

ORDINANCE NO. 104, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING TRANSFER OF PREVIOUSLY APPROPRIATED AMERICAN
RESCUE PLAN ACT FUNDS FOR PURCHASE OF A PROPERTY TO EXPAND THE
LAND BANK PROGRAM

A. The City's Affordable Housing Land Bank Program supports affordable housing by purchasing land for the purpose of preserving locations throughout the City for future development of affordable housing.

B. In 2021 and 2022, the City received \$28.1 million from the American Rescue Plan Act's ("ARPA") State and Local Fiscal Recovery Fund. The City's 2023-2024 Budget appropriated \$1,000,000 of the City's ARPA funding for the expansion of the Land Bank Program. The appropriation authorized the City to use these funds to exercise an Option held by the City to purchase five acres in northeast Fort Collins in a planned development. However, due to factors beyond the City's control, the City has not been able to exercise this Option.

C. The U.S. Department of Treasury's rules on ARPA require all ARPA funds to have been obligated by the end of 2024. The rules also allow ARPA recipients to re-obligate ARPA funds that were already obligated by the end of 2024, so long as the re-obligation is necessary due to changed circumstances and so long as the re-obligation is for the same purpose and within the same scope as the original obligation. The City must spend its ARPA funds by the end of 2026.

D. City staff has located a comparable property in northwest Fort Collins for acquisition. This Ordinance authorizes the transfer of previously appropriated City ARPA funds in the amount of \$1,000,000 to allow the City to re-obligate these funds for the purchase of this comparable property for the City's Affordable Housing Land Bank Program and to pay for due diligence and some pre-development costs.

E. This transfer benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of supporting the acquisition of property for an affordable housing project.

F. Article V, Section 10 of the City Charter authorizes City Council, upon recommendation by the City Manager, to transfer by ordinance any unexpended and unencumbered appropriated amount or portion thereof from one fund or capital project to another fund or capital project, provided that the purpose for which the transferred funds are to be expended remains unchanged, the purpose for which the funds were initially appropriated no longer exists, or the proposed transfer is from a fund or capital project in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance.

G. The City Manager has recommended the transfer of \$1,000,000 from the General Fund ARPA Land Bank Program project to purchase land in northeast Fort Collins to the General Fund ARPA Land Bank Program project to purchase land in northwest Fort Collins and determined that the purpose for which the transferred funds are to be expended remains unchanged, but the location changed.

H. Article V, Section 11 of the City Charter authorizes City Council to designate in the ordinance when appropriating funds for a federal, state or private grant or donation, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the earlier of the expiration of the federal, state or private grant or donation or the City's expenditure of all funds received from such grant or donation.

I. City Council wishes to designate the transfer herein for ARPA funding for expansion of the Land Brank Program to purchase property in northwest Fort Collins as an appropriation that shall not lapse until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The unexpended and unencumbered appropriated amount of ONE MILLION DOLLARS (\$1,000,000) is authorized for transfer from the ARPA Land Bank Program northeast land purchase project in the General Fund to the ARPA Land Bank Program northwest land purchase project in the General Fund and appropriated therein to be expended to expand the Land Bank program and for related due diligence and pre-development costs.

Section 2. The appropriation herein of ARPA funding to expand the Land Bank Program is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

Introduced, considered favorably on first reading on August 18, 2026, and approved on second reading for final passage on September 1, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: September 11, 2026

Approving Attorney: Ted Hewitt

Exhibit: None