereto; and

WHEREAS, the City desires to participate in the Alley Enhancement Project by permitting the construction of the Alley Enhancements within the ROW and by assisting the DDA with the competitive bidding process for selecting a contractor to construct the Alley Enhancements, as more fully set forth herein below; and

WHEREAS, subsequent to the execution of this IGA, the DDA and the City intend to execute a new intergovernmental agreement superseding the Maintenance IGA, which will include the alleys to be redeveloped under the 2018 IGA, the 2021 IGA, the 2021 IGA Amendment, and this intergovernmental agreement; and

WHEREAS, Article II, Section 16 of the City of Fort Collins Charter empowers the City Council, by ordinance and 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, Colorado Revised Statutes (“C.R.S.”) Section 29-1-203 also 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, Section 1-22 of the City Code, also provides that intergovernmental agreements and other cooperative arrangements between the City and other governmental entities are to be submitted to the City Council for review, unless they fit within one of the exceptions that permit execution by the City Manager; and

WHEREAS, pursuant to C.R.S. §31-25-808, the DDA has authority to make public improvements which benefit those downtown areas of Fort Collins within its boundaries; and

WHEREAS, pursuant to C.R.S. §31-25-808, the DDA is empowered to cooperate with the City, to enter into contracts with the City and to make or receive from the City grants, contributions and loans; and

WHEREAS, the City and the DDA desire to enter into an intergovernmental agreement to memorialize their respective rights and obligations in connection with the Alley Enhancement Project, as well as their long-term obligations relating to the Alley Enhancements; and

WHEREAS, the City Council has determined that an intergovernmental agreement with the DDA for completion of the Alley Enhancements is in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS:

Section 1. That the City Council hereby makes any and all determinations and findings contained in the recitals set forth above.

Section 2. That the City Manager is hereby authorized to execute the Intergovernmental Agreement Regarding the Renovation and Redevelopment of Olive Street Alley, Harper Goff Alley and East Myrtle Street Alley substantially in the form attached hereto as Exhibit "A," with such modifications and additions as the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to protect the interests of the City or effectuate the purposes set forth herein and not otherwise inconsistent with this Resolution.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 17th day of January, 2023.

Mayor

ATTEST:

City Clerk