

RESOLUTION 2025-003
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE INITIATION OF EXCLUSION
PROCEEDINGS OF ANNEXED PROPERTIES WITHIN THE
TERRITORY OF THE POUFRE VALLEY FIRE PROTECTION
DISTRICT AND AUTHORIZING AN INTERGOVERNMENTAL
AGREEMENT WITH SAID DISTRICT

A. In 2024, the City annexed one property within the territory of the Poudre Valley Fire Protection District (the “District”).

B. Colorado Revised Statutes (“C.R.S.”) Section 32-1-502 requires an order of exclusion from the district court to remove the annexed property from special district territories.

C. Under the provisions of C.R.S. Section 32-1-502(2)(a), an order excluding property from the boundaries of a special district requires the governing body of the annexing municipality to agree, by resolution, to provide the services previously provided by the special district to the area described in the petition for exclusion from and after the effective date of the exclusion order.

D From the date of such annexations, the City has provided municipal services to said property, including fire services.

E. The residents within the property described on Exhibit “A” attached hereto and incorporated herein by this reference (the “Annexed Property”) have paid ad valorem property taxes to the District for fire protection services prior to exclusion, and subsequent to exclusion, will instead pay ad valorem property taxes to the City for City services, including fire protection.

F. It is the desire and intent of the City Council to reflect by this Resolution its willingness to provide fire protection services to the Annexed Property and to exclude the Annexed Property from the District.

G. The City Council wishes to properly exclude the Annexed Property from the District in accordance with law and to allow for the provision of fire protection services to such property by the Poudre Fire Authority, which is an independent entity providing fire protection services to both the District and the City pursuant to an intergovernmental agreement.

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 as follows:

Section 1. The City Council hereby agrees that the Annexed Property should be excluded from the District.

Section 2. The City Council hereby authorizes the City Attorney to file a petition in the Larimer County District Court pursuant to C.R.S. Section 32-1-502 for an order to exclude the Annexed Property, the boundaries of which are described on Exhibit "A".

Section 3. The City Council hereby agrees to provide fire protection service, through the Poudre Fire Authority, to the Annexed Property.

Section 4. The City Council hereby finds that a plan for the disposition of assets or continuation of service is unnecessary as the Poudre Fire Authority has in the past served, and continues to serve, both the District and the City.

Section 5. The City Manager is authorized to enter into an agreement with the District for the continuation of services for the Annexed Property, which agreement shall be substantially in the form of Exhibit "B" attached hereto, subject to such modifications as the City Manager may, in consultation with the City Attorney, deem necessary or appropriate to protect the interests of the City.

Passed and adopted on January 7, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: January 7, 2025
Approving Attorney: Dawn Downs