

RESOLUTION 2026-110
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING THE SECOND AMENDMENT TO DEVELOPMENT
AGREEMENT TO SECURE PUBLIC BENEFITS FOR MONTAVA
PLANNED UNIT DEVELOPMENT MASTER PLAN

A. Montava is a Planned Unit Development (“PUD”) established under Transitional Land Use Code Divisions 2.15 and 4.29 for a section of rural and agricultural land next to the Anheuser-Busch facility in northeast Fort Collins, modeled after a village-style development for the wide variety of land uses planned. The development intends to include a variety of housing, amenities and public spaces. The proposal calls for a complete, connected community with new neighborhoods, parks, schools, a town center, urban agriculture, businesses, and transportation connections.

B. On September 25, 2018, City Council approved the Consolidated Service Plan for Montava Metropolitan District Nos. 1-7 (the “Service Plan”) to govern the Montava Metro Districts by Resolution 2018-083. Thereafter, on February 18, 2020, City Council approved the Montava PUD Master Plan and Montava PUD Overlay by Ordinance No. 014, 2020, and the PUD Master Plan Development Agreement by Ordinance No. 015, 2020, for the development of approximately 844 acres to be acquired from the Anheuser-Busch Foundation and an additional 108 acres to be obtained via an exchange with the Poudre School District.

C. In connection with the approval of the PUD Master Plan, City Council approved by Resolution 2020-007 the Development Agreement to Secure Public Benefits for Montava Planned Unit Development Master Plan (the “Public Benefits Agreement”) at Reception No. 20220022462, for the purpose of securing the Montava developer's (the “Developer”) delivery of certain Public Benefits described in the Service Plan as: (i) large-scale comprehensive master planning; (ii) new urbanism; (iii) agri-urban development; (iv) zero energy ready homes; (v) non-potable water system; and (vi) affordable/workforce housing.

D. The Public Benefits Agreement at Subsection II.G. contains a contingency requiring the closing of the Developer's purchase of property from the Anheuser-Busch Foundation within five years after the Public Benefits Agreement's effective date, and if the closing does not occur before the end of the five years, the Development Agreement would automatically terminate.

E. Due to complications in finalizing long-term solutions for ditch crossings, ditch modifications and stormwater management, City Council adopted Resolution 2025-004 approving the First Amendment to Development Agreement to Secure Public Benefits for Montava Planned Unit Development Master Plan to extend the time period in which to purchase the property by two years until March 25, 2027.

F. The Developer has encountered complicated issues in finalizing long-term solutions for potable and non-potable water causing additional delay. The City and East Larimer County Water District have been analyzing how best to provide potable and non-potable water for Montava and are in discussions regarding agreements (the “Water Agreements”) setting forth the terms for the provision of such water. It is anticipated that the Water Agreements will be presented to City Council for review and approval in 2026 to resolve the water related development matters.

G. Due to the continued delays, the Developer is requesting a further extension of the time to purchase the property as set forth in the Second Amendment to Development Agreement to Secure Public Benefits for Montava Planned Unit Development Master Plan (the “Second Amendment”), attached hereto and incorporated herein by this reference as Exhibit A. As described in the Second Amendment, should the Water Agreements be approved by or on December 29, 2026, an extension will be granted until the end of day March 25, 2028, to close on the property. If the City does not approve the Water Agreements by or on December 29, 2026, a longer extension will be granted until the end of day March 25, 2029.

H. There will not be financial impact on the City for extending the existing deadline.

I. City Council finds and determines that the adoption of this Resolution advances the public's health, safety, and welfare by ultimately facilitating the Developer's delivery of the agreed upon Public Benefits.

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 Second Amendment is hereby approved by City Council.

Section 2. The Mayor is authorized to execute the Second Amendment on behalf of the City in substantially the same form as Exhibit A.

Passed and adopted on September 1, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: September 1, 2026

Approving Attorney: Brad Yatabe

Exhibit: Exhibit A - Second Amendment to Development Agreement to Secure
Public Benefits for Montava Planned Unit Development Master Plan