

AGENDA ITEM SUMMARY

October 20, 2015

City Council

STAFF

Patrick Rowe, Real Estate Specialist III
Josh Birks, Economic Health Director

SUBJECT

Resolution 2015-090 Setting for December 1, 2015, a Noticed Public Hearing for the City Council's Consideration of a Resolution to Substantially Modify the Midtown Urban Renewal Plan.

EXECUTIVE SUMMARY

The purpose of this item is for City Council to consider the adoption of a resolution setting a public hearing date for December 1, 2015 to consider two modifications of the Midtown Urban Renewal Plan (the "Midtown Plan"). One modification would reduce the Midtown Plan area by removing territory that is currently not in either of the two approved tax increment financing (TIF) districts within the Midtown Plan (Prospect South and Foothills Mall). The other modification would amend wording in the Midtown Plan to clarify that the Plan identifies and describes only one urban renewal project.

Adoption of the Resolution only sets the public hearing date for December 1, 2015, for Council's consideration of these modifications and does not take any action on either of the two modifications.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

In May 2015, the Colorado General Assembly passed House Bill 2015-1348 (the "URA Reform Bill"). The URA Reform Bill will affect the City's Urban Renewal Authority (the "URA") in several significant ways. Chief among them is that on and after January 1, 2016, the City will be required to attempt to negotiate an agreement with all affected taxing entities, like Larimer County, on the issue of how property tax increment generated under any new City urban renewal plan or the modification of an existing plan will be allocated and spent under the new plan or modification. If the City and other taxing entities cannot reach such an agreement, the tax-allocation issue will be decided through "mediation" by a "mediator."

There is concern that the City's two existing urban renewal plans, the North College and Midtown Urban Renewal Plans, and the urban renewal projects ongoing under them, may be negatively affected by the URA Reform Bill. In an effort to avoid and minimize this concern, staff recommends that the Council take the following actions *before* January 1, 2016: (1) amend the Midtown Plan to remove all the territory in the Midtown Plan area that is not currently in the Prospect South or the Foothills Mall tax increment financing ("TIF") districts, with the exception of small connection between the two TIF districts located within College Avenue right-of-way (the "First Midtown Modification"); (2) clarify that the Midtown Plan authorizes only one urban renewal project (the "Second Midtown Modification"; and, 1 and 2 jointly, the "Midtown Modifications"); and (3) amend the North College Urban Renewal Plan to clarify that it too only authorizes one urban renewal project (this item will come to Council in a separate resolution at the December 1, 2015, meeting).

The First Midtown Modification specified above, reducing the size of the Midtown Plan area, has been determined to be a *substantial modification* of the Midtown Plan. As such, the urban renewal statutes require that the process to consider this change be the same process that is required for the approval of a new urban renewal plan. The process involves a number of steps, summarized below, which culminate in a public hearing on the proposed change. The Second Midtown Modification, clarifying that the plan authorizes only one urban renewal project, is *not* a substantial change, but will be jointly considered as a matter of process. This Resolution continues the process with regard to the proposed Midtown Modifications by setting the date for the public hearing. This Resolution sets this date for December 1, 2015 at the regular City Council Meeting at 6:00pm.

The First Midtown Modification removes a substantial amount of land from the Midtown Plan area, which area is currently 658.5 acres in size and shown on the map in **Attachment 1** (the "Plan Area"). The land to be removed from the Plan Area would be those properties *not* currently located in either of the two tax increment financing districts established in the Midtown Plan, these being the Prospect South Tax Increment District and the Foothills Mall Tax Increment District (jointly, the "TIF Districts"). However, certain portions of South College Avenue currently not located in the TIF districts will remain in the Plan Area to connect the two TIF Districts. The Midtown Modification would exclude approximately 490.7 acres (or approximately 75 percent) of the land from the Plan Area as depicted on the map in **Attachment 2** (the "Excluded Area"), thereby resulting in the new boundaries for the remaining Midtown Plan area consisting of approximately 167.9 acres of land, which boundaries are also depicted in **Attachment 2** (the "New Plan Area").

The Second Midtown Modification clarifies language in the Midtown Plan, specifying that the plan authorizes only one urban renewal project. This is in keeping with the statutory definition of an "urban renewal project" defined as "undertakings and activities for the elimination and for the prevention of the development or spread of slums and blight ... in accordance with an urban renewal plan". Although such a broad definition makes it unlikely that any Midtown Plan activity would be construed as a separate project, Staff recommends the Midtown Plan (and, the North College Plan), be explicit on this point. Such a revision further reduces the likelihood that the Midtown Plan may inadvertently become subject to the URA Reform Bill changes.

The rationale for both of these Midtown Modifications is to protect the TIF Districts and their existing and future undertakings and activities, like the Foothills Mall redevelopment, from potential adverse effects of the URA Reform Bill. For instance, if the properties in the Excluded Area are not removed from the Plan Area and any future urban renewal undertakings or activities occur on them, an affected taxing entity might argue that such undertakings or activities have triggered the URA Reform Bill requiring the City and the URA to negotiate with that taxing entity a tax allocation agreement for not only the new undertakings or activities, but also with respect to the existing undertakings and activities in the TIF Districts. By removing the Excluded Area from the Plan Area now, this should eliminate this argument. Then, if and when the City decides to pursue an urban renewal plan and project for any property in the Excluded Area, it can do so without concern that such action will adversely affect the existing and future urban renewal undertakings and activities in the Midtown TIF Districts in light of the URA Reform Bill.

This process to modify the Midtown Plan involves the following steps:

1. URA resolution proposing the Midtown Modification - September 8, 2015 (OCCURRED - the URA adopted Resolution No. 077);
2. Council resolution submitting the Midtown Modification to the Planning and Zoning Board to review for conformity with City Plan and to the Poudre School District - September 15, 2015 (OCCURRED - Council adopted Resolution No. 2015-084);
3. Planning and Zoning Board hearing to consider the Midtown Modification and adoption of a resolution with its recommendation to Council concerning the Modification's conformance with City Plan - October 8, 2015 (OCCURRED - the Planning and Zoning Board adopted the attached resolution (**Attachment 3**) finding that the Midtown Plan, as amended by the Midtown Modifications, is in conformity with City Plan);
4. Council resolution scheduling a public hearing on the Midtown Modifications - October 20, 2015 (this Resolution); and
5. Council public hearing to consider a resolution approving the Midtown Modification - December 1, 2015.

Adoption of the Resolution sets a public hearing date for December 1, 2015, but does not take action on either of the two modifications.

BOARD / COMMISSION RECOMMENDATION

The URA Board passed Resolution No. 077 on September 8, 2015, proposing the Midtown Modification. A copy of the resolution is attached (**Attachment 4**).

On October 8, 2015, the Planning and Zoning Board adopted the attached resolution (**Attachment 3**) finding that the Midtown Plan, as amended by the Midtown Modifications, is in conformity with City Plan.

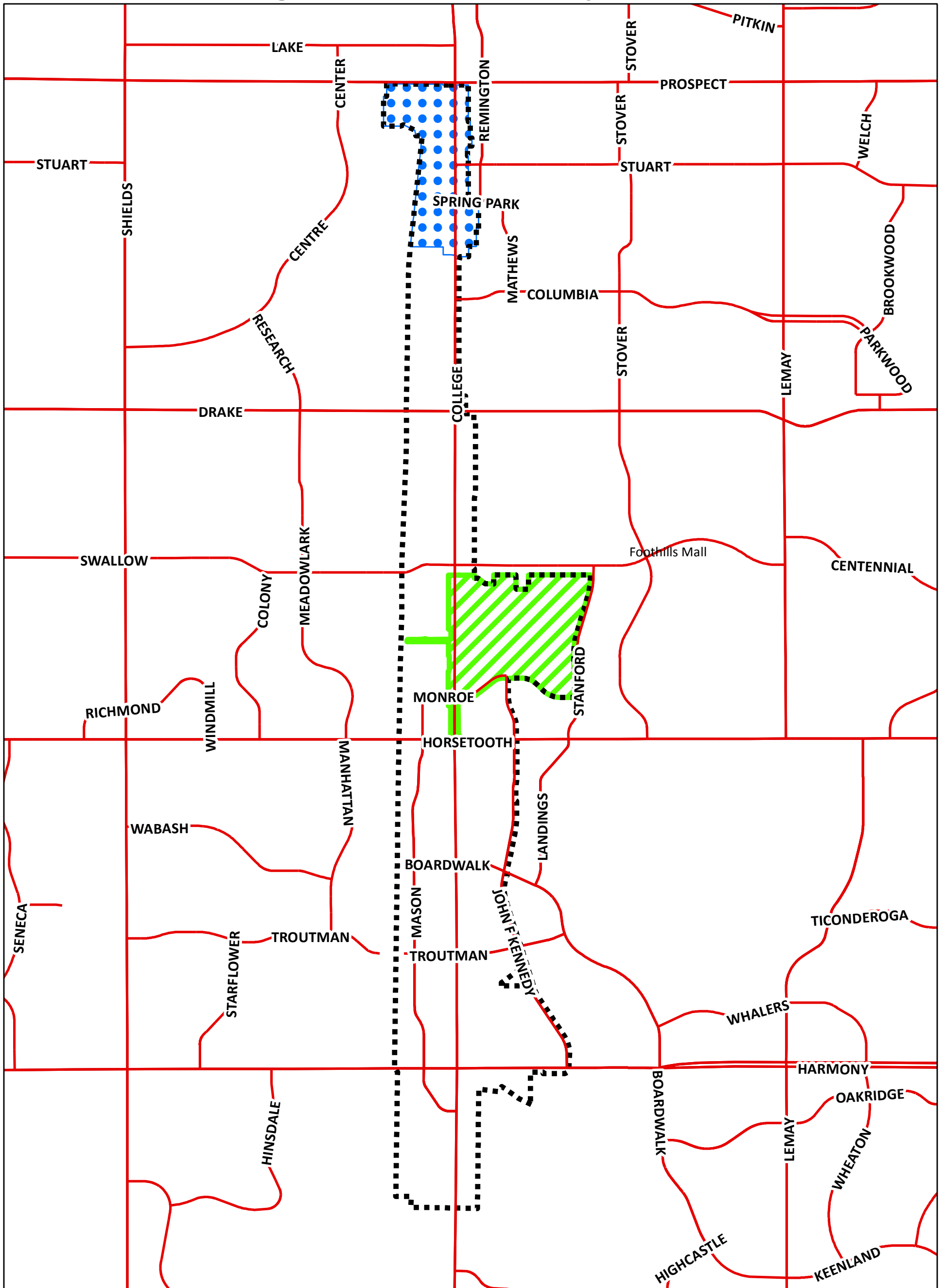
PUBLIC OUTREACH

Following the URA Board meeting on September 8, 2015, the City began formal public outreach on the Midtown Modification as well as others recommended changes to the URA operations which will follow a different process. The outreach includes letter correspondence to the property owners and taxing entities within the Midtown Plan, as well as, discussion with key stakeholder (e.g., South Fort Collins Business Association). For additional detail on the public outreach, please refer to the attached public engagement plan (**Attachment 5**).

ATTACHMENTS

1. Map - Existing Plan Area (PDF)
2. Map - Proposed Area (PDF)
3. URA Resolution No. 077 (PDF)
4. Planning and Zoning Board Resolution (PDF)
5. Public Engagement Plan (PDF)

Fort Collins Urban Renewal Authority Existing Plan Area Boundary - Midtown



Legend



Foothills Mall Boundary



Prospect South Boundary



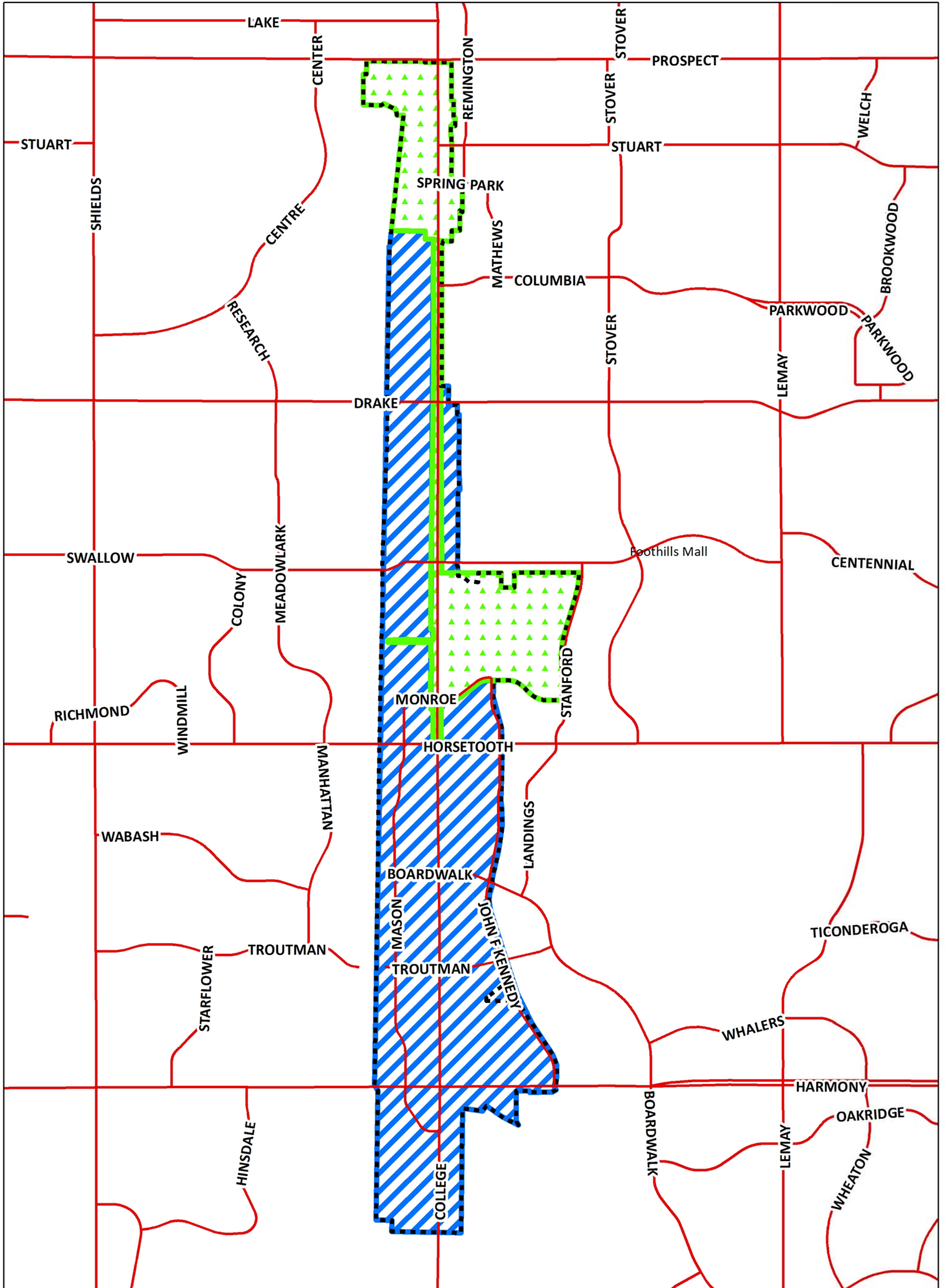
Streets



Midtown Urban Renewal Plan Area (the "Plan Area")



Fort Collins Urban Renewal Authority Proposed Plan Area Boundary - Midtown



Legend

-  New Plan Area
-  Excluded Area

-  Streets
-  Midtown Urban Renewal Plan Area (the "Plan Area")



RESOLUTION NO. 077
OF THE FORT COLLINS URBAN RENEWAL
AUTHORITY BOARD OF COMMISSIONERS
PROPOSING A SUBSTANTIAL MODIFICATION
OF THE MIDTOWN URBAN RENEWAL PLAN

WHEREAS, on January 5, 1982, the Council of the City of Fort Collins ("Council") adopted Resolution 82-10 establishing the Fort Collins Urban Renewal Authority (the "Authority") and designating the Council to serve as the Authority's Board of Commissioners (the "Board"); and

WHEREAS, on September 6, 2011, the City Council adopted Resolution 2011-081 approving the Midtown Urban Renewal Plan (the "Plan") in accordance with the Colorado Urban Renewal Law, C.R.S. Sections 31-25-101 , et seq. (the "Act"); and

WHEREAS, the Plan identifies and legally describes approximately 658.5 acres of land as being within the Plan's boundaries as depicted on the map attached as Exhibit "A" (the "Plan Area"); and

WHEREAS, the Plan also established a tax increment financing district within the Plan Area known as "Prospect South," which district is depicted on Exhibit "A" (the "Prospect TIF District"); and

WHEREAS, on May 7, 2013, the Council adopted Resolution 2013-043 in which the Council ratified and reaffirmed the Plan and amended the Plan (the "First Amended Plan") to establish within the Plan Area a second tax increment financing district known as "Foothills Mall," which district is depicted on Exhibit "A" (the "Mall TIF District"); and

WHEREAS, the Prospect TIF District and the Mall TIF District shall be jointly referred to as the "TIF Districts;" and

WHEREAS, the Act was recently amended in several respects by House Bill 15-1348 ("HB-1348"); and

WHEREAS, starting January 1, 2016, the City will be required under HB-1348 to attempt to negotiate an agreement with all affected taxing entities, like Larimer County, on the issue of how the property tax increment generated under any new City urban renewal plan or the modification of an existing plan will be allocated and spent under the new plan or modification and, if such an agreement cannot be reached, the tax-allocation issue will be decided through "mediation" by a "mediator;" and

WHEREAS, there currently exists many uncertainties as to how this and other requirements in HB-1348 will affect the Plan and the TIF Districts; and

WHEREAS, to help avoid and minimize any adverse effects that might result from these uncertainties, Authority staff is recommending that the First Amended Plan be modified in two respects before January 1, 2016; and

WHEREAS, the first modification is to amend the wording of the First Amended Plan to clarify that the Plan identifies and authorizes only one urban renewal project (the “First Modification”); and

WHEREAS, under C.R.S. Section 31-25-107(7) the First Modification is not a substantial modification of the First Amended Plan because it will not result in any substantial change in the land area, land use, design, building requirements, timing or procedure of the First Amended Plan; and

WHEREAS, the second modification is to exclude from the Plan Area the approximately 490.7 acres of land that are currently not located in either of the TIF Districts, which excluded land is depicted on the attached Exhibit “B” (the “Excluded Area”), except that certain portions of South College not in the TIF Districts will remain in the Plan Area in order to connect the two TIF Districts as depicted on Exhibit “B” (the “Second Modification”); and

WHEREAS, as a result of the Second Modification, the new area of the First Amended Plan will be reduced to approximately 167.8 acres of land, which area is depicted on Exhibit “B” (the “New Plan Area”); and

WHEREAS, since the Second Modification results in a substantial change in the First Amended Plan’s land area, although it will be a decrease and not an increase in land area, under Section 31-25-107(7) the Second Modification is arguably a substantial modification of the First Amended Plan that is subject to the notice and hearing requirements in Section 31-25-107; and

WHEREAS, one of these requirements is in Section 31-25-107(1)(b) and it requires that an urban renewal authority, within thirty days of commissioning a blight study for an area proposed to be included in a new or existing urban renewal plan, to mail notices that it is commencing the blight study to all fee title owners of private property in the proposed study area at their last-known address of record; and

WHEREAS, since under the proposed First Modification and Second Modification (jointly, the “Modifications”) no new land is being added to the Plan Area, but instead removed, and since the remaining New Plan Area has been previously determined to be a blighted area under the Act by Council in its Resolutions 2011-080 and 2011-081, both adopted on September 6, 2011, there is no need for a blight study for the Modifications, so the notice under Section 31-25-107(1)(b) is not required; and

WHEREAS, Authority staff is nevertheless recommending that the Board direct in this Resolution that the Authority mail notices of the Modifications to all fee title owners of private property in the Plan Area and to notify them in the notice that a blight study involving their properties will not be conducted for the Modifications for the reasons stated in this Resolution; and

WHEREAS, Section 31-25-107(3.5)(a) requires the Council or the Authority, at least thirty days prior to the Council conducting a hearing to consider a substantial modification of an urban renewal plan, to submit to the Larimer County Board of Commissioners (the "County") the proposed modification and an "urban renewal impact report" if the County's property taxes will be collected and used under the substantial modification; and

WHEREAS, it is not necessary to submit an "urban renewal impact report" to the County since the Second Modification simply removes the Excluded Area from the Plan Area and the Excluded Area is not currently in one of the TIF Districts, so no County property tax increment has been or is being collected from the Excluded Area and used under the First Amended Plan; and

WHEREAS, Authority staff is nevertheless recommending that the Board direct in this Resolution that the Authority submit a written report to the County stating that the Modifications have no impacts on the County as such impacts are defined in Section 31-25-107(3.5)(a)(I)-(V); and

WHEREAS, in light of the foregoing, the Board believes that it is the Authority's best interest that the First and Second Modifications be presented and considered together by the Council as a substantial modification to the First Amended Plan and that the Authority take the actions hereafter provided to accomplish this.

NOW, THEREFORE, BE IT RESOLVED THE FORT COLLINS URBAN RENEWAL AUTHORITY BOARD OF COMMISSIONERS as follows:

Section 1. The Board hereby finds and determines that it is in the Authority's best interest that the First Modification and the Second Modifications be presented and considered together by Council at a future meeting scheduled, noticed and held in accordance with the requirements of the Act as a substantial modification of the First Amended Plan and directs the Executive Director of the Authority (the "Director") to take all necessary and appropriate actions to accomplish this under the Act including, without limitation, the actions described in this Resolution.

Section 2. The Board hereby finds and determines that since the Modifications do not require the commissioning of a blight study because they do not add any new land to the Plan Area, but instead under the Second Modification the Excluded Area is proposed to be removed from the Plan Area, the mailed notice to owners of private property within the blight study area under C.R.S. Section 31-25-107(1)(b) is not required for these Modifications. Nevertheless, the Director is directed to promptly mail a written notice to all the owners of private property in the Plan Area to their last-known address of record notifying them of the proposed Modifications and of the fact that a blight study involving their properties will not be conducted by the Authority or the City for these Modifications for the reasons stated in this Resolution.

Section 3. The Board hereby directs the Director to timely submit to the County the proposed Modifications as required by C.R.S. Section 31-25-107(3.5)(a).

Section 4. The Board hereby finds and determines that since the Excluded Area to be removed from the Plan Area under the Modifications contains only properties that are located outside of both the TIF Districts, no County property tax increment has been collected or used from the properties in the Excluded Area under the First Amended Plan so the City and the Authority are not required by Section 31-25-107(3.5)(a) to submit an "urban renewal impact report" to the County for the Modifications. Nevertheless, the Director is directed to promptly submit a written report to the County notifying it that the Modifications will have no impact on the County as such impacts are described in Section 31-25-107(3.5)(a)(I)-(V).

Section 5. The Director, in consultation with the Authority's legal counsel, is hereby authorized to take all actions and sign all documents reasonably necessary to carry out the Authority's intent, purposes and direction under this Resolution.

Passed and adopted at a regular meeting of the Board of Commissioners of the Fort Collins Urban Renewal Authority this 8th day of September A.D. 2015.



Chairperson

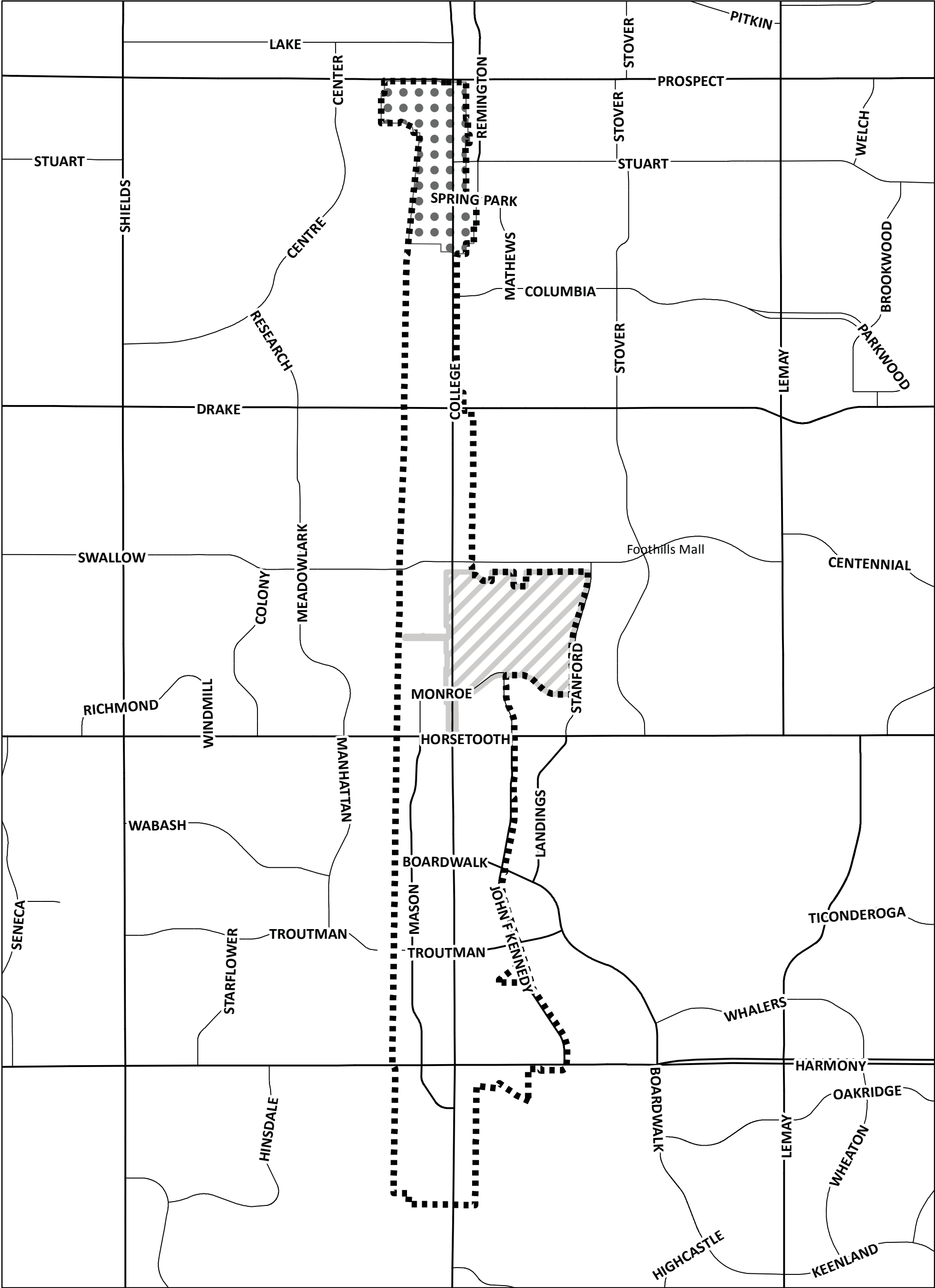
ATTEST:



Secretary



Fort Collins Urban Renewal Authority Existing Plan Area Boundary - Midtown



Legend



Foothills Mall Boundary



Prospect South Boundary



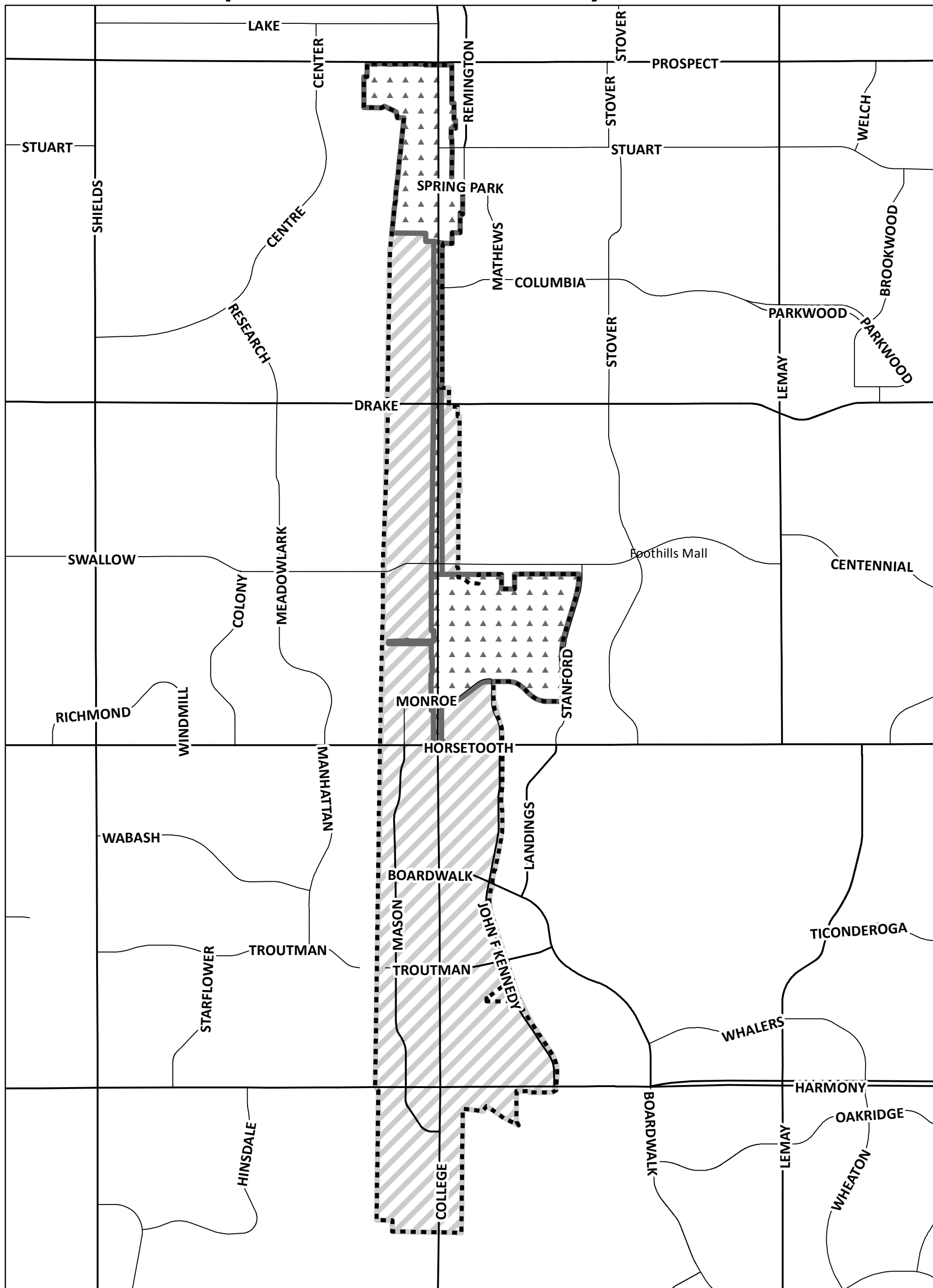
Streets




Midtown Urban Renewal Plan Area (the "Plan Area")



Fort Collins Urban Renewal Authority Proposed Plan Area Boundary - Midtown



Legend

-  New Plan Area
-  Excluded Area

-  Streets
-  Midtown Urban Renewal Plan Area (the "Plan Area")



RESOLUTION
OF THE PLANNING AND ZONING BOARD OF THE CITY OF FORT COLLINS
RECOMMENDING APPROVAL OF THE MIDTOWN
URBAN RENEWAL PLAN TO THE FORT COLLINS CITY COUNCIL

WHEREAS, on September 6, 2011, the Fort Collins City Council (“Council”) adopted Resolution 2011-081 approving the Midtown Urban Renewal Plan (the “Plan”) in accordance with the Colorado Urban Renewal Law, C.R.S. Sections 31-25-101, et seq. (the “Act”); and

WHEREAS, the Plan identifies and legally describes approximately 658.5 acres of land as being within the Plan’s boundaries as depicted on the map attached as Exhibit “A” (the “Plan Area”); and

WHEREAS, the Plan also established a tax increment financing district within the Plan Area known as “Prospect South,” which district is depicted on Exhibit “A” (the “Prospect TIF District”); and

WHEREAS, on May 7, 2013, the Council adopted Resolution 2013-043 in which the Council ratified and reaffirmed the Plan and amended the Plan (the “First Amended Plan”) to establish within the Plan Area a second tax increment financing district known as “Foothills Mall,” which district is depicted on Exhibit “A” (the “Mall TIF District”); and

WHEREAS, the Prospect TIF District and the Mall TIF District shall be jointly referred to as the “TIF Districts;” and

WHEREAS, on September 8, 2015, the Fort Collins Urban Renewal Authority Board adopted Resolution No. 077 submitting to the Council for its future consideration a substantial modification of the First Amended Plan under the Act (the “Authority Resolution”); and

WHEREAS, the substantial modification of the First Amended Plan proposed in the Authority Resolution would modify the First Amended Plan in two respects; and

WHEREAS, the first modification would amend the wording of the First Amended Plan to clarify that the First Amended Plan identifies and authorizes only one urban renewal project (the “First Modification”); and

WHEREAS, under C.R.S. Section 31-25-107(7) the First Modification is not a substantial modification of the First Amended Plan because it will not result in any substantial change in the land area, land use, design, building requirements, timing or procedure of the First Amended Plan; and

WHEREAS, the second modification would exclude from the Plan Area the approximately 490.7 acres of land that are currently not located in either of the TIF Districts, which excluded land is depicted on the attached Exhibit “B” (the “Excluded Area”), except that

certain portions of South College not in the TIF Districts will remain in the Plan Area in order to connect the two TIF Districts as depicted on Exhibit "B" (the "Second Modification"); and

WHEREAS, as a result of the Second Modification, the new area of the First Amended Plan will be reduced to approximately 167.8 acres of land, which area is depicted on Exhibit "B" (the "New Plan Area"); and

WHEREAS, since the Second Modification results in a substantial change in the First Amended Plan's land area, although it will be a decrease and not an increase in land area, under Section 31-25-107(7) the Second Modification is arguably a substantial modification of the First Amended Plan that is subject to the notice and hearing requirements in Section 31-25-107; and

WHEREAS, if the First Modification and the Second Modification (jointly, the "Modification") are together a substantial modification of the First Amended Plan, Section 31-25-107(2) requires the Council to submit the Modification to the City's Planning and Zoning Board prior to the Council approving the Modification so that the Planning and Zoning Board can review the Modification and provide its written recommendation to the Council on the sole question of whether the Modification is in conformity with the City's general plan for development of the City as a whole, which is the City's comprehensive plan titled "City Plan – Fort Collins" and dated February 15, 2011 ("City Plan"); and

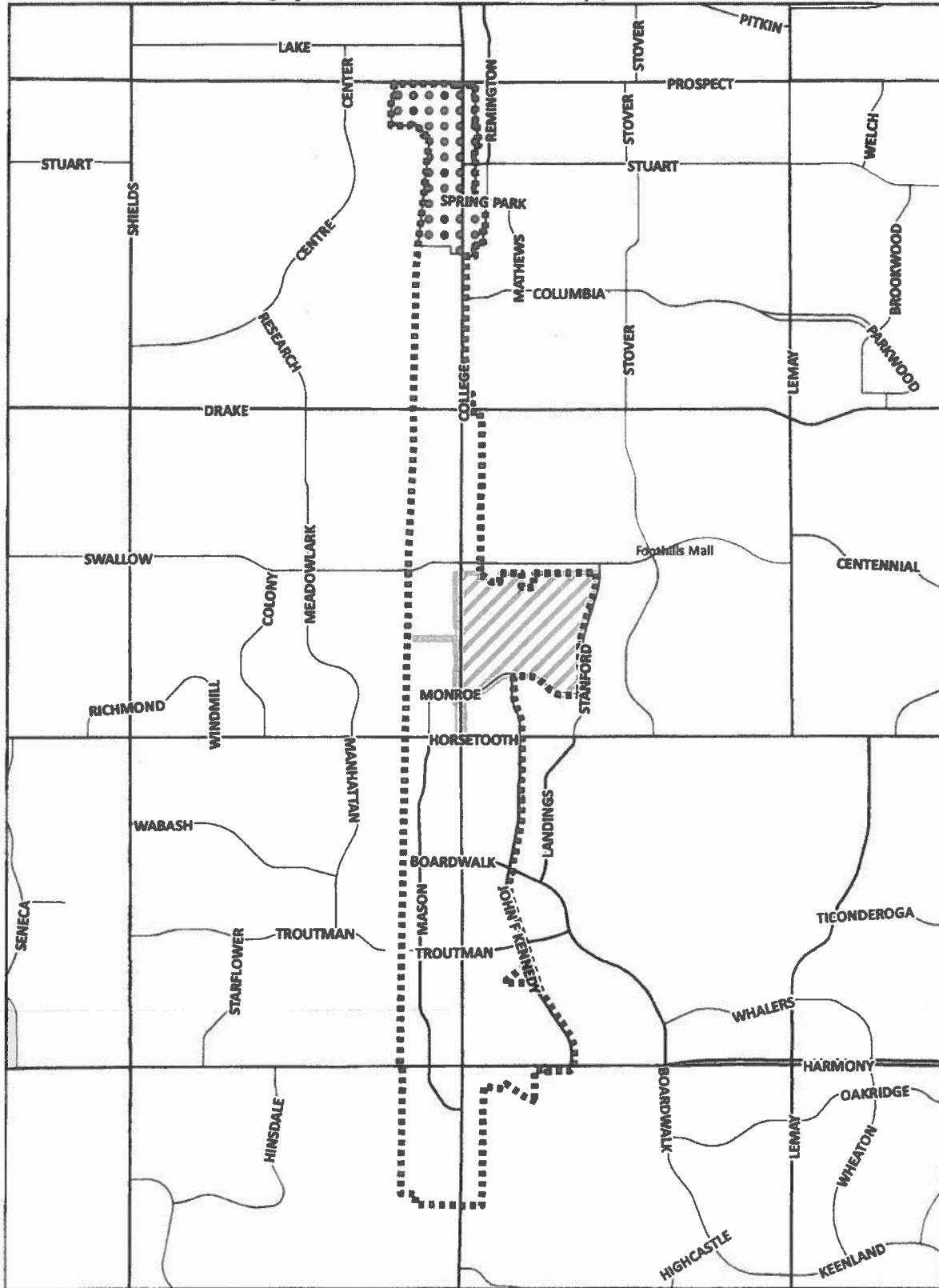
WHEREAS, after reviewing the Modification to the Plan, the Planning and Zoning Board finds, pursuant to C.R.S. Section 31-25-107(7), that the Plan as changed by the Modification is in conformity with City Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING BOARD OF THE CITY OF FORT COLLINS that the Plan as changed by the Modification to the Midtown Urban Renewal Plan is in conformity with City Plan.

Passed and adopted at a regular meeting of the Planning and Zoning Board of the City of Fort Collins this 8th day of October, A.D. 2015.


Jennifer Carpenter, Chair
Planning and Zoning Board

Fort Collins Urban Renewal Authority Existing Plan Area Boundary - Midtown



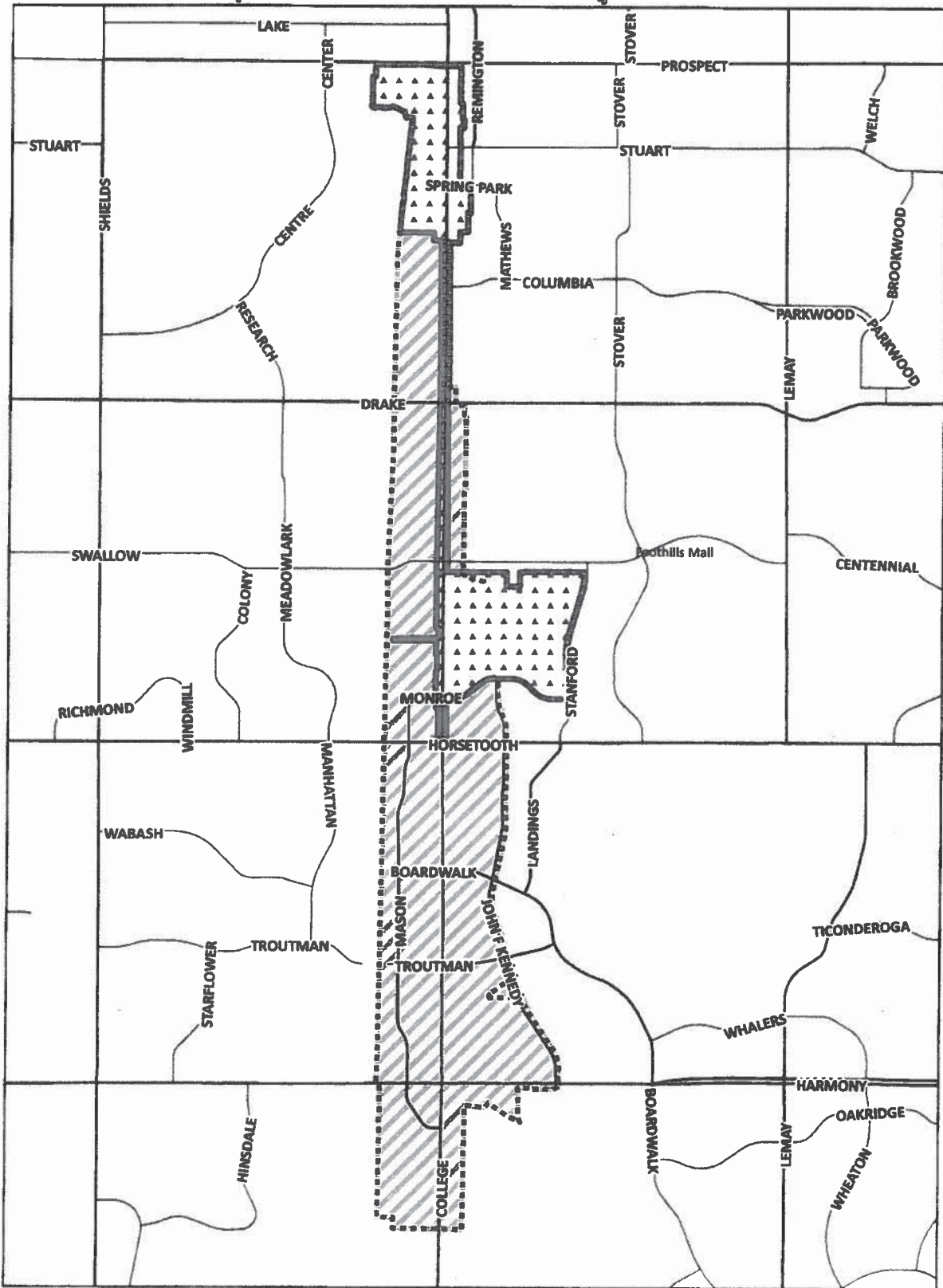
Legend

-  Foothills Mall Boundary
-  Prospect South Boundary

-  Streets
-  Midtown Urban Renewal Plan Area (the "Plan Area")



Fort Collins Urban Renewal Authority Proposed Plan Area Boundary - Midtown



Legend

- New Plan Area
- Excluded Area

- Streets
- Midtown Urban Renewal Plan Area (the "Plan Area")
-

PUBLIC ENGAGEMENT SUMMARY

PROJECT TITLE: MIDTOWN URBAN RENEWAL PLAN MODIFICATION

OVERALL PUBLIC INVOLVEMENT LEVEL: Inform & Consult

BOTTOM LINE QUESTION:

Should City Council modify the Midtown Urban Renewal Plan to provide protection to the existing Midtown TIF Districts and their existing and planned urban renewal project undertakings and activities (e.g., Foothills Mall redevelopment)?

KEY STAKEHOLDERS:

1. Property owners, residents, and business owners in the Midtown Urban Renewal Plan Area
2. South Fort Collins Business Association
3. Affected Taxing Entities (e.g., Larimer County)

TIMELINE:

August 31, 2015 to December 1, 2015

Phase 1: Increase Awareness of Proposed Modification

Timeframe: August 31, 2015 to October 8, 2015

Key Messages:

1. There are two existing tax increment financing (TIF) districts within the Midtown Plan Area – South Prospect and Foothills Mall
2. State legislature passed HB 2015-1348 (the “URA Reform Bill”) that affects the manner in which an Urban Renewal Authority (URA) can operate
3. The URA Reform Bill necessitated a change to the Midtown Plan Area to protect the existing and planned undertakings and activities within the existing Midtown TIF District
4. City remain committed to redevelopment along the community’s spine and the Midtown Plan Area plays a crucial role in that commitment
5. City desires to honor the changes of the URA Reform Bill and follow the process and procedure for future TIF districts in the Midtown area

Tools and Techniques:

1. Required notice letter sent to property owners within the Midtown Plan Area
2. Meet with SFCBA to discuss proposed modification of plan
3. Inform affected taxing entities of the proposed change – either informally (meeting) or formally (letter)

PHASE 2: Required Public Hearing

Timeframe: October 9, 2015 to December 1, 2015

Key Messages:

1. Same as above

Tools and Techniques:

1. Send formal notice to all residents, business owners, and property owners in the affected area 30 days prior to public hearing
2. Publish date of required public hearing with notice in the Coloradoan 30 days prior to the public hearing
3. Conduct a public hearing as required by statute

RESOLUTION 2015-090
OF THE COUNCIL OF THE CITY OF FORT COLLINS
SETTING FOR DECEMBER 1, 2015, A NOTICED PUBLIC HEARING
FOR THE CITY COUNCIL'S CONSIDERATION OF A RESOLUTION TO
SUBSTANTIALLY MODIFY THE MIDTOWN URBAN RENEWAL PLAN

WHEREAS, on January 5, 1982, the City Council adopted Resolution 1982-010 establishing the Fort Collins Urban Renewal Authority (the "Authority") and designating the Council to serve as the Authority's Board of Commissioners (the "Authority Board"); and

WHEREAS, on September 6, 2011, the Council adopted Resolution 2011-081 approving the Midtown Urban Renewal Plan (the "Plan") in accordance with the Colorado Urban Renewal Law, C.R.S. Sections 31-25-101, et seq. (the "Act"); and

WHEREAS, the Plan identifies and legally describes approximately 658.5 acres of land as being within the Plan's boundaries as depicted on the map attached as Exhibit "A" (the "Plan Area"); and

WHEREAS, the Plan also established a tax increment financing district within the Plan Area known as "Prospect South," which district is depicted on Exhibit "A" (the "Prospect TIF District"); and

WHEREAS, on May 7, 2013, the Council adopted Resolution 2013-043 in which the Council ratified and reaffirmed the Plan and amended the Plan (the "First Amended Plan") to establish within the Plan Area a second tax increment financing district known as "Foothills Mall," which district is depicted on Exhibit "A" (the "Mall TIF District"); and

WHEREAS, the Prospect TIF District and the Mall TIF District shall be jointly referred to as the "TIF Districts;" and

WHEREAS, on September 8, 2015, the Authority Board adopted Resolution No. 077 submitting to the Council for its future consideration a substantial modification of the First Amended Plan under the Act (the "Authority Resolution"); and

WHEREAS, the substantial modification of the First Amended Plan proposed in the Authority Resolution would modify the First Amended Plan in two respects; and

WHEREAS, the first modification would amend the wording of the First Amended Plan to clarify that the First Amended Plan identifies and authorizes only one urban renewal project (the "First Modification"); and

WHEREAS, under C.R.S. Section 31-25-107(7) the First Modification is not a substantial modification of the First Amended Plan because it will not result in any substantial change in the land area, land use, design, building requirements, timing or procedure of the First Amended Plan; and

WHEREAS, the second modification would exclude from the Plan Area the approximately 490.7 acres of land that are currently not located in either of the TIF Districts, which excluded land is depicted on the attached Exhibit “B” (the “Excluded Area”), except that certain portions of South College not in the TIF Districts will remain in the Plan Area in order to connect the two TIF Districts as depicted on Exhibit “B” (the “Second Modification”); and

WHEREAS, as a result of the Second Modification, the new area of the First Amended Plan will be reduced to approximately 167.8 acres of land, which area is depicted on Exhibit “B” (the “New Plan Area”); and

WHEREAS, since the Second Modification results in a substantial change in the First Amended Plan’s land area, although it will be a decrease and not an increase in land area, under Section 31-25-107(7) the Second Modification is arguably a substantial modification of the First Amended Plan that is subject to the notice and hearing requirements in Section 31-25-107; and

WHEREAS, if the First Modification and the Second Modification (jointly, the “Modification”) are together a substantial modification of the First Amended Plan, Section 31-25-107(2) requires the Council to submit the Modification to the City’s Planning and Zoning Board prior to the Council approving the Modification so that the Planning and Zoning Board can review the Modification and provide its written recommendation to the Council on the sole question of whether the Modification is in conformity with the City’s general plan for development of the City as a whole, which is the City’s comprehensive plan titled “City Plan – Fort Collins” and dated February 15, 2011 (“City Plan”); and

WHEREAS, since the Excluded Area and the New Plan Area include within each of them both single- and multiple-family residences, Section 31-25-107(9)(d) arguably permits the Poudre School District (the “School District”) to participate in an advisory capacity concerning the proposed Modification; and

WHEREAS, at its October 8, 2015 meeting the Planning and Zoning Board considered the Modification as required by Section 31-25-107(2) and adopted a resolution finding that the Midtown Plan as amended by the Modification is in conformity with City Plan; and

WHEREAS, Section 31-25-107(3)(a) requires the Council to set and hold a public hearing on the Modification not less than thirty (30) days after publishing, in a newspaper of general circulation in the City, a notice describing the time, date, place and purpose of the hearing and such notice must generally identify the portions of the Plan Area affected by the Modification and outline the general scope of the Modification; and

WHEREAS, Section 31-25-107(4)(c) also requires the Council to make reasonable efforts to provide written notice of that public hearing to all property owners, residents, and owners of business concerns in the Plan Area at their last known address of record at least thirty (30) days before the scheduled hearing and such notice shall contain the information required by Section 31-25-107(3)(a) for the published notice.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The Council's noticed public hearing required by C.R.S. Section 31-25-107(3)(a) to consider a resolution approving the Modification is hereby set to be held and conducted at the Council's December 1, 2015 regular meeting.

Section 2. The City Manager is hereby directed to have published in a newspaper having a general circulation in the City a notice for the Modification as required by Section 31-25-107(3)(a) and to have such notice published no less than thirty (30) days prior to the December 1, 2015 public hearing set in Section 1 above.

Section 3. The City Manager is further directed to mail to all property owners, residents, and owners of business concerns in the Plan Area at their last known address of record a notice for the Modification as required by Section 31-25-107(4)(c) and to mail such notices at least thirty (30) days prior to the December 1, 2015 public hearing set in Section 1 above.

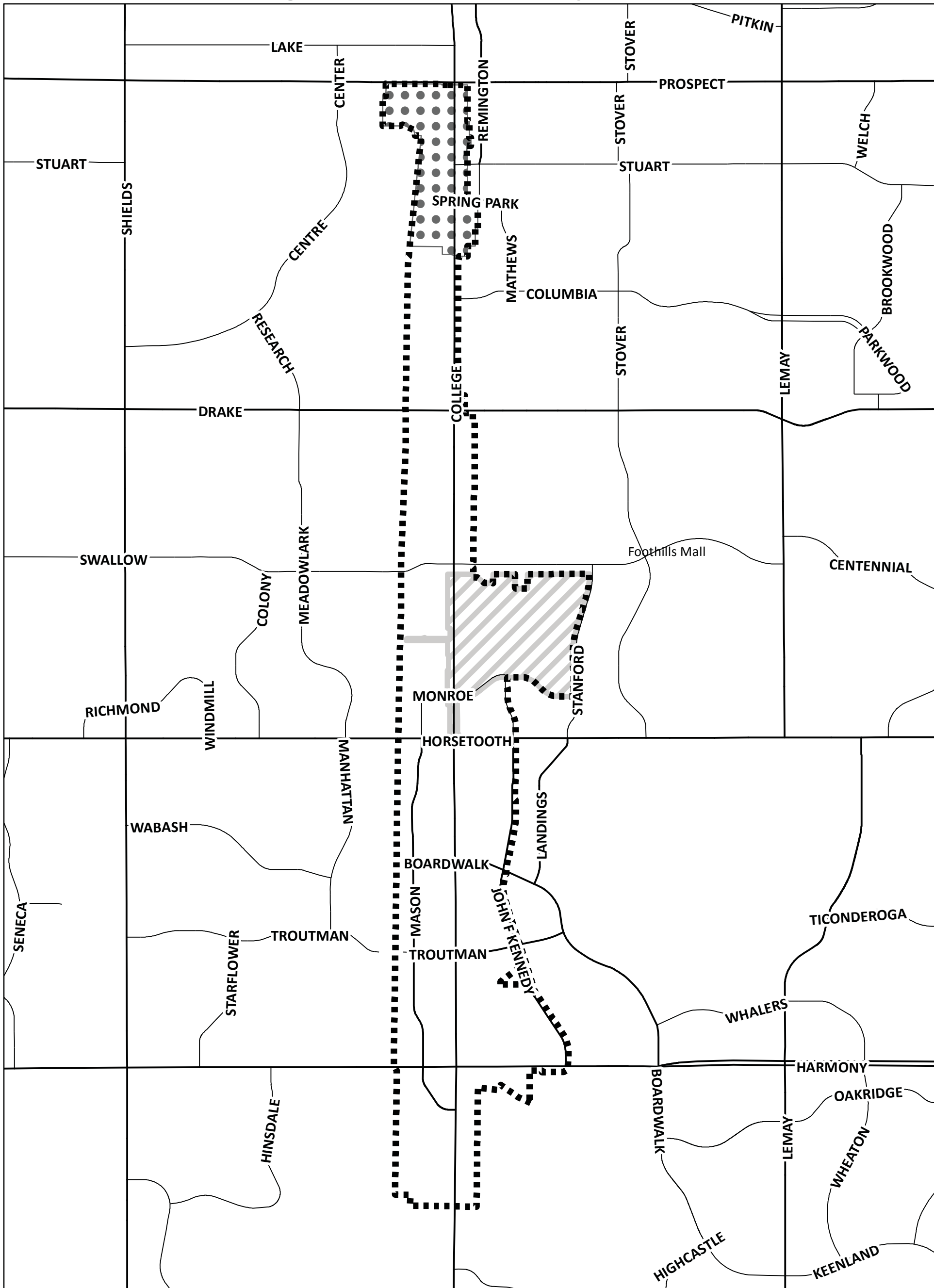
Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 20th day of October, A.D. 2015.

Mayor



ATTEST:

City Clerk

Fort Collins Urban Renewal Authority Existing Plan Area Boundary - Midtown



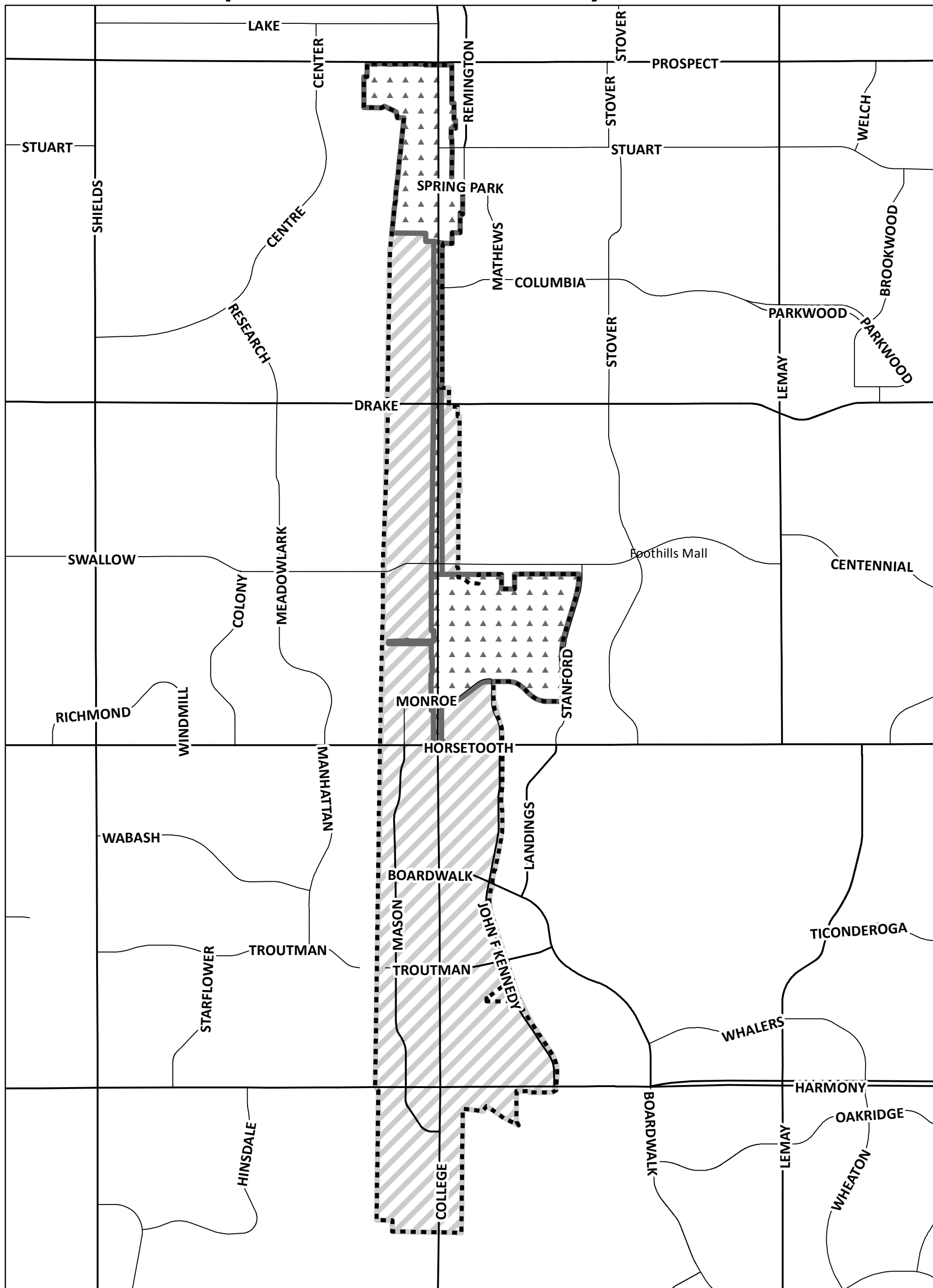
Legend

-  Foothills Mall Boundary
-  Prospect South Boundary


-  Streets
-  Midtown Urban Renewal Plan Area (the "Plan Area")



Fort Collins Urban Renewal Authority Proposed Plan Area Boundary - Midtown



Legend

-  New Plan Area
-  Excluded Area

 Streets

 Midtown Urban Renewal Plan Area (the "Plan Area")

