TOWN OF TIMNATH

ORDINANCE NO. 90, SERIES 2010

AN ORDINANCE CONFIRMING THE APPROVAL AND APPROVING AN AMENDMENT TO
THE FEBRUARY 17, 2009 INTERGOVERNMENTAL AGREEMENT ENTERED INTO
BETWEEN THE TOWN OF TIMNATH AND THE CITY OF FORT COLLINS

WHEREAS, the Town of Timnath ("Timnath") and the City of Fort Collins ("Fort Collins")
entered into an intergovernmental agreement relating to annexation, growth management and related
issues on February 17, 2009 ("IGA"); and

WHEREAS, the Timnath Town Council approved the IGA by motion at its regular Council
meeting on February 11, 2009; and

WHEREAS, Fort Collins entered into a separate intergovernmental agreement with Larimer
County that established boundaries for the Fort Collins Growth Management Area (the "FCGMA"); and

WHEREAS, Section 2.2(b) of the IGA requires that Fort Collins seek the approval of Larimer
County to amend the boundaries of the FCGMA to match the boundaries stated in the IGA by February
17, 2010; and

WHEREAS, the boundaries set forth in the IGA conflict with the boundaries established in the
Fort Collins/Larimer County intergovernmental agreement, which also states that Fort Collins will not
amend those boundaries without the consent of the County; and

WHEREAS, because of the conflicting obligations of Fort Collins under these two agreements,
Fort Collins has requested, and Timnath has agreed, to amend the IGA and extend the deadline imposed
by Section 2.2(b) for two six-month periods to afford Timnath and Larimer County adequate time to
resolve their differences and come to agreement about the boundary between the Timnath Growth
Management Area and the FCGMA; and

WHEREAS, in exchange for Timnath’s agreement to extend the boundaries deadline, Fort
Collins is willing to extend for one year the “option period” established in Article 6 of the IGA within
which Timnath has the right to purchase from Fort Collins certain open space known as the Vangbo
Property.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Timnath,
Colorado, that:

Section 1. Confirmation of IGA Approval. The Town Council hereby confirms the
Council action taken on February 11, 2009 approving the IGA dated February 17, 2009.

Section 2. Approval of the IGA Amendment. The First Amendment to Intergovernmental
Agreement Regarding Cooperation on Annexation, Growth Management and Related Issues
(“Amendment”), a true copy of which is attached hereto and incorporated herein by reference, is hereby
approved. The Mayor is hereby authorized to execute the Amendment, and the Town Clerk is directed to
affix the seal of the Town thereto and attest same.

Section 3. Severability. If any article, section, paragraph, sentence, clause, or phrase of this
Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the
validity or constitutionality of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each part or parts thereof irrespective of the fact that any one part or any parts be declared unconstitutional or invalid.

Section 5. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 6. Effective Date. This Ordinance shall take effect upon adoption at second reading, as provided by Section 3.5.5 of the Charter.

INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH ON FIRST READING, SET FOR PUBLIC HEARING AND SECOND READING AT 7:00 P.M. ON MARCH 3, 2010, AT THE TIMNATH TOWN HALL, 4800 GOODMAN STREET, TIMNATH, COLORADO AND ORDERED PUBLISHED BY TITLE THIS 17TH DAY OF FEBRUARY, 2010.

MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON MARCH, 2010.

TOWN OF TIMNATH

Donna Benson, Mayor

ATTEST:

Milissa McGuire, Town Clerk

APPROVED AS TO FORM:

Kenneth S. Fellman, Acting Town Attorney