



Commerce City

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Council Communication

File Number: Res 2021-54

Agenda Date: 7/19/2021

Version: 1

Status: ATS Review

In Control: City Council

File Type: Resolution

RESOLUTION APPROVING FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT BETWEEN AND AMONG THE CITY OF COMMERCE CITY AND CANAL AVENUE METROPOLITAN DISTRICT REGARDING THE SERVICE PLAN FOR THE DISTRICT

Summary and Background Information: The Canal Avenue Metropolitan District ("District") was formed following the approval of a service plan by the City Council in 2018. The District serves only to construct and maintain certain public improvements for a non-residential development. Pursuant to the service plan, the District is only authorized to own and operate public improvements as provided through an intergovernmental agreement with the City. The current IGA restricts the District from owning or operating improvements (other than park and recreation improvements).

The District, to facilitate development, has requested an amendment to the IGA to permit it to own various improvements, including internal roadway, drainage, and signage improvements as well as sanitary sewer facilities that the South Adams County Water & Sanitation District ("SACWSD") is not willing to accept or maintain. These improvements serve only the property within the District. An entity with perpetual existence is needed to maintain these improvements and the landowner and the District prefer this approach as opposed to an owner's association.

The proposed IGA amendment authorizes the District to own and operate certain improvements, with any sanitary sewer improvements subject to approval of a separate agreement with SACWSD. Neither the City nor SACWSD will take on responsibility for these improvements. The landowner will agree to accept responsibility for the improvements if the District dissolves (unless a successor entity is approved).

The service plan and original IGA are included in the packet.

Staff Responsible (Department Head): John Bourjaily, Management Analyst; Robert Sheesley, City Attorney

Staff Member Presenting: Robert Sheesley, City Attorney

Financial Impact: N/A

Funding Source: N/A

Staff Recommendation: Approval.

Suggested Motion: I move to approve Resolution 2021-54.