

RESOLUTION 2023-042
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 WEST ELIZABETH CORRIDOR FINAL DESIGN

WHEREAS, the City has identified the West Elizabeth Street travel corridor as the highest priority pedestrian and alternative travel mode area for improvement in the City as highlighted in *City Plan* and the *Transit Master Plan*; and

WHEREAS, the vision for the West Elizabeth corridor is to be an easily accessible and reliable enhanced multimodal corridor with an emphasis on connectivity between the Colorado State University (“CSU”) Foothills Campus on the west and CSU's Main Campus on the east; and

WHEREAS, the West Elizabeth corridor is further envisioned to focus on improving transit (including bus rapid transit stations), vehicle lanes, and walking and biking pathways; and

WHEREAS, the West Elizabeth corridor is further envisioned to foster existing business and future infill and redevelopment to accommodate the growing number and diversity of users in the corridor, which include students, families, commuters, and seniors; and

WHEREAS, in 2020, the City initiated the thirty percent design process for the West Elizabeth corridor pursuant to Resolution 2020-072, which authorized the execution of an intergovernmental agreement (the “IGA”) with the Colorado Department of Transportation (“CDOT”) for collaboration on the thirty percent design efforts, Resolution 2020-071, which authorized the execution of an IGA with CSU for collaboration on the thirty percent design efforts, and Ordinance No. 097, 2020, which appropriated the funding for the thirty percent design; and

WHEREAS, the thirty percent design process is complete, and the City seeks to proceed forward with the final 100% design and outreach regarding the improvements along West Elizabeth Street from Mason Street and the CSU campus to Overland Trail that comprise the West Elizabeth Corridor Final Design (the “Project”); and

WHEREAS, the City was awarded a \$1,232,248 Multi-Modal Options Funding (“MMOF”) grant from the North Front Range Metropolitan Planning Organization (“NFRMPO”) for the Project; and

WHEREAS, CDOT manages the MMOF grant funding for NFRMPO for the Project; and

WHEREAS, CDOT has proposed an IGA between CDOT and the City (the “CDOT IGA”) to fund the Project; and

WHEREAS, the CDOT IGA is an Amendment and Restatement No.1 of the IGA used for the thirty percent design that outlines the terms and conditions of the use of the MMOF grant funds, which include federal funds, American Rescue Plan Act funds, and contract provisions and exhibits required for projects using federal funds; and

WHEREAS, the MMOF grant award requires a local match of \$1,232,248, half of which the City will provide from Transportation Capital Expansion Fee funds and unanticipated revenue from Transfort, and half of which CSU has committed to funding similar to its agreement for the thirty percent design, and for which CSU has appropriated \$616,124 and has proposed an IGA with the City to confirm its commitment to the Project and to splitting the local match funding requirement (the “CSU IGA”); 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, City Code Section 1-22 requires the City Council to approve intergovernmental agreements that require the City to make a direct, monetary payment in excess of \$50,000, and the proposed IGA requires the City to provide matching funds that exceed \$50,000; and

WHEREAS, the City Council has determined that the Project and the MMOF 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 the City Council authorizes the Mayor to execute, after the execution of the CSU IGA, on behalf of the City, the CDOT IGA, 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 3. That during the term of the CDOT IGA, the City Manager, in consultation with the City Attorney, is authorized to approve and execute amendments to the CDOT IGA consistent with this Resolution so long as the City Manager determines the amendments: (a) are reasonably necessary and appropriate to protect the City’s interests or provide a benefit to the City, (b) effectuate the purposes of this Resolution, and (c) limit the City’s financial obligation to expenditure of funds already appropriated and approved by City Council or conditioned upon such appropriation.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 2nd day of May, 2023.

Mayor

ATTEST:

City Clerk