

RESOLUTION 2023-025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF FORT COLLINS AND THE
COLORADO DEPARTMENT OF TRANSPORTATION FOR THE
TIMBERLINE MULBERRY LINCOLN INTERSECTION PROJECT

WHEREAS, the intersection of Timberline Road, Mulberry Street, and Lincoln Avenue experiences significant congestion for northbound Timberline Road traffic turning onto westbound Lincoln Avenue, causing traffic to back up onto westbound Mulberry Street, east of Timberline Road; and

WHEREAS, southbound Timberline Road traffic also experiences congestion at the intersection with Mulberry Street that causes traffic to block the intersection with Lincoln Avenue; and

WHEREAS, the intersection of Timberline Road and Lincoln Avenue is of particular concern as vehicles attempt to cross or turn from eastbound Lincoln Avenue through the congestion of queued vehicles on southbound Timberline Road with limited visibility of oncoming traffic; and

WHEREAS, the proximity of these two intersections creates significant conflicts and safety concerns; and

WHEREAS, the Timberline Mulberry Lincoln Intersection Project (the Project) has been developed to address these safety concerns and eliminate most of the conflicts presented by this intersection; and

WHEREAS, the Project's proposed improvements will reconfigure medians on Timberline Road to create space for double left turn lanes for southbound Timberline Road onto eastbound Mulberry Street, as well as create space for a channelized "T intersection" at Timberline Road and Lincoln Avenue; and

WHEREAS, the Project improvements include installation of an innovative "P-Turn" (also referred to as a "Michigan Left Turn") on the northwest corner of the Timberline Road and Lincoln Avenue intersection to accommodate westbound through traffic and northbound left turns at the Timberline Road and Lincoln Avenue intersection; and

WHEREAS, in 2018 and 2021, the City appropriated Community Capital Improvement Program (CCIP) Arterial Intersection Improvement funds to this Project in the amount of \$50,000 in 2018 and in the amount of \$176,349 in 2021, with a portion of this CCIP funding used to complete a feasibility study and conceptual design for the Project; and

WHEREAS, in 2020, an adjacent development contributed \$23,651 in Capital Projects Fund Reserves to this Project by paying funds in lieu of land dedication pursuant to the development review process; and

WHEREAS, in 2020, the Project was placed on hold during a portion of the pandemic due to staffing issues; and

WHEREAS, in 2020, the City was awarded fiscal year 2023 Highway Safety Improvement Program (HSIP) grant funds totaling \$1,523,915 through the North Front Range Metropolitan Planning Organization (NFRMPO) and the Colorado Department of Transportation (CDOT) for the design, right-of-way acquisition, and construction of the Project; and

WHEREAS, the HSIP grant funding became available to the City in the State fiscal year 2023, which began July 2022 and requires the City to provide local matching funds totaling \$169,324; and

WHEREAS, the remaining CCIP Arterial Intersection Improvement funds from the prior appropriations in 2018 and 2021 and the development payment-in-lieu funds will fulfill the City's local funding match obligation for this HSIP award; and

WHEREAS, CDOT has proposed an Intergovernmental Agreement (IGA) between CDOT and the City that outlines the terms and conditions of the use of the HSIP grant funds; and

WHEREAS, Colorado Revised Statutes Section 29-1-203 provides that governments may cooperate or contract with one another to provide certain services or facilities when the 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, City Charter Article II, Section 16 empowers the City Council, by ordinance or 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, Municipal Code Section 1-22 requires the City Council to approve intergovernmental agreements that require the City to make a direct, monetary payment over \$50,000, and the proposed IGA requires the City to provide matching funds in the amount of \$169,324; and

WHEREAS, the City Council has determined that the Project and the HSIP grant funding are in the best interests of the City and that the Mayor be authorized to execute the IGA between the City and CDOT in support thereof.

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

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

Section 2. That City Council authorizes the Mayor to execute, on behalf of the City, the Intergovernmental Agreement with the Colorado Department of Transportation, in substantially the form attached hereto as Exhibit A, with additional or modified terms and conditions 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 of this Resolution.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 21st day of March, 2023.

Mayor

ATTEST:

City Clerk