

WHEREAS, the Owners have had the Property on the market for over a year and have been unable to find a buyer, qualified or otherwise, willing to close on the sale of the Property; and

WHEREAS, the Owners believe that the Restriction has negatively affected their ability to sell the Property and have requested that the City Council waive all of their repayment obligation pursuant to Subsection D of Section 16.43.080; and

WHEREAS, having reviewed the Owners' specific financial and medical concerns, the City Council desires to waive all of the Owners' repayment obligation for good cause shown pursuant to Subsection D of Section 16.43.080 by authorizing a release of the Restriction in accordance with the provisions set forth below.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That, in accordance with Subsection D of Section 16.43.080, the City Council finds that the Owners' specific financial and medical concerns constitute good cause justifying a waiver of the repayment obligation set forth in Section 16.43.080, and authorizes the release of the Restriction in accordance with the provisions of Section 2 below.

Section 2. That the City Manager and the City Clerk are hereby authorized to execute and deliver a release, in a form approved by the City Attorney, of the Restriction on Conveyance of Property dated November 27, 2007 and recorded with the Larimer County Clerk and Recorder at reception number 20070091371 (the "Restriction"), at the time of closing of the sale of the Property by the Owners. Said release shall be executed and delivered to the title company conducting the closing and shall be recorded, simultaneously with the deed from the Owners, with the Larimer County Clerk and Recorder at the Owners' expense.

Section 3. That this Resolution shall be effective as of the date of its adoption.

ADOPTED this 12th day of April, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

2. CITY MANAGER

Appointment to North Front Range Air Quality Technical Committee


Motion

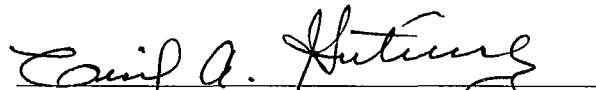
Administrative Action: City Manager Bill Cahill introduced this item to Council. The North Front Range Metropolitan Planning Organization (NFRMPO) invited the City of Loveland and their other members to appoint a technical member to the newly forming North Front Range Air Quality Technical Committee ("AQTC"). The AQTC will provide scientific and technical information to the NFRMPO Planning Council regarding air quality issues and air pollution reduction measures. No appointment was made to the technical committee. The consensus of Council was to post this opportunity on the website until April 26, 2011. An appointment could possibly occur at the May 3rd City Council meeting.

CITY COUNCIL NEW BUSINESS

ADJOURNMENT

Having no further business to come before Council, the April 12, 2011 Special Meeting was adjourned at 7:22 p.m.


Teresa G. Andrews, City Clerk


Cecil A. Gutierrez, Mayor



CALL TO ORDER

Mayor Gutierrez called the Special meeting of the Loveland City Council to order on the above date at 6:30 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Roll was called and the following responded: McEwen, Solt, McKean, Johnson, Klassen, Rice, Heckel, Shaffer and Gutierrez.

1. DEVELOPMENT SERVICES

Release of Restriction on a Property

Resolution #R-21-2011

Administrative Action: Community Partnership Administrator Alison Hade introduced this item to Council. Pursuant to provisions in Section 16.43.080.D of the Loveland Municipal Code, this item is a request that City Council grant a waiver from the repayment obligation for selling an affordable housing unit to a household that does not meet the City's definition of a "qualified household". Section 16.43.080.D allows City Council to grant waivers to all or any portion of the repayment obligation on a case-by-case basis for good cause shown. The applicants contend that there are certain circumstances constituting a hardship that require them to sell the home as soon as possible. Those circumstances are described in the written request from the applicants included as Exhibit A to the accompanying staff memorandum. Also included, separate from the packet, is a confidential letter from the applicants detailing their financial and medical concerns. The staff memorandum includes findings for Council to consider in determining if there is good cause for granting the waiver. The applicants are Richard and Wilma Price. The subject property is located at 3462 Hewitt Street. If the waiver is granted, then the City would not receive any percentage of net proceeds from a future sale of the property. Councilor Johnson made a motion to approve Resolution #R-21-2011 authorizing the release of a restriction on conveyance of property recorded with the Larimer County Clerk and Recorder at Reception No. 20070091371 for Lot 25, Block 6, Giuliano First Subdivision, Loveland, Colorado pursuant to Section 16.43.080 of the Loveland Municipal Code. Councilor Shaffer seconded the motion and a roll call vote was taken with all councilors present voting in favor thereof.

RESOLUTION #R-21-2011

A RESOLUTION AUTHORIZING THE RELEASE OF A RESTRICTION ON CONVEYANCE OF PROPERTY RECORDED WITH THE LARIMER COUNTY CLERK AND RECORDER AT RECEPTION NO. 20070091371 FOR LOT 25, BLOCK 6, GIULIANO FIRST SUBDIVISION, LOVELAND, COLORADO PURSUANT TO SECTION 16.43.080 OF THE LOVELAND MUNICIPAL CODE

WHEREAS, Section 16.43.080 of the Loveland Municipal Code requires: (1) the City to place a deed restriction or encumbrance prohibiting the sale of an affordable housing unit to any person or entity other than a qualifying household, and prohibiting the rental of the property, for a period of twenty years from the date of the initial purchase of the affordable housing unit; and (2) the owner to pay the City a certain percentage of the owner's "net proceeds" on the sale of the unit to a non-qualifying household in violation of the deed restriction or encumbrance; and

WHEREAS, Subsection D of Section 16.43.080 permits the City Council to waive all or any portion of the owner's repayment obligation set forth in Section 16.48.080 on a case-by-case basis for good cause shown; and

WHEREAS, in accordance with Section 16.43.080, the City and Aspen Homes of Colorado, Inc. (the "Builder") entered into a Restriction on Conveyance of Property dated November 27, 2007 and recorded with the Larimer County Clerk and Recorder at reception number 20070091371 (the "Restriction") pursuant to which the property legally described as Lot 25, Block 6, Giuliano Subdivision, Loveland, Colorado (the "Property") was made subject to the requirements of Section 16.43.080; and

WHEREAS, in December, 2007, the Builder sold the Property to Richard and Wilma Price (the "Owners"), who were determined by the City to be a qualifying household; and

WHEREAS, for financial and medical reasons, the Owners must sell the Property; and