

RESOLUTION 2025-042
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL
AGREEMENT REGARDING A GRANT OF FUNDS FOR THE SECOND
PHASE OF THE WILLOW STREET IMPROVEMENTS PROJECT
BETWEEN THE CITY OF FORT COLLINS AND THE DOWNTOWN
DEVELOPMENT AUTHORITY FOR THE WILLOW STREET
IMPROVEMENTS – LINDEN STREET TO LINCOLN AVENUE PROJECT

A. The purpose of this item is to enable the City to receive and expend Downtown Development Authority (“DDA”) grant funds for the Willow Street Improvements – Linden Street to Lincoln Avenue project (“Project”).

B. The Downtown zone district is divided into nine subdistricts, one of which is the River District. The River District Streetscape Improvements Project Plan (dated August 1, 2008) envisions a consistent and comprehensive streetscape approach within the River District, which the City and DDA have been working toward designing and redeveloping. The Project is within the identified plan area.

C. As the River District has redeveloped, the City and the DDA have sought to prepare streetscape designs for sections of the River District ahead of, and in conjunction with proposed redevelopment. The City and the DDA have partnered to deliver the design and eventual construction of two streetscape improvement projects within the River District: 1) Linden Street Improvements – Jefferson Street to the Poudre River and 2) Willow Street Improvements – Linden Street to the BNSF railroad (“Phase 1”). Both projects saw significant financial participation from the DDA and development within the corridors.

D. The DDA and the City entered into an intergovernmental agreement (“IGA”) in 2014 authorized by Resolution 2014-051, to complete the design and engineering for Phase 1. Later in 2015 the DDA and the City partnered to fund the construction of these improvements. That work was completed in 2020.

E. The Project that is the subject of this Resolution is contemplated as Phase 2 of the overall Willow Street Improvements project. As with Phase 1, the Project was contemplated to move forward once there was interest in development within the corridor, and a proposed development on Linden Street has prompted the City and DDA to move forward. The Project design will identify the proposed streetscape improvements for this corridor and help determine what improvements will be the developer’s responsibility for constructing or for providing financial participation.

F. The DDA has proposed an IGA with the City, approved by the DDA’s Board of Directors on February 13, 2025, to cooperate in the preparation and design for the Project.

G. The City can minimize the funding needed to prepare the streetscape design with a willing partner in the DDA, future development contributions, as well as the development contribution from the Bas Bleu Development that Council appropriated via Ordinance No. 22, 2025.

H. The IGA funds are anticipated to be appropriated via Ordinance No. 059, 2025, and used for design and right-of-way acquisition for the Project. This section of Willow Street between Linden Street and Lincoln Avenue also has an existing railroad spur, a need for active modes improvements, and on-street parking needs to support redevelopment and existing development. The IGA and appropriation will also allow the City to begin critical negotiations with OmniTRAX (Great Western Railway of Colorado) concerning the existing railroad spur in this section of Willow Street.

I. 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.

J. 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.

K. 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 funds anticipated to be appropriated pursuant to this IGA amount to \$251,800. City staff recommends that the City Council appropriate funds in this amount by separate ordinance.

L. The City Council finds and determines that the Project and the DDA grant funding are in the best interests of the City, that they advance the public's health, safety, and welfare by facilitating further design and improvement of the City's multimodal transportation safety and infrastructure and streetscapes, and that the Mayor be authorized to execute the IGA between the City and the DDA in support thereof.

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 authorizes the Mayor to execute, on behalf of the City, the intergovernmental agreement with the Downtown Development Authority, 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.

Section 2. The City Council hereby authorizes the City Manager to approve and execute future amendments to the intergovernmental agreement with the Downtown Development Authority relating to the Project that the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to facilitate completion of the Project, so long as such amendments do not increase the cost of the Project, substantially modify the purposes of the intergovernmental agreement, increase the allocation or amount of funding for the Project funded by the City, or otherwise increase the obligations and responsibilities of the City as set forth in the intergovernmental agreement.

Passed and adopted on April 1, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: April 1, 2025

Approving Attorney: Heather N. Jarvis