

ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor's Legislative Team
at MileHighOrdinance@DenverGov.org by **3:00pm on Monday**.

****All fields must be completed.****

Incomplete request forms will be returned to sender which may cause a delay in processing.

Date of Request: May 31, 2013

Please mark one: Bill Request or Resolution Request

1. Has your agency submitted this request in the last 12 months?

Yes No

If yes, please explain:

2. **Title:** A bill for an ordinance approving the South Broadway/Montgomery Ward Urban Renewal Area Amended and Restated Project Funding Agreement for W. Dakota Avenue Storm Water Outfall and Street Improvements ("Project Funding Agreement") between the City, the Denver Urban Renewal Authority (DURA), and BMP Metropolitan District #1 (BMP) to fund drainage improvements benefiting the South Broadway Montgomery Ward Urban Renewal Area.

3. **Requesting Agency:** Finance

4. **Contact Person:** (With actual knowledge of proposed ordinance/resolution.)

- **Name:** Andrew Johnston, Debt Administrator for Special Districts and Conduit - Finance
- **Phone:** 720-913-9372
- **Email:** Andrew.Johnston@denvergov.org

5. **Contact Person:** (With actual knowledge of proposed ordinance/resolution who will present the item at Mayor-Council)

- **Name:** Andrew Johnston, Debt Administrator for Special Districts and Conduit - Finance
- **Phone:** 720-913-9372
- **Email:** Andrew.Johnston@denvergov.org

6. **General description of proposed ordinance including contract scope of work if applicable:** The Agreement is between the City, DURA and the BMP to address drainage issues affecting South Broadway, the South Broadway Montgomery Ward Urban Renewal Area and its environs.

- a. **Contract Control Number:** for original Agreement: PWADM-201204713-00
- b. **Duration:** The term of the Agreement shall commence on execution and terminate on the Project Completion Date as set forth in the Agreement.
- c. **Location:** The project involves the construction of a large box culvert along with upstream inlets and conduits generally commencing at the intersection of South Lincoln and Virginia Avenue, then running westerly along Virginia Avenue to South Broadway, northerly along South Broadway to Dakota Avenue, westerly along the West Dakota Avenue alignment through the South Broadway Montgomery Ward Urban Renewal Area to South Cherokee Street, continuing westerly through a bore or tunnel under the RTD and Consolidated Main Line tracks, across the former RTD bus barn property on South Santa Fe Drive, and connecting to the existing CDOT culvert under I-25 for ultimate drainage into the South Platte River. The route described is subject to modification.
- d. **Affected Council District:** Council District #7 – Chris Nevitt
- e. **Benefits:** The storm sewer improvements are identified in the Stormwater Master Plan of 2009 to provide drainage improvements to the South Broadway Montgomery Ward Urban Renewal Area and its environs which has been susceptible to frequent flooding.
- f. **Costs:** \$16,800,000 Maximum City Liability.

7. **Is there any controversy surrounding this ordinance? (Groups or individuals who may have concerns about it?) Please explain.**

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Executive Summary

This ordinance approves a Project Funding Agreement between the City, Denver Urban Renewal Authority (DURA), and the Broadway Market Place Metropolitan District #1 (BMP) which will address drainage issues affecting Broadway, the South Broadway Montgomery Ward Urban Renewal Area and its environs.

BMP agrees to complete the design for and undertake the construction of the Project. The City and DURA shall have no responsibility to undertake any construction with respect to the Project. Upon completion of the Project to the satisfaction of the City, BMP shall convey the Project improvements to the City, shall convey property for the extension of West Dakota Avenue from South Broadway to South Cherokee Street to the City and shall convey or assign to the City the District's interests in any and all additional easements, license or permits necessary for the operation and maintenance of the storm water components of the Project westerly from S. Cherokee Street to the South Platte River, the City's acceptance of the Project and the terms of such conveyances or assignments shall all be in accordance with the proposed Dakota IGA.

In order to pay Project Costs incurred under this Agreement, the City appropriated \$13 million in its Capital Projects Fund, this sum shall be deemed a continuing capital appropriation and pledges this appropriation for future-year payments of Project Costs. In addition to the Existing Appropriation, the City Council will appropriate an additional \$3,800,000 (the "Additional Funding") for a total maximum amount of \$16,800,000. The Additional Funding is comprised of \$2,500,000 from the City's Waste Water Enterprise Fund and \$1,300,000 from the City's Capital Improvements Fund. All Project Costs in excess of the Maximum City Liability of \$16,800,000 associated with completion and delivery of the Project shall be the responsibility of BMP.

There are 3 companion ordinance requests:

- 1) Rescind \$2,472,944.13 from completed storm and sanitary capital improvement project budgets and reappropriate to the Dakota Avenue Drainage Outfall project. The reappropriation of \$2,472,944.13 will add to an existing appropriation of \$27,055.87 already in place for the Dakota Avenue Drainage Outfall for a total project budget of \$2,500,000.
- 2) Rescind and reappropriate \$350,000 from the Pena Blvd. Operations and Maintenance project and \$500,000 from the 16th Street Mall Local Match project and reappropriate to the W. Dakota Avenue storm water outfall and street improvements project (\$850,000). CIP appropriations were in place to address potential local match requirements and are no longer needed due to grants not being awarded or alternative funding being identified. In addition, this request appropriates \$450,000 from Capital Improvement Fund contingency for a total CIF budget of \$1,300,000 for the W. Dakota Avenue storm water outfall and street improvements project.
- 3) Approve the appropriation of \$1,000,000 in the Environmental Services Enterprise Fund Emergency Reserve (78200) to enable and complete a cash transfer and appropriation to the Environmental Services Enterprise Fund Operating Fund (78100) to increase the appropriated allocation of emergency reserves.

General Description and Location

The W. Dakota Avenue Storm Water Outfall and Street Improvement Project will to provide drainage improvements in accordance with City standards and requirements for the outfall area, including the South Broadway/Montgomery Ward Urban Renewal Area. The project involves the construction of a large box culvert along with upstream inlets and conduits generally commencing at the intersection of South Lincoln and Virginia Avenue, then running westerly along Virginia Avenue to South Broadway, northerly along South Broadway to Dakota Avenue, westerly along the West Dakota Avenue alignment through the South Broadway Montgomery Ward Urban Renewal Area to South Cherokee Street, continuing westerly through a bore or tunnel under the RTD and Consolidated Main Line tracks, across the former RTD bus barn property on South Santa Fe Drive, and connecting to the existing CDOT culvert under I-25 for ultimate drainage into the South Platte River. The route described above is subject to modification upon the mutual agreement of the City and BMP as may be necessary to address unknown conditions, provided that the alignment within the South Broadway Montgomery Ward Urban Renewal Area along the West Dakota Avenue alignment to South Cherokee Street shall not be modified in any material manner except as may be required by the City through its normal regulatory process. The Project shall also include, upon completion of the stormwater improvements through the Urban Renewal Area, improvements to West Dakota Avenue between South Broadway and South Cherokee Street sufficient to re-establish and dedicate West Dakota as a public street as well as streetscape improvements on South Cherokee Street, all in accordance with City standards and requirements; provided, however, that the West Dakota Avenue street

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improvements, as such term is used this Agreement, shall not include sidewalk and streetscape improvements along the northerly side of the street.

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