

**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 hereof 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:

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Kenneth S. Fellman, Acting Town Attorney