

ORDINANCE NO. 022, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING A SUPPLEMENTAL APPROPRIATION OF A
DEVELOPMENT CONTRIBUTION TO CONSTRUCTION AND
AUTHORIZING TRANSFERS OF APPROPRIATIONS FOR THE
WILLOW STREET IMPROVEMENTS – LINDEN STREET TO
LINCOLN AVENUE PROJECT AND RELATED ART IN PUBLIC
PLACES

A. The purpose of this item is to appropriate a development contribution to construction from the developer of the Bas Bleu Development, which was contributed under City Code Section 24-95 as a payment-in-lieu of constructing the local portion of frontage improvements adjacent to the development on Willow Street and Pine Street.

B. In 2004, Bas Bleu Development, LLC entered into a development agreement, which described the requirements and conditions for the redevelopment of the Bas Bleu Theatre Company property at 401 Pine Street, with frontage on Willow and Pine streets. The development agreement contemplated construction improvements on Willow and Pine streets and obligated the development to contribute to the City to for the design and construction of these improvements. The obligation was collected as non-expiring escrow rather than a payment.

C. As a result of a Downtown River District improvement project, the City and the Downtown Development Authority constructed a portion (from Linden Street to the BNSF Railroad) of the improvements contemplated for Willow Street in the development agreement with Bas Bleu Development.

D. The City and First Western Trust, the financial institution holding the Bas Bleu Development escrow, calculated the payment due for the Willow Street improvements to be \$29,545.

E. Bas Bleu's remaining obligation for the design and construction of the Pine Street improvements has never been constructed as there has never been a second phase of the Bas Bleu redevelopment.

F. The City and the Downtown Development Authority are planning for and designing the next phase of improvements along Willow Street, the Willow Street Improvements – Linden Street to Lincoln Avenue capital project (the "Project"). Because the western section of Willow Street improvements is complete, the Bas Bleu development contribution to construction is being herein appropriated to this next phase of the Project.

G. Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, does not

exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year.

H. The City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Transportation Services fund and will not cause the total amount appropriated in the Transportation Services 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.

I. Article V, Section 10 of the City Charter authorizes the 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.

J. The City Manager has recommended the transfer of \$29,545 from the Transportation Services fund to the Capital Projects fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

K. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a capital project that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made but will continue until the completion of the capital project.

L. The City Council wishes to designate the appropriation herein for the Project as an appropriation that shall not lapse until the completion of the Project.

M. This Project involves the estimated construction cost to be more than \$250,000 and, as such, 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.

N. The project cost of \$29,545 has been used to calculate the contribution to the APP program.

O. The amount to be contributed by this Ordinance will be \$295.

P. The appropriations in this Ordinance benefit the public health, safety, and welfare of the residents of Fort Collins and the traveling public and serve the public purpose of improving transportation infrastructure, safety, and accessibility 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 new revenue or other funds in the Transportation Services fund the sum of TWENTY-NINE THOUSAND FIVE HUNDRED FORTY-FIVE DOLLARS (\$29,545) to be expended in the Transportation Services fund for Transfer to the Capital Projects fund for the Project.

Section 2. The unexpended and unencumbered appropriated amount TWO HUNDRED THIRTY DOLLARS (\$230) 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 FIFTY-NINE DOLLARS (\$59) 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 SIX DOLLARS (\$6) 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 Project 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 completion of the capital project.

Introduced, considered favorably on first reading on February 18, 2025, and approved on second reading for final passage on March 4, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: March 14, 2025
Approving Attorney: Heather N. Jarvis