

ORDINANCE NO. 036, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING A DEVELOPMENT CONTRIBUTION TO
CONSTRUCTION AND AUTHORIZING TRANSFERS OF
APPROPRIATIONS FOR THE COLLEGE AVENUE-DRAKE ROAD
INTERSECTION IMPROVEMENTS PROJECT AND RELATED
ART IN PUBLIC PLACES

A. The purpose of this item is to appropriate a development contribution from the developer of the King Soopers 146 – Midtown Gardens Marketplace Development for the construction of the College Avenue-Drake Road Intersection Improvements project (the “Project”). These funds will be used for Project design at the state highway Intersection of College Avenue and Drake Road, which is a critical arterial-arterial intersection in midtown Fort Collins that presents safety concerns and congestion issues.

B. In 2023, Dillon Companies, LLC (“Developer“) entered into a Development Agreement (“DA”) with the City, which set forth the requirements and conditions for the development of King Soopers 146 – Midtown Gardens Marketplace at the northwest corner of the intersection of College Avenue and Drake Road.

C. Section II.D.4 of the DA contemplates construction of median improvements that the Developer would be responsible as a result of the increase in traffic volumes due to the development. The DA provides that the City would construct the improvements when improvements are made to adjacent portions of Drake Road in concurrence with the Project.

D. The DA also provides that the Developer will contribute to the cost of the median improvements to the City. The Developer and City staff estimated the cost of these median improvements to be \$100,265. The City collected the development contribution for construction early in 2025. This payment is proposed to be appropriated to the Project, which will construct the median improvements contemplated by the DA.

E. The Project was identified in the Transportation Capital Projects Prioritization Study adopted by City Council on September 19, 2023. The Project will conform with City standards and adopted plans, such as the Midtown in Motion Plan and the Active Modes Plan. The Project design team is coordinating closely with the Midtown Improvements Project south of the intersection that is also in the design phase.

F. The Urban Renewal Authority adopted a plan that includes several public improvements in this College Avenue-Drake Road area that focus on intersection improvements for pedestrians, bicyclists, and vehicles, and there are several recent and active developments, both nearby and directly adjacent to the intersection. Conceptual and preliminary engineering and design of the Project aims to coordinate improvements to the intersection with Urban Renewal Authority plans and nearby developments.

G. Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year.

H. The City Manager has recommended the appropriation described herein and determined that the funds to be appropriated are available and previously unappropriated from the Transportation Capital Expansion Fee fund and that this appropriation will not cause the total amount appropriated in the Transportation Capital Expansion Fee fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this fund during this fiscal year.

I. 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

J. The City Manager has recommended the transfer of \$100,265 from the Transportation Capital Expansion Fee fund to the Capital Projects fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

K. This Project involves construction estimated to cost more than \$250,000 and, as such, City Code Section 23-304 requires one percent of these appropriations to be transferred to the Cultural Services and Facilities Fund for a contribution to the Art in Public Places ("APP") program.

L. The total project cost of \$100,265 has been used to calculate the contribution to the APP program.

M. The amount to be contributed by this Ordinance will be \$1,003.

N. 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.

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

P. The appropriations in this Ordinance benefit public health, safety, and welfare of the residents of Fort Collins and the traveling public and serve the public purpose of improving multimodal transportation infrastructure, safety, and accessibility 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. There is hereby appropriated from new revenue or other funds in the Transportation Capital Expansion Fee fund the sum of ONE HUNDRED THOUSAND TWO HUNDRED SIXTY-FIVE DOLLARS (\$100,265) to be expended in the Transportation Capital Expansion Fee fund for Transfer to the Capital Projects fund to be appropriated and expended therein for the design of the College Avenue-Drake Road Intersection Improvements project.

Section 2. The unexpended and unencumbered appropriated amount of SEVEN HUNDRED EIGHTY-TWO DOLLARS (\$782) in the Capital Projects fund is hereby authorized for transfer to the Cultural Services and Facilities fund and appropriated and expended therein to fund art projects under the APP program.

Section 3. The unexpended and unencumbered appropriated amount of TWO HUNDRED ONE DOLLARS (\$201) in the Capital Projects fund is hereby authorized for transfer to the Cultural Services and Facilities fund and appropriated and expended therein for the operation costs of the APP program.

Section 4. The unexpended and unencumbered appropriated amount of TWENTY DOLLARS (\$20) in the Capital Projects fund is hereby authorized for transfer to the Cultural Services and Facilities fund and appropriated and expended therein for the maintenance costs of the APP program.

Section 5. The appropriation herein for the College Avenue-Drake Road Intersection Improvements 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 Project.

Introduced, considered favorably on first reading on March 4, 2025, and approved on second reading for final passage on March 18, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: March 28, 2025
Approving Attorney: Heather N. Jarvis