



Legislation Text

File #: Res NIGID 2020-01, **Version:** 3

RESOLUTION APPROVING INTERGOVERNMENTAL AGREEMENT BETWEEN THE COMMERCE CITY NORTHERN INFRASTRUCTURE GENERAL IMPROVEMENT DISTRICT AND THE URBAN RENEWAL AUTHORITY OF THE CITY OF COMMERCE CITY RELATING TO WATER RESOURCES FOR THE REDEVELOPMENT OF THE MILE HIGH GREYHOUND PARK

Summary and Background Information:

By eliminating blight, revitalizing the MHGP site, and fostering economic development, the Mile High Greyhound Park will provide substantial benefits to the City, citizens, and the surrounding metro area. As such, it is imperative that the redevelopment project receives water allocations necessary to support the planned residential development.

In 2011, the Commerce City Urban Renewal Authority (CCURA) purchased the former Mile High Greyhound Park site (MHGP). In 2018, the City Council approved the Urban Renewal Plan for the MHGP. As part of the 2019 Purchase and Sale Agreement providing for the development of the MHGP, the CCURA agreed to make water rights identified as Equivalent Residential Units ("ERUs") available, at no cost, for the residential development within the MHGP. The CCURA must possess and confirm these water rights as a condition to the closing anticipated in 2020. ("Prior to Closing, Seller shall provide written confirmation ("Water Sufficiency Confirmation") from the South Adams County Water and Sanitation District ("SACWSD") that Seller has sufficient water rights acceptable to SACWSD to serve the number of residential units allowed by the PUD Permit and Master Subdivision plat for the Property. Said water rights consist of ERUs owned by Seller which are acceptable to SACWSD to provide water to the Property and which are recorded in Seller's accounts with SACWSD, and shall be made available to buyer or occupants of the Property at no cost. Buyer, or subsequent owners of Property, shall be responsible for the payment of any fees to any responsible local agency to obtain water taps and for any cost of actual usage water within the Property [and] the Seller shall have no current or ongoing obligation to pay such costs, except to the extent Seller or the City owns and develops the Property. This Section 11(d) shall survive closing indefinitely.").

The proposed IGA allows for the assignment of certain ERUs owned by the Northern Infrastructure General Improvement District (NIGID) (Farmers Reservoir and Irrigation Company Equivalent Residential Units ("FRICO ERUs")) to the CCURA based on the proposed plans for residential development in the MHGP. The CCURA is entitled to assign 226 General Service Area ERUs (GSA ERUs) for this use, but the estimated amount needed for the planned residential units at the MHGP is 474 ERUs. As such, the CCURA will obtain an additional 248 FRICO ERUs from the NIGID. The ERUs will be made available to the developer for use solely on the MHGP property for residential use; any ERUs not so used will be returned to the CCURA and then reassigned to the NIGID. Using tax increment financing, when available, the CCURA will pay the NIGID for ERUs actually used, at an annual interest rate of 4%, based on the cost of each ERU to the NIGID. The CCURA will also be responsible for the payment of SACWSD's assignment fee with each transfer of ERUs.

Staff Responsible (Department Head): Roger Tinklenberg

Staff Member Presenting: Jenna Lowery

Financial Impact: 24,942.04

Funding Source: Revenue from previously authorized property tax increment financing.