

Sept. 25, 2006

REQUEST FOR COUNCIL ACTION

RESOLUTION: 2006-57

SUBJECT: Agreement with Jefferson County to fund and construct an interchange at C-470 and Alameda.

RECOMMENDATION: Approval

FUNDING SOURCE: Jefferson County and Lakewood Economic Development Funds

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

An interchange at C-470/Alameda is a needed transportation system link. The interchange will benefit existing and future Lakewood residents by providing an alternative route to C-470, I-70, Sixth Avenue and the mountains. This will decrease pressure on the Union Boulevard corridor and the Union/Sixth interchange. It will also support primary job creation in the Rooney Valley by improving access to the commercial portions of the Valley within Lakewood.

The proposed agreement will result in the interchange being completed in 2008 with the County providing \$6.0 million and the City providing \$3.0 million.

During the 1990s, preliminary planning and engineering, and environmental evaluation occurred for the interchange. The Federal Highway Administration, Colorado Department of Transportation, Jefferson County and Lakewood approved the concept.

RESOLUTION ADOPTION DATE: September 25, 2006

ORIGINATED BY: City Manager

STAFF PERSON RESPONSIBLE: Michael J. Rock, City Manager, 303-987-7050

DOCUMENTS ATTACHED: Resolution 2006-57
Intergovernmental Agreement

SUBMITTED BY:


Michael J. Rock
City Manager

REVIEWED BY:


Jon Inman, Director
Mayor and City Manager's Office


Michael J. Rock
City Manager

2006-57

A RESOLUTION

AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH JEFFERSON COUNTY TO FUND THE DESIGN AND CONSTRUCTION OF AN INTERCHANGE AT C-470 AND ALAMEDA AVENUE.

WHEREAS, The Colorado Department of Transportation ("CDOT") has approved as a locally funded project the construction of a diamond-shaped highway interchange at the intersection of Highway C-470 and Alameda Avenue (the "Interchange").

WHEREAS, The Interchange will provide significant benefits to the County, the City, and their residents through improved access for existing and future developments within the area.

WHEREAS, The Parties desire to provide funding, in full compliance with the requirements of Article X, Section 20 of the Colorado Constitution ("TABOR"), for the planning, design, and construction of the Interchange in order to facilitate the prompt completion of such construction.

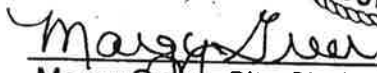
NOW, THEREFORE, BE IT RESOLVED by the City Council of Lakewood, Colorado, that:

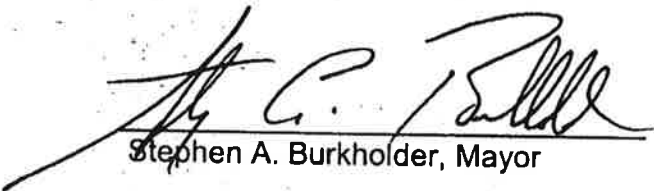
SECTION 1. The City Manager is hereby authorized to execute, and the City Clerk to attest, an agreement with Jefferson County, in form approved by the City Attorney, for the funding, design, construction, and related matters of an Interchange at C-470 and Alameda Avenue.

INTRODUCED, READ AND ADOPTED by a vote of 9 for and 0 against at a regular meeting of the City Council on September 25, 2006, at 7 o'clock p.m. at the Lakewood Civic Center, 480 South Allison Parkway, Lakewood, Colorado.

ATTEST:




Margy Greer, City Clerk


Stephen A. Burkholder, Mayor

INTERGOVERNMENTAL AGREEMENT

This Intergovernmental Agreement (this "Agreement") is made and entered into this 20th day of August, 2007 by and between the COUNTY OF JEFFERSON, COLORADO, a county and political subdivision of the State of Colorado (the "County"), and the CITY OF LAKEWOOD, COLORADO, a municipal corporation and home rule city of the State of Colorado (the "City"), collectively referred to herein as the "Parties."

RECITALS

A. The Colorado Department of Transportation ("CDOT") has approved as a locally funded project the construction of a diamond-shaped highway interchange at the intersection of Highway C-470 and Alameda Avenue (the "Interchange").

B. The Interchange will provide significant benefits to the County and the City and their residents through improved access for existing and future developments within the area.

C. The Parties desire to provide funding, in full compliance with the requirements of Article X, Section 20 of the Colorado Constitution ("TABOR"), for the planning, design, and construction of the Interchange in order to facilitate the prompt completion of such construction.

D. The Parties further recognize that it may be advantageous to have one or more metropolitan or other financing districts perform some of the work and that additional agreements may be necessary.

AGREEMENT

In consideration of the foregoing premises, and the covenants, promises, and agreements contained herein, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. The County and City agree to cooperate in the planning, design, and construction of the Interchange and to cooperate in the acquisition of property rights necessary for completion of the Interchange. Such planning will include any necessary updating of the environmental studies and the Finding of No Significant Impact (the "FONSI") that have previously been prepared relative to the Interchange. The County will serve as the lead agency in working with CDOT, though one or more financing districts may also participate. The Parties will work cooperatively with CDOT to obtain approvals of the design of the Interchange and will construct the Interchange in accordance with all applicable requirements of CDOT. Additional agreements may be needed between the Parties and others to construct the Interchange and the Parties will cooperate with one another to address such issues.

2. The County will provide funding in the amount of \$6,000,000. Of that amount, \$4,000,000 will be provided in 2007 and \$2,000,000 will be provided during the first half of 2008. The County's funding shall be used only for the construction of the Interchange and not for the planning, design, or engineering of the Interchange or any other reason. The City will provide funding in the amount of \$3,000,000. Of that amount, \$2,000,000 will be provided in 2007 and \$1,000,000 will be provided during the first half of 2008. The Parties shall seek additional amounts necessary to complete the Interchange from other public or private entities in the vicinity of the Interchange. The Parties intend to fully comply with the requirements of TABOR and this

Agreement shall not constitute a multi-fiscal year financial obligation of either Party. Any expenditure of funds by either Party shall be subject to an annual appropriation of such funds for such purpose by the governing body of such Party.

3. The Parties anticipate that a third party will update the environmental studies and FONSI for the Interchange. The County will be the "local government sponsor" and will submit such studies and FONSI to CDOT. The design work for the Interchange may be performed by the County, the City, or a third-party as determined by the Parties.

4. The Parties shall use reasonable diligence to complete construction and open the Interchange by July 1, 2008.

5. Any notice, request, assignment, payment, consent, approval, demand, or other communication required or permitted hereby shall be in writing and shall be deemed to have been given when personally delivered, delivered by overnight delivery services, or when deposited in the United States Postal Service, certified, return receipt requested, postage prepaid, properly addressed to the persons to whom such notice is intended to be given at their respective addresses as follows:

If to the City: City of Lakewood
480 South Allison Parkway
Lakewood, CO 80226-3105
Attn: City Manager

If to the County: Jefferson County
100 Jefferson County Parkway
Golden, CO 80419
Attn: Deputy County Administrator

6. Governing Law. This Agreement shall be governed by the laws of the State of Colorado.

Attest:

By: Margy Greer

Margy Greer
City Clerk



CITY OF LAKEWOOD, COLORADO

By: Michael J. Rock

Michael J. Rock
City Manager

Approved: Lawrence R. Dorr

By: Lawrence R. Dorr

Lawrence R. Dorr
Director of Finance

Approved as to Form: Paul F. Kennebeck

By: Paul F. Kennebeck

Paul F. Kennebeck
Interim City Attorney

Attest: *August 13, 2007*

COUNTY OF JEFFERSON, COLORADO

By: *Adrienne Loye*
~~County Clerk~~ NOTARY PUBLIC

My commission expires 9-8-08

By: *James R. Moore*
James R. Moore
County Administrator

Approved as to Form:

By: *Jean L. Ayars*
Jean L. Ayars
Assistant County Attorney