

RESOLUTION 2024-062
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING A PURCHASE AND SALE AGREEMENT WITH THE
POUDRE SCHOOL DISTRICT TO ACQUIRE LAND FOR THE
SOUTHEAST COMMUNITY CENTER

A. In April 2015, Fort Collins voters approved Ordinance No. 013, 2015, which extended a quarter-cent sales tax for ten years and such tax is to be dedicated to the “Community Capital Improvement Program” capital projects and related operation and maintenance (“CCIP”).

B. Ordinance No. 013, 2015 includes a requirement that the City construct a Community Center in southeast Fort Collins focused on innovation, technology, art, recreation and the creative process, including a large outdoor leisure pool and meeting spaces dedicated to innovation and creativity (the “SECC”).

C. Poudre School District (“PSD”) uses swim lanes at existing City recreation facilities for high school swim team practices and meets, but access to lanes for both PSD and the general public is constrained by the current capacity of the City’s recreation system.

D. PSD has approximately 10 acres of land available next to Fossil Ridge High School (the “Land”) that, based on preliminary information, is a suitable site for the SECC, including all the facility requirements contained in the CCIP ballot language as well as an indoor aquatics facility that would serve the recreation needs of the Fort Collins community and allow PSD access to indoor lanes for its swim programs (the “Aquatics Facility”).

E. On August 15, 2023, the City Council adopted Resolution 2023-074, which stated the Council’s intent that access for PSD students to the new Aquatics Facility be conditional on PSD and the City agreeing on PSD’s share of the cost for such a facility.

F. On November 7, 2023, Fort Collins voters passed a ballot measure approving a .50% sales tax, with 50% of the revenues to be spent on replacement, upgrade, maintenance, and accessibility of parks facilities and for the replacement and construction of indoor and outdoor recreation and pool facilities, and these revenues will provide an estimated \$30-34 million of capital costs funding for the Aquatics Facility.

G. The City, PSD and the Poudre River Public Library District, which is interested in co-locating a southeast branch library within the SECC, negotiated an intergovernmental agreement governing the City’s acquisition of the Land from PSD for the SECC, the construction of the SECC (including the Aquatics Facility) and the ownership, maintenance and use of the Aquatics Facility (the “SECC IGA”).

H. On December 19, 2023, the City Council adopted Resolution 2023-112, authorizing the Mayor to execute the SECC IGA, which was executed by the parties and effective December 20, 2023.

I. Resolution 2023-112 stated that details about the land conveyance will be covered in a separate Purchase and Sale Agreement to be drafted by the City and PSD and to be presented to the City Council for consideration in early 2024.

J. A copy of the proposed Purchase and Sale Agreement is attached and incorporated herein as Exhibit "A".

K. Article XIV, Section 12(2) of the Colorado Constitution, and Section 29-1-201, *et seq.* of the Colorado Revised Statutes authorize governmental entities to enter into intergovernmental agreements, and to cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each of the cooperating or contracting units.

L. Section 1-22 of the City Code requires that, with some exceptions, intergovernmental agreements or cooperative activities between the City and other governmental entities be submitted to the City Council for review and approval by ordinance or resolution.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the City Council hereby authorizes the City Manager to execute the Purchase and Sale Agreement in substantially the form attached hereto as Exhibit "A", with such additional terms and conditions as the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to protect the interest of the City or effectuate the purposes of this Resolution.

Passed and adopted on April 16, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: April 16, 2024
Approving Attorney: Ryan Malarky