



WESTMINSTER

Staff Report

TO: The Mayor and Members of the City Council
DATE: January 5, 2016
SUBJECT: Briefing and Post-City Council Briefing Agenda for January 11, 2016
PREPARED BY: Don Tripp, City Manager

Please Note: Study Sessions and Post City Council briefings are open to the public, and individuals are welcome to attend and observe. However, these briefings are not intended to be interactive with the audience, as this time is set aside for City Council to receive information, make inquiries, and provide Staff with policy direction.

Looking ahead to Monday night's Briefing and Post-City Council meeting briefing, the following schedule has been prepared:

Dinner (*Please note earlier time*) 5:30 P.M.

EXECUTIVE SESSION 6:00 P.M.

1. An executive session to discuss strategy and progress on the sale, acquisition, trade or exchange of property or property rights; to discuss the City's position on issues subject to formal negotiation and the progress and status of such negotiation; and to discuss strategy and progress on an economic development matter, disclosure of which would seriously jeopardize the City's ability to secure the development, all as authorized by Sections 1-11-3(2),(4) and (7), W.M.C., and Sections 24-6-402(4)(a) and (e) - **Verbal**

Council Briefing (*The public is welcome to attend.*) 6:30 P.M.

CITY MANAGER'S REPORT

PRESENTATIONS

1. Discussion with City Council re proposed Intergovernmental Agreement with Adams County Housing Authority

CITY COUNCIL REPORTS

None at this time.

EXECUTIVE SESSION

1. Discussions with the City Attorney for the Purpose of Receiving Legal Advice on Pending Litigation in the Brandt v City of Westminster Case as Authorized by Section 24-6-402(4)(b), C.R.S., and Section 1-11-3(C)(3), W.M.C. – **Verbal**

INFORMATION ONLY

1. Rocky Mountain Greenway Trail Update

Items may come up between now and Monday night. City Council will be apprised of any changes to the post-briefing schedule.

Respectfully submitted,

Donald M. Tripp
City Manager

NOTE: Persons needing an accommodation must notify the City Manager's Office no later than noon the Thursday prior to the scheduled Study Session to allow adequate time to make arrangements. You can call [303-658-2161](tel:303-658-2161) /TTY 711 or State Relay) or write to mbarajas@cityofwestminster.us to make a reasonable accommodation request.



Staff Report

City Council Study Session Meeting
January 11, 2015



SUBJECT: Obtain Direction from City Council re proposed Intergovernmental Agreement with Adams County Housing Authority

PREPARED BY: Michelle Stephens, Business Operation Coordinator

Recommended City Council Action

Discuss the proposed Intergovernmental Agreement with the Adams County Housing Authority that includes approximately \$3,250,000 in waiver of fees, tax rebate, use of HOME funds and public infrastructure investment within the Station Area necessary to facilitate a 70-unit affordable housing vertically mixed-use development.

Summary Statement

- Staff is requesting City Council feedback on a proposed Intergovernmental Agreement (IGA) with Adams County Housing Authority (ACHA) for the construction of a vertically mixed-use affordable housing project.
- ACHA owns five development sites (6.48 acres) within the Westminster Station Area, all of which are seen as catalyst sites for the overall Station Area redevelopment.
- ACHA has submitted an application for a rezone, Preliminary Development Plan (PDP), Official Development Plan (ODP, and rezone for Alto, a 70-unit mixed-use affordable housing project located at the northwest corner of 71st Avenue and Federal Boulevard. In addition to the 70-units, the project includes 18,500 square feet of commercial space on the lower levels.
- The Planning Commission recommended approval of the Alto rezone, PDP, and ODP at their December 22, 2015 meeting. The first reading before City Council of these items is scheduled for January 25, 2016.
- The ACHA project (Alto) has received a \$1,250,000, 9% Low Income Housing Tax Credit award from the Colorado Housing and Finance Authority (CHFA).
- The assistance proposed in the IGA is based on the City's desire to advance strategies that demonstrate Westminster is a regional leader in providing affordable housing and to encourage redevelopment within the Station Area.
- The proposed IGA includes an estimated \$132,000 in permit and application fee rebates and \$385,000 in construction use tax rebates. It also includes a reduction of approximately \$1,010,458 in Public Land Dedication fee-in-lieu payment and the commitment from the City for the construction of Phase 1 of Craft Way as well as the Grove Street pipeline (south of 71st Avenue) to connect the project to the Little Dry Creek Park Regional Storm Water System.

Expenditure Required: \$0

Source of Funds: NA

Policy Issue

Does Council support the proposed IGA and level of support for the Adams County Housing Authority (ACHA) project?

Alternative(s)

1. One alternative to offering the support outlined in the IGA is to offer nothing to ACHA. It is likely, that without the City's support of this project (as currently designed) the project may not be able to move forward. As the Council has prioritized the development of affordable housing, as well as the revitalization of the Station Area, staff does not recommend this alternative.
2. A second alternative is to provide less assistance than what is proposed within the IGA. Rather than approving a \$3/sq.ft. PLD fee-in-lieu, a \$5/sq.ft. PLD fee-in-lieu could be required. This would reduce the support by approximately \$200,000. Some of the items included in the IGA, such as the regional storm water system and extension of Craft Way, implement the Station Area vision and provide benefits to other future revitalization efforts within this neighborhood. The Alto project is acting as a catalyst to these planned infrastructure improvements, therefore staff does not recommend this alternative.
3. A third alternative would be to provide a greater amount of assistance than outlined in the IGA. A complete waiver of the PLD could be considered or other fees could be waived or rebated the Park Development Fee (est. \$86,380). Additionally, the City could construct the storm sewer line in Gove Street north of 71st Avenue (est. \$150,000 - \$200,000), which ACHA has currently agreed to fund. Staff is not recommending this alternative as the proposed assistance has been received positively by ACHA and their staff have not requested additional support.

Background Information

In 2014, the City and ACHA participated in DRCOG's Sustainable Communities Initiatives (SCI) grant program for the master planning of ACHA's five redevelopment sites within the Westminster Station Area. The City received an award from DRCOG for *Livability* for the "Northwest Corridor Catalytic Site: ACHA Properties at Westminster Station" project in 2014. The market study conducted as part of the SCI project identifies demand for affordable, market-rate, and senior housing in the area. The ACHA sites currently have 199 total rental units, which are all affordable and managed by ACHA. The redevelopment of all five sites may result in a total of 400 or more units, which would be a mix of affordable and market rate and include senior housing units.

In early 2015, ACHA submitted for a PDP, ODP, and rezone to PUD for Alto, a 104,000 square foot vertically mixed-use building at the northwest corner of 71st Avenue and Federal Boulevard (one of the five sites included in the SCI grant program). The lower portions of the proposed building, approximately 18,750 square feet are commercial and the remainder of the building, approximately 85,600 square feet are residential.

As currently designed, the project will provide 70 units of new affordable housing. Seven units will be provided at sixty-percent Average Median Income (AMI), forty-nine units will be provided at fifty-percent AMI, and fourteen units will be provided at thirty-percent AMI. Additionally, ACHA has a staff of 74 employees in six departments caring for approximately 17,211 residents. ACHA intends to occupy the majority of the ground floor commercial space (up to 10,000 square feet) provided by the

Obtain Direction from City Council re proposed Intergovernmental Agreement with Adams County

Housing Authority

January 11, 2016

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Alto project and will have 50 to 60 employees based there. The remainder of the commercial space, as envisioned, will be provided to non-profits such as the Center for Career and Community Enrichment, known as 3CE.

In July of 2015, ACHA was awarded a \$1,250,000, 9% Low Income Housing Tax Credit award from the Colorado Housing and Finance Authority (CHFA) for the Alto project. In August of 2015, ACHA requested from city staff a variety of support ranging from the waiver of fees to the support for allocation of HOME funds for the project. Staff was supportive of many of the items requested by ACHA, including a reduction in PLD fee-in-lieu, as outlined in the letter sent to ACHA in December 2015 (Attachment A).

This project is in alignment with both the Comprehensive Plan and 2015 Strategic Plan and is key to the implementation of the Station Area vision. As part of supporting this catalytic affordable housing project, staff recommends the following assistance:

Proposed Assistance	Approximate Value
<u>Building Permit-Fee, Application Fees, and Recordation Fees Rebate</u> 100% of the building related fees (excluding water & sewer tap fees) will be rebated	\$132,000
<u>Construction Use Tax Rebate</u> 100% of the General Use Tax (excludes the City's .25% Open Space Tax) and 0.60% Public Safety Tax on construction materials for this project will be rebated (Based on \$20,000,000 construction valuation x 50% x 3.85% use tax)	\$385,000
<u>Public Land Dedication Fee-in-Lieu</u> Due to the size of the development parcel and the amount of units proposed on the site a fee-in-lieu for the Public Land Dedication (PLD) is required for the development. The W.M.C. §11-6-8 identifies the formula for the calculation of PLD and, if necessary, the fee-in-lieu. The required land dedication of 1.68 acres combined with fair market value of \$14.78/sq.ft. for this site would result in a total PLD of \$1.23 Million, thus making the project infeasible, according to ACHA. As this project is seen as a catalytic project for the Station Area TOD and provides affordable housing, Staff is supportive of reducing the PLD fee-in-lieu to \$3/sq.ft., thus reducing the overall PLD to \$219,542, a savings of approximately \$1,010,458.	\$1,010,458
<u>Expedited Building Permit Review</u> The City will work closely with ACHA to process the review in the shortest timeframe possible, which may include sending the plans to external reviewers.	\$0
<u>Construction of Phase 1 of Craft Way</u> Phase 1 of Craft Way includes the portion from to the easternmost edge of ACHA's Project adjacent to Craft Way as defined in Attachment B. ACHA shall dedicate the land necessary for the construction of the Craft Way extension.	\$270,000
<u>HOME Funds Allocation</u> The City Council adopted Resolution No. 31 allocating up to \$400,000 in City of Westminster HOME funds to the project.	\$400,000
<u>Credit for Active Crestview Taps</u> Two active taps are currently associated with the project.	\$46,029

<p><u>Temporary Certificate of Occupancy</u> In order to enable the Project to meet funding deadlines (including for issuance of the Temporary Certificate of Occupancy), the City’s Chief Building Official will work with ACHA and the Project Owner to facilitate timely inspections and issuance of associated documentation.</p>	\$0
<p><u>Regional Storm Water System</u> In order to connect the ACHA project (as well as other future development in the area) into Little Dry Creek Park Regional Storm Water Detention Pond property acquisition and construction of a pipeline is necessary within an extension of the Grove Street right-of-way south of 71st Avenue to the Westminster Station parking structure. ACHA will build the pipeline adjacent to their property within Grove Street north of 71st Avenue. Although the Grove Street acquisition and pipeline project has been planned as part of the regional storm system, the implementation timing had not been determined. The Alto project is necessitating the need to implement these improvements in 2016. The value of this item is dependent on the cost of property acquisition and if Grove Street is constructed at the same time as the pipeline. Estimates range from a low of \$650,000 to approximately \$1,000,000. ACHA will still be required to pay the monthly storm water fee.</p>	\$1,000,000 (est.)

Staff is recommending approximately \$3,250,000 of support in the form of the construction of Phase 1 of Craft Way, the connection (south of 71st Avenue) to the regional storm water system, the \$3/sq.ft. PLD amount, allocation of HOME funds, and rebates of use taxes, application and permit fees, in addition to expedited review times.

Staff believes this project is representative of the City’s 2015 Strategic Plan Goals including, *Visionary Leadership, Effective Governance and Proactive Regional Collaboration; Vibrant, Inclusive and Engaged Community; Dynamic, Diverse Economy; Beautiful, Desirable, Safe and Environmentally Responsible City; and Ease of Mobility.* This project will provide necessary affordable housing as part of a well-designed mixed-use development that maximized public investment by creating a gateway into the Station Area at 71st Avenue and Federal Boulevard.

Respectfully submitted,

Donald M. Tripp
 City Manager

Attachments

- Attachment A: Letter to Adams County Housing Authority outlining staff’s support
- Attachment B: Craft Way Phasing
- Attachment C: Project Renderings
- Attachment D: Draft IGA between Adams County Housing Authority and the City of Westminster for the construction of affordable housing and exhibits



WESTMINSTER

December 1, 2015

Mr. Donald May, Executive Director
Adams County Housing Authority
7190 Colorado Boulevard, 6th Floor
Commerce City, Colorado 80022
dmay@achaco.com

Ms. Kimball Crangle
Colorado Market President
Gorman & Company, Inc.
110 16th St. Suite 1310
Denver, Colorado 80202
kcrangle@gormanusa.com

City of Westminster
Office of the
City Manager

4800 West 92nd Avenue
Westminster, Colorado
80031

303-658-2400
FAX 303-706-3921

Dear Mr. May and Ms. Crangle:

City Staff have evaluated your 14-item funding and support request (email to Michelle Stephens, August 6, 2015). The following actions and recommendations are proposed to be formalized in an Intergovernmental Agreement (IGA), and where appropriate, within the Preliminary and Official Development Plans for the project. Please note that Staff's recommendation below has not been discussed with City Council. Final approval by City Council is required for the IGA and Preliminary and Official Development Plans. Staff is supportive of the following items due to the project's unique ability to implement one of the City's strategic goals by creating new, high-quality, affordable housing.

Staff's Recommendation

1. *Waiver of Public Land Dedication Fee.* Staff is supportive of reducing the Public Land Dedication (PLD) fee-in-lieu to \$3/sq.ft. As previously communicated, staff was initially supportive of a reduction of the PLD fee from \$14.78/sq.ft to \$5/sq.ft.; however, in order to facilitate the construction of the storm sewer in Grove Street by Adams County Housing Authority (ACHA), staff now supports the \$3/sq.ft. PLD fee-in-lieu. Thus establishing the PLD at approximately \$219,542 for the proposed development.
2. *Waiver of Park Development Fee.* This waiver is not supported by Staff as the continued funding of the development of parklands is vital for a City that is infilling and densifying. The Park Development Fee for this project is approximately \$86,380.
3. *Waiver of School Land Dedication Fee.* This waiver is not supported by Staff as the new development will place infrastructure demands on the City and school district. The School Land Dedication Fee for this project is approximately \$7,840.
4. *Waiver of Use Taxes.* Staff is supportive of a 100% rebate of the actual use taxes paid. Use taxes are estimated at \$385,000.



Mr. Donald May, Executive Director, Adams County Housing Authority
Ms. Kimball Crangle, President, Colorado Market, Gorman & Company, Inc.
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5. *Waiver of Building Permit Fees, Application, and Recording Fees.* Staff is supportive of a 100% rebate of the actual fees paid. These fees are estimated at approximately \$132,000.
6. *Waiver of Irrigation Fees.* The waiver of irrigation fees, which are a tap fee and part of the water enterprise utility, is not supported by Staff. It is a long-standing City policy to not waive these fees and all City projects are also required to pay these fees. The estimated irrigation fee is \$12,200.
7. *Expedited Building Permit Review with a waiver of the associated fee.* The City does not have an expedited building permit review for new construction; however, the Chief Building Official has agreed to work closely with ACHA to process the review in the shortest timeframe possible, which may include sending the plans to external reviewers.
8. *Inclusion in to the Regional Storm Water System with waiver of associated impact fees.* The site is included in the area served by the Little Dry Creek Park Regional Storm Water Detention Pond (now under construction); however, the infrastructure connecting this development to the basin is not yet in place. Due to the timeline of this project the City has prioritized the acquisition of property and construction of the necessary infrastructure to ensure this development will be able to connect to the regional detention pond. No impact fees will be charged (for any development) for inclusion in this system, but a monthly fee will be charged as part of the utility bill. The amount of the monthly fee has not been determined.
9. *Access off of the future Craft Way extension as it connects to Federal Boulevard.* Staff is supportive of access to the project from Craft Way. The initial drafts of the Station Area Specific Plan include an east/west street connection between Federal Boulevard and Grove Street at approximately Craft Way. This extension of Craft Way increases the porosity into the site and facilitates pedestrian access to transit. Staff has been supportive of Craft Way and appreciates ACHA's willingness to dedicate a significant portion of the ROW required for this connection.
10. *The City to build out the access to Craft Way from Grove Street (to the point of access into ACHA's parcel for the north parking lot on the site plan we've submitted) in advance of the connection of Craft Way to Federal Boulevard (if CDOT delays approval) and rebuilding of the associated storm detention/quality, sidewalk, curb/gutter for the City Inn.* The City is committed to the construction of Craft Way as part of implementing the vision for the Station Area. Staff is proceeding with negotiations with the City Inn for property necessary for the first (western) phase of Craft Way adjacent to ACHA's site and obtaining the necessary approvals. Staff are aware of



Mr. Donald May, Executive Director, Adams County Housing Authority
Ms. Kimball Crangle, President, Colorado Market, Gorman & Company, Inc.
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ACHA's timeline for the opening of this project (March 2017) and the need for access from Craft Way to the site. We will work closely with ACHA to support the opening of the project on time. In order to move forward, ACHA must dedicate the right-of-way necessary for Craft Way at no cost to the City as part of the development review and permitting process.

11. *Political assistance (through a franchise agreement if available) to help move the Xcel overhead line from the 71st and Federal site in a reasonable timeline.* Staff is willing to support and provide other political assistance that may be available.
12. *A Temporary Certificate of Occupancy with a waiver of the associated fee.* The Chief Building Official will work closely with the applicant to support the construction and opening of the project to meet funding deadlines.
13. *HOME funds from the City of Westminster of \$400,000.* Staff is supportive of the allocation of \$400,000 in City of Westminster HOME funds to the ACHA project, which was approved by the City Council at their November 9th meeting. The Adams County Board of Commissioners is expected to make a decision on the request in December or January. For additional information on the status of HOME funds please contact Heather Ruddy at 303.658.2111.
14. *Assistance to gain credit from Crestview taps associated with the 71st and Federal and parcel.* It is currently the City's policy to provide credit for active Crestview Taps; therefore, Staff supports that credit be given for 2 of 4 Crestview taps (2 taps have been vacant for several years and are not eligible for credits).

In total, Staff is recommending approximately \$2,095,097 of support in the form of the construction of Phase 1 of Craft Way, the reduced PLD amount of \$3/sq.ft., allocation of HOME funds, and rebates of use taxes, application and permit fees, in addition to committing staff time for expedited reviews. As a condition of providing this level of support, we would request that ACHA dedicate the right-of-way required for Craft Way and provide support for the initiation of a new South Westminster Urban Renewal Area, GID, and/or Parking District at the appropriate time.



Mr. Donald May, Executive Director, Adams County Housing Authority
Ms. Kimball Crangle, President, Colorado Market, Gorman & Company, Inc.
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If you are in agreement with the above recommendation we will begin drafting the IGA for our mutual approvals. Please contact Michelle Stephens, Business Operations Coordinator for Community Development, if you have any questions at 303-658-2122.

Sincerely,

Donald M. Tripp
City Manager

Craft Way Extension and Proposed Phasing





1550 WYNKOOP ST. #100
DENVER, CO 80202
P: 303-436.9551

BENCHMARK:

ELEVATIONS ARE BASED ON THE CITY OF WESTMINSTER CONTROL POINT #110 BEING A FOUND 3" ALUMINUM CAP PLS #7735 AT THE EAST QUARTER CORNER OF SECTION 5. IN THE INTERSECTION OF W. 68TH AVE. AND ZUNI ST.

ELEVATION = 5246.91 FEET (NAV 1988 DATUM)

CALL UTILITY NOTIFICATION CENTER OF COLORADO

811

CALL 2 BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.

No.	Description of Revisions	Date	TLS By
1	TECHNICAL ODP SUBMITTAL	07/15/15	

Designed By: R. PRANANTA Checked By: J. ADKINS



CORNER OF FEDERAL BLVD. & W. 71ST AVE. LOOKING NORTHWEST



FEDERAL BLVD. LOOKING SOUTHWEST

71ST AVENUE & FEDERAL BLVD.

ELEVATIONS

Date: 07/15/2015

Job No.:



1550 WYNKOOP ST. #100
DENVER, CO 80202
P: 303-436.9551

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No.	Description of Revisions	Date	TLS By
1	TECHNICAL ODP SUBMITTAL	07/15/15	

Designed By: R. PRANANTA Checked By: J. ADKINS



N. GROVE ST. LOOKING EAST



CORNER OF N. GROVE ST. & W. 71ST AVE. LOOKING NORTHEAST

71ST AVENUE & FEDERAL BLVD.

ELEVATIONS

Date: 07/15/2015

Job No.:

INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF WESTMINSTER AND THE ADAMS COUNTY HOUSING AUTHORITY
REGARDING THE CITY'S SUPPORT OF THE ALTO AFFORDABLE HOUSING PROJECT
GENERALLY LOCATED NORTH OF 71ST AVENUE, WEST OF FEDERAL BOULEVARD, AND
EAST OF GROVE STREET, ADAMS COUNTY, COLORADO

THIS INTERGOVERNMENTAL AGREEMENT (the "Agreement") is made and entered into this ____ day of _____, 2016, by and between the City of Westminster, Colorado, a Colorado home-rule municipality (hereinafter referred to as "Westminster"), and the Adams County Housing Authority (hereinafter referred to as "ACHA") (Westminster and ACHA also hereafter referred to collectively as the "Parties").

WITNESSETH

WHEREAS, the parties are authorized by Colorado Constitution, Article XIV, Section 18 and C.R.S. Section 29-1-201 et seq., to enter into cooperative agreements to provide to each other any function, service, or facility lawfully authorized to each of them; and

WHEREAS, said Parties deem it desirable to provide affordable housing within the City of Westminster; and

WHEREAS, the City wishes to provide assistance to aid in the development of a mixed-use affordable housing project by ACHA, which will be located in the Westminster Station Area and will be financed in part with low income housing tax credits; and

WHEREAS, ACHA will form a separate entity (i.e. limited partnership), which will own the project (referred to as "Project Owner") and construct a 70-unit mixed-use affordable housing project (the "project") at the properties, described in Exhibit A, attached hereto and incorporated herein by reference; for the purpose of providing affordable mixed-use housing for future residents of the City, thus providing housing diversity within the City; and

WHEREAS, City Council finds the execution of this Agreement will provide benefit and advance the public interest and welfare of the City and its citizens by securing the location of this affordable housing project within the Westminster Station Area.

This Intergovernmental Agreement is entered into pursuant to the Colorado constitution and the Colorado Revised statutes, and the subject matter and agreements contained herein are logical and foreseeable results of the foregoing enactments.

NOW THEREFORE, in consideration of the above recitals and of the mutual promises, covenants and agreements contained herein, Westminster and ACHA agree as follows:

1. *Public Land Dedication Fee.* ACHA or the Project Owner shall pay a Public Land Dedication (PLD) fee-in-lieu of \$3/sq.ft., a reduction of the PLD fee from \$14.78/sq.ft., in order to facilitate the construction of the storm sewer in Grove Street by ACHA. The estimated PLD fee-in-lieu is \$219,542, a savings not to exceed \$1,010,458.
2. *Park Development Fee.* ACHA or the Project Owner shall pay the Park Development Fee, which is estimated at \$86,380.
3. *School Land Dedication Fee.* ACHA or the Project Owner shall pay the School Land Dedication Fee, which is estimated at \$7,840.

4. *Use Tax Rebate - Construction.* The City shall rebate to ACHA or the Project Owner 100% of the Building Use Tax paid by the Project Owner required under W.M.C. Sections 4-2-9 and 4-2-3 for construction of ACHA's new project. The rebate on use tax on construction materials will be in an amount not to exceed \$385,000 and will be made following payment of the use taxes by the Project Owner.
5. *Building Permit Fees, Application, and Recording Fees - Rebate.* The City shall rebate to ACHA or the Project Owner 100% of the actual building permit, review, application, and recording fees paid by the Project Owner. These fees are estimated in an amount not to exceed \$132,000 and will be rebated following payment of the fees by the Project Owner.
6. *Expedited Building Permit Review.* The City will work closely with ACHA or the Project Owner to process the review in the shortest timeframe possible, which may include sending the plans to external reviewers.
7. *Construction of Phase 1 of Craft Way.* The City shall construct Phase 1 of Craft Way, which includes the portion from to the easternmost edge of ACHA's Project adjacent to Craft Way as defined in Exhibit B. ACHA shall dedicate the land necessary for the construction of the Craft Way extension. The City will endeavor to complete the construction of Phase 1 of Craft Way to meet ACHA's timeline for the opening of this project.
8. *HOME Funds Allocation.* The City Council adopted Resolution No. 31 allocating up to \$400,000 in City of Westminster HOME funds to the project.
9. *Credit for Active Crestview Taps associated with the Project.* The City will provide credit for the two active Crestview Taps associated with the project.
10. *Temporary Certificate of Occupancy.* In order to enable the Project to meet funding deadlines (including for issuance of the Temporary Certificate of Occupancy), the City's Chief Building Official will work with ACHA and the Project Owner to facilitate timely inspections and issuance of associated documentation.
11. *Regional Storm Water System.* The City will prioritize the acquisition of property and construction of the necessary infrastructure for the Little Dry Creek Park Regional Storm Water Detention Pond (now under construction) to ensure that the project will be able to connect to the regional detention pond. No impact fees will be charged (for any development) for inclusion in this system, but a monthly fee will be charged as part of the utility bill.
12. *Support for Special Districts.* ACHA and the Project Owner shall provide support for special districts necessary to implement the Station Area Specific Plan.

Notices.

All notices or other communications required hereunder shall be delivered by first class mail, return receipt requested, addressed as follows:

Adams County Housing Authority
Attention: Don May, Executive Director
7190 Colorado Boulevard, 6th Floor
Commerce City, CO 80022

City of Westminster

Department of Community Development
Attention: Mac Cummins, Planning Manager
City of Westminster
4800 West 92nd Avenue
Westminster, CO 80031

With Copies to:

Gorman & Company, Inc.
Attn: Kimball Crangle
1060 Bannock Street, Suite 305
Denver, CO 80204

Parties to Exercise Good Faith.

The Parties agree to devote their best efforts and to exercise good faith in implementing the provisions of this Agreement.

Intent of Agreement.

This Agreement is intended to describe rights and responsibilities only as between the named parties hereto. It is not intended to and shall not be deemed to confer rights to any persons or entities not named as parties hereto.

Remedies for Default.

Should any party fail to comply with the provisions of this Agreement, the other party, after providing written notification to the non-complying party and upon the failure of said party to achieve compliance within ninety (90) days after said notice, may at its option either terminate this Agreement or maintain an action in a court of competent jurisdiction for specific performance, injunctive, or other appropriate relief, excluding damages relief. In the event of such litigation, each party shall be responsible for its own costs, including attorney fees.

Effective Date.

This Agreement shall become effective on the date that it is officially approved by both Parties.

Miscellaneous Provisions.

1. Construction of the project shall begin no later than January 1, 2017.
2. No amendment or waiver of any covenant, condition or provision contained herein shall be valid unless in writing and duly executed by both parties.
3. This Agreement supersedes all prior written and oral agreements and understandings between the parties relating to the subject matter thereof.
4. This Agreement shall be binding upon the parties hereto, their respective successors or assigns.
5. If any portion of this agreement is held invalid or unenforceable by a court of competent jurisdiction, such invalidity or lack of enforceability shall cause the entire agreement to be terminated.
6. This Agreement does not and shall not be deemed to confer upon or grant to any third party any right enforceable at law or equity arising out of any term, covenant, or condition herein or the breach thereof.

7. This Agreement may be signed in counterparts, and each counterpart will be considered an original. This Agreement may be executed by facsimile signature.

IN WITNESS WHEREOF, the above Parties hereto have caused this Agreement to be executed.

City of Westminster, a Colorado municipal corporation

By: Herb Atchison, Mayor
4800 West 92nd Avenue
Westminster, Colorado 80031

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Adams County Housing Authority

By: Don May, Executive Director
7190 Colorado Boulevard, 6th Floor
Commerce City, CO 80022

NOTARY:



Staff Report

Information Only Staff Report
January 11, 2016



SUBJECT: Rocky Mountain Greenway Trail Update

PREPARED BY: Heather Cronenberg, Open Space Coordinator

Summary Statement

This report is for City Council information only and requires no action by the Council. Staff wishes to provide an update on the construction of the western segment of the Rocky Mountain Greenway Trail. This trail will connect Rocky Mountain Arsenal and Rocky Flats National Wildlife Refuges (NWRs). The project is funded and managed by the Central Federal Lands Highway Division (CFL) of the Federal Highway Administration (FHWA) with local stakeholder involvement. Staff previously provided information to Council on the feasibility study for this trail in 2013. Construction drawings were recently completed and the project was put out for bid by the FHWA. Bids came back favorable to construct the 9 mile project through Arvada, Westminster, and Broomfield with much of the new construction on the east side of Standley Lake and through the Westminster Hills Open Space. Construction will begin in January, 2016 and should be complete by May, 2016.

Background Information

In 2011, President Obama launched the “America’s Great Outdoors” initiative to develop a 21st Century Conservation and Recreation Agenda. Part of the Initiative’s Vision is to “Connect Americans to the Great Outdoors.” A key focus of the Initiative in Colorado proposed by former Secretary of Interior Salazar and unveiled in 2011 is creation of a “Rocky Mountain Greenway Trail”, a continuous multi-modal trail between the National Wildlife Refuges (NWRs) at Rocky Mountain Arsenal, Two Ponds, and Rocky Flats, with greater vision to eventually expand to Rocky Mountain National Park. The Central Federal Lands Highway Division (CFL) of the Federal Highway Administration (FHWA) managed a core team of stakeholders including the City of Westminster to develop a Feasibility Study evaluating possible trail alignments for a 9-mile segment along the corridor specifically between Two Ponds and Rocky Flats NWRs. The Feasibility Study was completed in September 2013 and construction drawings were finalized in July, 2015.

While much of the proposed trail along the 9-mile corridor uses existing maintenance roads or trails, the needed new improvements lie almost exclusively within or immediately adjacent to Westminster. At the eastern terminus starting at 80th Avenue and Wadsworth Parkway, the trail follows Little Dry Creek Trail and passes Two Ponds NWR on existing on and off-street infrastructure in Arvada. The trail passes into Westminster at 86th Avenue & Kipling. On the south end of Standley Lake, the Greenway Trail will pass under 86th Parkway at an existing overpass for the Croke Canal. A new pedestrian bridge over the Croke Canal will connect to a new section of trail heading northeast towards the existing maintenance entrance off 88th Parkway. Rather than create a redundant second trail, the Greenway Trail will utilize the shared maintenance access path around the east side of the dam where it will meet the Big Dry Creek Trail.

The Greenway Trail will continue west on the north side of the lake. A new section of soft trail from Standley Lake Nature Center will cross the Church Ditch with a pedestrian bridge and meet 100th Avenue at a signalized pedestrian crossing. After the Greenway Trail crosses 100th Avenue, a new section of soft trail will continue through Westminster Hills Open Space in a northwesterly direction

to Broomfield's Open Space at Great Western Reservoir. Once in Broomfield, the Greenway Trail will eventually cross the future Jefferson Parkway and into Rocky Flats National Wildlife Refuge. The US Fish and Wildlife Service is working on plans to construct trails in the refuge and open the site to multi-modal users. Staff received approvals from the Church Ditch and the Farmers' Reservoir and Irrigation Company (FRICO) to construct a bridge over the Church Ditch and the trail within land owned and managed by FRICO on the east side of Standley Lake. FRICO expressed concern over keeping pedestrians away from the dam. The project will place additional signs warning pedestrians to keep off the dam prior to project completion.

The FHWA received a grant of \$1.735M through the Fish and Wildlife Service to construct the trail. Through a bid process, Rocky Mountain Excavating Inc. was selected to construct the project. Funding available covers construction of the trail but does not include site amenities including signage, benches, and trash cans. Westminster has identified approximately \$50,000 in the trails Capital Improvement Fund to provide these amenities. The project partners will begin discussing plans for a grand opening event and will seek input from Council prior to the completion of the project.

The construction of the Rocky Mountain Greenway Trail supports the City's Strategic Plan Goals of "Financially Sustainable City Government Providing Excellence in City Services" and "Beautiful, Desirable, Safe and Environmentally Responsible City."

Respectfully submitted,

Donald M. Tripp
City Manager

Attachment: Map

**Greenway Trail
at Standley Lake
City of Westminster, 2015**

**Rocky Flats
Wildlife Refuge**

**Westminster Hills
Open Space**

Greenway Trail

Church Ditch Crossing

Greenway Trail

NOTE:
1. Parcels are from County Assessor GIS Data.
2. Depictions of property ownership are based on current information available and may not be current or correct.

Standley Lake 1998 (pink shaded area)

FRICO Parcels (orange outline)

Other COW Parcels (blue outline)

Trails

MATERIAL

- Concrete Major (thick solid orange line)
- Gravel Major (thick dashed orange line)
- Concrete Minor (thin solid orange line)
- Gravel Minor (thin dashed orange line)
- Natural Minor (thin solid brown line)

Open Space (light green shaded area)

Standley Lake Regional Park (dark green shaded area)

Standley Lake Regional Park

Big Dry Creek Trail

Greenway Trail

Niver Canal Trail

Farmers High Line Trail

Croke Canal Crossing

Greenway Trail

