

ORDINANCE NO. 114, 2024  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING TRANSFER OF APPROPRIATIONS FROM THE  
SOUTH TIMBERLINE MAIL CREEK TRAIL UNDERPASS  
PROJECT TO THE SOUTH TIMBERLINE CORRIDOR PROJECT

A. This Ordinance transfers appropriated funds from the South Timberline Mail Creek Trail Underpass project (“Underpass”) to the South Timberline Corridor project (“Corridor”).

B. No new funding is appropriated by this Ordinance.

C. The recent South Timberline Road construction includes two groups of work, the Underpass and the Corridor.

D. The Underpass includes a new box culvert for the Mail Creek Ditch and a new pedestrian underpass for the Mail Creek Trail. Underpass construction was substantially complete in 2022.

E. The Corridor includes a combination of buffered bike lanes and a raised multi-use path; new sidewalks; multimodal intersection improvements at two intersections (includes improved geometry, green striping for bicycles; American with Disabilities Act (“ADA”) compliant ramps and pushbuttons; and additional travel lanes for vehicles. Corridor work was substantially complete in 2023.

F. For the Corridor, there is outstanding landscape and irrigation work to be completed, and the contractor is addressing minor repair work.

G. The Underpass and Corridor projects have separate funding and business units. This separation allows the City flexibility to expedite structure construction with tight timelines between October and April (ditch bridge replacement) and take full advantage of grant funding, such as Surface Transportation Block Grant (STBG) program funds, for typical corridor improvements.

H. The Corridor was initially bid for construction in the summer of 2022. Bids were higher than the available budget. Construction cost escalation resulting from the COVID pandemic had become a significant problem and a supplemental appropriation was sought to allow the project to begin construction. The supplemental appropriation was approved by City Council (Ordinance No. 75, 2022) and included \$400,000 from the Community Capital Improvement Program (CCIP) fund reserves. This funding was inadvertently placed in the Underpass business unit. The funding is needed in the Corridor business unit to close out the outstanding work.

I. This project involves construction estimated to cost more than \$250,000, and City Code Section 23-304 requires one percent of such costs to be transferred to the

Cultural Services and Facilities Fund for a contribution to the Art in Public Places Program. The prior appropriation (Ordinance No. 075, 2022) included the required contribution to Art in Public Places.

J. Article V, Section 10 of the City Charter authorizes the City Council, upon recommendation by the City Manager, to transfer by ordinance any unexpended and unencumbered appropriated amount or portion thereof from one fund or capital project to another fund or capital project, provided that the purpose for which the transferred funds are to be expended remains unchanged, the purpose for which the funds were initially appropriated no longer exists, or the proposed transfer is from a fund or capital project in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance.

K. The City Manager has recommended the transfer of \$400,000 from the Capital Project fund Underpass budget to the Capital Projects fund Corridor budget and determined that the purpose for which the funds were initially appropriated no longer exists.

L. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a capital project, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made but continue until the completion of the capital project.

M. The City Council wishes to designate the appropriation herein for the Corridor as an appropriation that shall not lapse until the completion of the project.

N. The appropriation in this Ordinance benefits public health, safety and welfare of the residents of Fort Collins and serves the public purpose of improving multimodal transportation infrastructure within the City.

In light of the foregoing Recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The unexpended and unencumbered appropriated amount of FOUR HUNDRED THOUSAND DOLLARS (\$400,000) is authorized for transfer from the Capital Project fund South Timberline Mail Creek Underpass budget to the Capital Projects fund South Timberline Corridor project budget and appropriated therein to be expended for the South Timberline Corridor project.

Section 2. The appropriation herein for the Capital Projects fund South Timberline Corridor project is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the completion of the South Timberline Corridor project.

Introduced, considered favorably on first reading on August 20, 2024, and approved on second reading for final passage on September 3, 2024.

---

Mayor Pro Tem

ATTEST:

---

City Clerk

Effective Date: September 13, 2024  
Approving Attorney: Heather N. Jarvis