

ORDINANCE NO. 115, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS OF PRIOR YEAR
RESERVES FROM DEVELOPER CONTRIBUTIONS AND
AUTHORIZING TRANSFERS FOR THE FUTURE VINE AND
TIMBERLINE OVERPASS PROJECT AND RELATED ART IN
PUBLIC PLACES

A. This Ordinance appropriates development payment-in-lieu ("PIL") funds for design services and grant application support services for the Vine and Timberline Overpass Project (the "Project").

B. The existing intersection of Vine Drive and Timberline Road experiences congestion with safety and delay concerns due to the existing four-way stop control along with an at-grade rail crossing near the intersection.

C. A project separate from the Overpass Project, the Vine and Timberline Intersection Improvements project will improve the intersection with a traffic signal interconnected to a new rail crossing signal. That project is fully funded, and construction is currently underway. Construction on that intersection improvement project is expected to be completed later this autumn.

D. As northeast Fort Collins continues to develop, increasing traffic volumes at the intersection will result in the need for an overpass, a grade-separated crossing over the railroad.

E. This grade separation over the railroad has been part of the City's Master Street Plan for several years and has been included in the Transportation Capital Projects Prioritization Study as one of the top fifteen projects in the study.

F. A private development project provided a development contribution PIL for its local street portion of Timberline Road in the amount of \$276,679 in 2016. That portion of Timberline Road is a section that will be constructed as part of the Project.

G. An August 2023 appropriation from another development's PIL contribution will be used together with the funds appropriated in this Ordinance to procure preliminary design services and to provide grant application support for the Project.

H. Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year from such revenues and funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

I. The City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Transportation Capital Expansion Fee fund and will not cause the total amount appropriated in the Transportation Capital Expansion Fee fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this fund during this fiscal year.

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

K. The City Council wishes to designate the appropriation herein of the developer contribution as an appropriation that shall not lapse until the earlier of the expiration of the contribution or the City's expenditure of all funds received from the contribution.

L. This Project involves construction estimated to cost more than \$250,000, and City Code Section 23-304 requires one percent of these appropriations to be transferred to the Cultural Services and Facilities fund for a contribution to the Art in Public Places ("APP") program.

M. The total Project cost of \$331,827 has been used to calculate the contribution to the APP program.

N. The amount to be contributed to the APP program in this Ordinance will be \$3,318.

O. The appropriations in this Ordinance benefit public health, safety and welfare of the residents of Fort Collins and serve the public purpose of improving transportation infrastructure within the City.

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. There is hereby appropriated from prior year reserves in the Transportation Capital Expansion Fee fund the sum of TWO HUNDRED SEVENTY-THREE THOUSAND THREE HUNDRED SIXTY-ONE DOLLARS (\$273,361) to be expended in the Transportation Capital Expansion Fee fund for transfer to the Capital Projects fund and appropriated therein for the Vine and Timberline Overpass Project.

Section 2. The unexpended and unencumbered appropriated amount of TWO THOUSAND FIVE HUNDRED EIGHTY-EIGHT DOLLARS (\$2,588) in the Capital Projects fund is hereby authorized for transfer to the Cultural Services and Facilities fund and appropriated and expended therein to fund art projects under the APP program.

Section 3. The unexpended and unencumbered appropriated amount of SIX HUNDRED SIXTY-FOUR DOLLARS (\$664) in the Capital Projects fund is hereby authorized for transfer to the Cultural Services and Facilities fund and appropriated and expended therein for the operation costs of the APP program.

Section 4. The unexpended and unencumbered appropriated amount of SIXTY- SIX DOLLARS (\$66) in the Capital Projects fund is hereby authorized for transfer to the Cultural Services and Facilities fund and appropriated and expended therein for the maintenance costs of the APP program.

Section 5. The appropriation herein for the developer contribution is hereby designated as an appropriation that shall not lapse until the earlier of the expiration of the contribution or the City's expenditure of all funds received from the contribution.

Introduced, considered favorably on first reading on August 20, 2024, and approved on second reading for final passage on September 3, 2024.



Mayor Pro Tem

ATTEST:



City Clerk



Effective Date: September 13, 2024
Approving Attorney: Heather N. Jarvis