

RESOLUTION 2022-112  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL  
AGREEMENT WITH LARIMER COUNTY AND THE CITY OF LOVELAND TO PARTNER  
IN THE PURCHASE OF FEE AND CONSERVATION EASEMENT INTERESTS ON A  
1,547 ACRE PROPERTY IN THE BLUE MOUNTAIN CONSERVATION PRIORITY AREA

WHEREAS, the City, City of Loveland (“Loveland”) and Larimer County (“County”) have a long history of collaborating to conserve land throughout Larimer County to meet shared land conservation goals; and

WHEREAS, the County is under contract to purchase the 1,547 acre Heavens Door Ranch at the mouth of the Big Thompson Canyon along U.S. Highway 34 (the “Property”), which the County identified as a high priority for conservation in its Blue Mountain Priority Area; and

WHEREAS, whereas the County anticipates closing on the Property on November 30, 2022; and

WHEREAS, the City, County and Loveland have negotiated a proposed intergovernmental agreement (the “IGA”) by which the City would contribute \$750,000 and Loveland would contribute \$500,000 towards the County’s purchase of the Property and in exchange the County would grant a conservation easement on the Property to the City and Loveland (the “Conservation Easement”); and

WHEREAS, a draft of the IGA is attached hereto as Exhibit “A” and incorporated herein by reference; and

WHEREAS, the total cost to acquire the Property is estimated to be \$9,029,850.00, including the purchase price of the County’s fee acquisition as well as the due diligence and closing costs associated with both the fee acquisition and the subsequent Conservation Easement conveyance; and

WHEREAS, the County is reserving the right to resell approximately 150 acres at the southeast corner of the Property and retain the proceeds, which parcels (the “Excluded Parcels”) may not be included in the Conservation Easement, in the County’s discretion; and

WHEREAS, the Conservation Easement would help ensure that the majority of the Property will be managed to protect its conservation values in perpetuity; and

WHEREAS, under the terms of the IGA the City and Loveland would also have a right of first refusal should the County ever wish to sell or transfer all or a portion of its fee interest in Property, except for the Excluded Parcels; and

WHEREAS, the City’s portion of the costs has already been appropriated and is available for expenditure in the Natural Areas Fund; and

WHEREAS, at its regular meeting on October 12, 2022, the Land Conservation and Stewardship Board voted to recommend that the City Council approve the IGA; and

WHEREAS, the proposed collaboration with the County and Loveland, as documented in the IGA, meets the criteria of the Natural Areas Department's Land Acquisition Partnership Guidelines; and

WHEREAS, 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; and

WHEREAS, Section 29-1-203 of the Colorado Revised Statutes provides that governments may cooperate or contract with one another to provide certain services or facilities when such 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; and

WHEREAS, the City Council has determined that entering into the IGA with the County and Loveland is in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby authorizes the Mayor to execute the IGA, pursuant to which the City and Loveland will pay the County a portion of its costs for acquiring the Property, and in exchange the County will grant the City and Loveland a conservation easement and a right of first refusal over the Property, in substantially the form attached hereto as Exhibit "A," together with such modifications and additions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City or further the purposes of this Resolution, as set forth above.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 15th day of November, A.D. 2022.

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Mayor

ATTEST:

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City Clerk