

1 RESOLUTION R-2024-

2 A RESOLUTION OF THE LONGMONT CITY COUNCIL APPROVING A LAND
3 DEDICATION AS SATISFACTION OF THE CITY’S INCLUSIONARY HOUSING
4 REQUIREMENTS FOR A RESIDENTIAL DEVELOPMENT AT 1313 SPRUCE AVENUE

5
6 WHEREAS the City of Longmont has received an application from 1313 Spruce, LLC
7 (“Owner”), for residential development known as Bohn Farm (“Development”), located at 1313
8 Spruce Avenue in Longmont; and

9 WHEREAS a proposal to meet the inclusionary housing requirements of Longmont
10 Municipal Code (“LMC”) 15.05.220 for the Development through a land dedication has been
11 submitted for consideration by the City Council.

12 NOW, THEREFORE, THE COUNCIL OF THE CITY OF LONGMONT, COLORADO,
13 RESOLVES:

14 Section 1

15 The City Council has considered the criteria provided by LMC section 15.05.220.K.2 and
16 finds that the proposal conforms to the applicable considerations. The Council, pursuant to LMC
17 section 15.05.220.E.4 and K.2, finds that the Developer’s inclusionary housing requirement shall
18 be satisfied by a land dedication as outlined in the term sheet attached as Exhibit A.

19 Section 2

20 The Council authorizes the City Manager or designee to enter into any agreements
21 necessary to complete the land donation on the City’s behalf. Such agreement shall be in the form
22 provided by the Housing and Community Investment Division, contain all terms the City Manager

or designee determines to be appropriate to satisfy the municipal code, and must provide, without limitation:

A. The Development shall be substantially similar to the plan in Exhibit A in concept as determined by the City Manager.

B. The property shall be used solely for purposes related to Affordable Housing.

C. The Developer will provide all on-site infrastructure to and within the dedicated parcel.

Section 3

The Council repeals all resolutions or parts of resolutions in conflict with this resolution, but only to the extent of such inconsistency.

Passed and adopted this _____ day of _____, 2024.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM

ASSISTANT CITY ATTORNEY

DATE

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PROOFREAD

DATE

APPROVED AS TO FORM AND SUBSTANCE:

ORIGINATING DEPARTMENT

DATE

CA File: 23-002684

EXHIBIT A
LAND DEDICATION TERM SHEET FOR 1313 SPRUCE AVENUE

1. 1313 Spruce, LLC (“Owner”) proposes to dedicate a 0.54-acre off-site parcel to satisfy the Inclusionary Housing requirement at 1313 Spruce Avenue, also known as Bohn Farm.
2. Inclusionary Housing (“IH”) requirement at Bohn Farm is based on the formula below:
 - a. IH requirement Calculation (§ 15.05.220(E)(1)(a), L.M.C.):
 $63 \times 12\% = 7.56$ affordable units required; rounded up to 8 total units to be provided.
3. The Owner will meet its Inclusionary Housing (“IH”) requirements at 1313 Spruce Avenue through:
 - a. Land Dedication (§ 15.05.220(E)(4), LMC):
The Owner shall dedicate the 0.54- acre parcel located at 1916 Terry Street (the “Land”), Longmont to the City of Longmont (“City”) for the development of affordable housing. The Land will support approximately 54 affordable units. The Land will not be in a low to moderate income area as designated by the U.S. Department of Housing and Urban Development at the time of dedication to the City.
4. The land dedications must meet all requirements of § 15.05.220(E)(4).
5. The Land will not be encumbered in any manner, including, but not limited to, any lien, outstanding tax or fee accrued, or floodplain, which in any way jeopardizes the City's ability to develop that quantity of housing.
6. The Developer will provide all on-site infrastructure (wet and dry utilities) to and within the dedicated parcel. Specifics will be spelled out in the land donation agreement and affordable housing agreement.
7. Upon city Council approval of this resolution the owner shall deposit with Fidelity National Title, Longmont office, a General warranty deed to the city of Longmont donating the land fee simple without encumbrance dated December 20, 2024, with instructions acceptable to the City to release the deed to the City on December 20, 2024. Such deposit will become irrevocable no later than the time of execution of the plat or plan allowing development of the market rate units at 1313 Spruce Avenue. Provided that the deed is released to the City on December 20, 2024, the

1 inclusionary housing requirement for 1313 Spruce Avenue as currently
2 contemplated shall be satisfied, and there shall be no fee-in-lieu required for 1313
3 Spruce Avenue.
4

5 8. The Land shall be dedicated to the City on December 20, 2024.
6

7 9. If the Developer is unable or unwilling to complete the donation of the land and
8 subdivision infrastructure on December 20, 2024, the Developer must pay the
9 generally applicable fee in lieu pursuant to LMC 15.05.220.E.2.
10

11 10. The Developer has complied with all environmental assessment provisions of
12 Section 15.02.140, L.M.C.
13

14 11. The Land dedication will be in fee simple and by general warranty deed.
15

16 12. For this agreement to be effective, the Owner must enter into an agreement with
17 the City detailing the roles, rights, and responsibilities to the City's satisfaction.
18

19 13. Non-material and non-substantive changes to these terms can be approved
20 administratively by the City Manager or designee.