

RESOLUTION 2022-109
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE MAYOR TO EXECUTE AN
INTERGOVERNMENTAL GRANT AGREEMENT FOR AN
AFFORDABLE HOUSING DEVELOPMENT INCENTIVES GRANT FROM THE
COLORADO DEPARTMENT OF LOCAL AFFAIRS

WHEREAS, in 2021 the Colorado General Assembly passed H.B.21-1271, creating the Affordable Housing Development Incentives Grant program, managed by the Colorado Department of Local Affairs (DOLA), to provide grants to local governments to develop one or more affordable housing developments in their communities; and

WHEREAS, grants funds can be used to offset tap fees, infrastructure costs, and other needs and amenities that support affordable housing projects; and

WHEREAS, in January 2022 DOLA invited the City to apply in the “Catalyst” round of funding for a grant of \$2.2 million; and

WHEREAS, Catalyst projects must be shovel-ready, exceed the requirements of the grant guidelines, have demonstration value, and be able to spend the funds by June of 2024; and

WHEREAS, on November 2, 2021, the City Council adopted Ordinance No. 138, 2021, authorizing the conveyance of the City-owned Affordable Housing Land Bank Property at 3620 Kechter Road to TWG, LLLP, to construct an affordable home-ownership townhome project (the “Project”); and

WHEREAS, the Project still has a funding gap currently being covered by loans from development partners to the Project; and

WHEREAS, on February 15, 2022, the City Council adopted Resolution 2022-029 supporting a grant application for a Catalyst grant to be used to pay water and wastewater tap fees for the Project to the Fort Collins – Loveland Water District; and

WHEREAS, DOLA has awarded the City a grant of \$2.2 million (the “Grant”) to be used for such purposes, subject to the City’s execution of an Intergovernmental Grant Agreement between the City and DOLA in substantially the form attached as Exhibit “A” and incorporated herein by reference (the “IGA”); and

WHEREAS, the City will pass applicable obligations of the IGA on to TWG, LLLP, through a sub-grant agreement between the City and TWG, LLLP; and

WHEREAS, Section 29-1-203 of the Colorado Revised Statutes provides that government 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, 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, City 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

WHEREAS, the Grant requires a City match, and DOLA considers the City's sale of the Kechter Road Land Bank parcel to the Project for significantly less than fair market value pursuant to Ordinance No. 138, 2021, a total subsidy of approximately \$1,175,000, to be the City's in-kind match for the Grant funds.

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 Intergovernmental Grant Agreement with DOLA in substantially the form attached as Exhibit "A", including such additional 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 1st day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk