

RESOLUTION 2024-028
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF FORT COLLINS, COLORADO, AND THE COLORADO
DEPARTMENT OF TRANSPORTATION FOR THE POWER TRAIL AND
HARMONY GRADE SEPARATED CROSSING PROJECT

A. This Resolution concerns construction of and funding for a pedestrian and bicycle underpass to extend the Power Trail in the vicinity of East Harmony Road.

B. The Power Trail provides a north-south route through Fort Collins in two disconnected segments along the west side of the Union Pacific Railroad, traveling past neighborhoods, open spaces, two parks, Collindale Golf Course, and Kruse Elementary School. The Trail's northern end begins at Edora Park and stretches to just north of Harmony Road via Golden Meadows Park, stopping at McMurry Avenue. The Trail resumes at Keenland Drive to the west side of the railroad, travels to Trilby Road and then continues south along Stanton Creek to the Carpenter Road underpass and a connection to the Larimer County Front Range Trail and the Loveland Boyd Lake trail.

C. The current route for the Power Trail directs bicycles and pedestrians to use the City roadway network north and south of Harmony Road, which involves crossing Harmony Road at-grade at McMurry Avenue. Several residential neighborhoods are south of Harmony Road near the Trail, and several destinations are north of Harmony Road including multiple schools, businesses, parks, and a golf course. The existing at-grade crossing has been the scene of several severe crashes involving vulnerable road users in recent years, including a crash resulting in a cyclist fatality.

D. The Power Trail and Harmony Grade Separated Crossing Project (the "Project") has been developed to improve bicycle and pedestrian safety and to facilitate trail connectivity. The Project will design, acquire any necessary right-of-way for, and construct a trail underpass for the Power Trail crossing at Harmony Road. A separate project will construct trail connections north and south of Harmony Road to connect the underpass with the existing Power Trail. Together, this Project and the trail connections work will complete the last gap in the Power Trail, providing connectivity from the Poudre River Corridor to the Big Thompson Corridor.

E. The Project is one of multiple projects to connect the Power Trail to the local trail network and to current and future residential communities, schools, and parks in southeast Fort Collins. Current and future developments will add to trail demand and a robust trail network will potentially divert vehicle trips.

F. The Power Trail is regionally significant and identified in the North Front Range Metropolitan Planning Organization (the "NFRMPO") Regional Active Transportation Plan as part of the Front Range Trail (West) adopted in July 2021. The grade separated crossing is identified in the City's 2014 Bicycle Master Plan as a bicycle network priority.

G. City staff presented the Project to the Bicycle Advisory Committee, the Commission on Disabilities, the Transportation Board, and the Parks and Recreation Advisory Board, all of whom support the Project.

H. In 2016, the City applied for and was awarded \$800,000 through a federal Transportation Alternatives Program (“TAP”) grant. These TAP funds were awarded to the City, programmed for FY2020, through the NFRMPO and Colorado Department of Transportation (“CDOT”) for the construction of the Project.

I. In 2022, the City was awarded a Congestion Mitigation and Air Quality (“CMAQ”) grant for \$2,700,000. These CMAQ funds were awarded to the City, programmed for FY2023-FY2024, through the NFRMPO and CDOT for the construction of the Project.

J. In 2023, the City applied for and was awarded \$3,239,300 in additional CMAQ funds through the NFRMPO. These funds are required to complete construction of the Project planned for 2025. The additional \$3,239,300 in CMAQ funds are programmed for FY2026 and will be requested for appropriation along with additional City funds required to complete the Project as part of the City’s 2025-2026 Budget.

K. The feasibility study and design phases that preceded the Project and the City’s required local match and overmatch funds were previously appropriated from Transportation Capital Expansion Fee funds, the Transportation Fund, and Community Capital Improvement Program funds for pedestrian and bicycle grade separated crossings.

L. CDOT administers the grant funds for the Project and has proposed an intergovernmental agreement (the “IGA”) to enable the City to receive and expend the grant funds to continue to address the safety concerns and to further develop the City’s transportation infrastructure and interconnected trail network.

M. 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.

N. Article II, Section 16 of the City Charter 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.

O. City Code Section 1-22 requires the City Council to approve IGAs 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 \$1,434,635.

P. The City Council has determined that the IGA with CDOT is 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.

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, an Intergovernmental Agreement with the Colorado Department of Transportation, in substantially the form attached hereto as Exhibit A, with such 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 IGA that the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to facilitate completion of the Power Trail and Harmony Grade Separated Crossing Project, so long as such amendments do not increase the cost of the Project, substantially modify the purposes of the IGA, 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 IGA.

Passed and adopted on March 19, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 19, 2024

Approving Attorney: Heather N. Jarvis