

MATTER FOR ACTION:

The Board of Governors of the Colorado State University System (the “Board”) restatement of its plan to move forward with its purposes, goals, uses, and plan for the Hughes Property and reaffirming its willingness to engage with the City of Fort Collins regarding the Hughes Property.

RECOMMENDED ACTION:

WHEREAS, the Board owns 161 acres of real property located at 2011 South Overland Trail in Fort Collins, Colorado (the “Property” or the “Hughes Property”). The Property was the former site of Hughes Stadium, and that structure has been demolished and removed in order to use the Property for different Board public purposes, objectives, and goals.

WHEREAS, by resolution on October 9, 2020, the Board approved its public purposes, goals, uses, and site plan (collectively, the “Plan”) for the Hughes Property and authorized the exercise of the Board’s full legal authority to establish and implement the Board’s Plan for the Hughes Property. In its resolution, the Board further authorized the Chancellor to submit an application regarding the Property with the City of Fort Collins in accordance with Colorado law and the City’s Land Use Code, specifically the Site Plan Advisory Review (“SPAR”) process. The Chancellor has initiated the SPAR process with the City.

WHEREAS, the Board acknowledges that on April 6, 2021, the voters of the City of Fort Collins approved an initiated ordinance that mandates immediate rezoning of the Hughes Property as Public Open Lands, and requires the City to make good faith attempts to acquire the Property from the Board at its fair market value. On May 4, 2021, the Fort Collins City Council approved, on first reading, the rezoning of the Hughes Property to Public Open Lands, as required by the initiated ordinance.

It is MOVED that the Board restates and reaffirms the exercise of its legal authority under Colorado law to determine the present and future uses of the Property through its Plan for the Hughes Property, as stated in its October 9, 2020 Action Item, and directs the Chancellor to continue to engage in the SPAR process with the City of Fort Collins.

It is FURTHER MOVED that the Board directs the Chancellor to continue discussions with the City of Fort Collins regarding the City's desire to acquire the Hughes Property, given the City's obligation to use its best efforts in good faith to acquire the Property under the initiated ordinance, and the Board will consider any proposal from the City in good faith.

It is FURTHER MOVED that if discussions with the City of Fort Collins regarding the potential acquisition of the Hughes Property are ultimately not productive, particularly if an agreement seems unlikely to be reached by July 31, 2021, the Board reaffirms its direction to the Chancellor to utilize the advisory review process under Colorado law, including C.R.S. § 31-23-209, as needed.

It is FURTHER MOVED that the Board expressly reserves any and all authority under state law to override any City disapproval or limitation on the Board's plan for the Hughes Property. In addition, the Board expressly objects to the City's rezoning of the Hughes Property as Public Open Space, which is required by the initiated ordinance, as the City's action denies the Board, as a landowner, the economically viable use of the Property and diminishes the fair market value of the Hughes Property. Finally, this Action Item supplements and does not replace its October 9, 2020 Action Item.

Approved

Denied

Board Secretary

Date