

RESOLUTION 2023-051  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT  
BETWEEN THE CITY OF FORT COLLINS AND THE COLORADO DEPARTMENT OF  
TRANSPORTATION FOR THE SIPHON OVERPASS PROJECT

WHEREAS, the Power Trail is a frequently used north-south multi-use recreational and commuter connection that connects the Spring Creek Trail at its northern end and the Fossil Creek Trail at its southern end; and

WHEREAS, the Union Pacific Railroad (UPRR) tracks parallel the Power Trail; and

WHEREAS, the only current designated railroad crossings for trail users south of Harmony Road and east of the tracks wishing to access the Power Trail are at Harmony Road or at Trilby Road, with no other designated crossings between the Harmony or Trilby roadway crossings; and

WHEREAS, evidence shows trail users crossing the railroad tracks at unauthorized locations between Harmony Road and Trilby Road; and

WHEREAS, the need for a grade separated crossing between Harmony Road and Trilby Road becomes amplified as development continues around this area; and

WHEREAS, the Siphon Overpass Project (the “Project”) has been developed to address these safety concerns and provide another designated railroad crossing; and

WHEREAS, the Project’s proposed improvements will construct a trail overpass spanning the UPRR tracks near the southeast corner of the Willow Springs neighborhood to provide a safe and designated connection to the Power Trail for trail users south of Harmony Road and east of the UPRR tracks; and

WHEREAS, the Project design will be context sensitive to the existing natural environment, concurrently performing environmental investigations and reviews associated with the use of federal funds, and will complement anticipated trail improvements along Mail Creek and at Timberline Road; and

WHEREAS, Project design and right-of-way acquisition are currently underway, and construction is anticipated to begin in 2023; and

WHEREAS, in 2020, 2021, and 2022, the City appropriated Community Capital Improvement Program and Multimodal Option Funds (MMOF) funding amounts totaling \$4,505,050 for the design, right-of-way acquisition, and construction of the Project; and

WHEREAS, the City was awarded \$554,569 in MMOF and \$195,431 in Carbon Reduction Program (CRP) funds by the North Front Range Metropolitan Planning Organization and the Colorado Department of Transportation (CDOT), also for the design, right-of-way acquisition, and construction of the Project, because the Project improves multimodal connectivity and also provides a safe route to nearby neighborhood schools; and

WHEREAS, the MMOF and CRP grant funding requires the City to provide local matching funds totaling \$595,194, which will be provided from funds previously appropriated for this Project; and

WHEREAS, CDOT has proposed an Intergovernmental Agreement (IGA) between CDOT and the City that outlines the terms and conditions of the use of the grant funds; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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 the proposed IGA requires the City to provide matching funds in the amount of \$595,194; and

WHEREAS, the City Council has determined that the Project and the grant funding are 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.

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 City Council authorizes the Mayor to execute, on behalf of the City, the Intergovernmental Agreement with the Colorado Department of Transportation, 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.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 20th day of June 2023.

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Mayor

ATTEST:

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Chief Deputy City Clerk