

W. Dakota Avenue Storm Water Outfall and Street Improvement Project

Executive Summary

The project will consist primarily of storm water outfall improvements commencing in the vicinity of Grant St. and S. Virginia Avenue in the West Washington Park neighborhood, proceeding westerly through the Broadway Market Place along the W. Dakota Avenue corridor and then continuing to and connecting with the S. Platte River via a major culvert that has been constructed by CDOT in conjunction with the ongoing I-25 improvements near Alameda. The Project will also include incidental street improvements on W. Dakota Avenue to allow this corridor to be re-established as a city street connecting S. Broadway and S. Cherokee.

The City Council previously approved an appropriation of \$1 million from wastewater enterprise funds to support planning and engineering for this project. Public Works is proposing an additional appropriation of \$12 million to support construction of the project. The entire \$13 million committed by the City is expected to be reimbursed from tax increment revenues derived from the South Broadway/Montgomery Ward Urban Renewal Area between now and December 31, 2017.

The approval of the financing for this project requires five (5) actions by the City Council:

- ***Resolution setting public hearing on an Amendment to the South Broadway/Montgomery Ward Urban Renewal Plan.*** Per state statutes, notice of the hearing must be given at least thirty (30) days in advance. The hearing is proposed for February 6, 2012.
- ***Ordinance approving Amendment to the South Broadway/Montgomery Ward Urban Renewal Plan.*** The original 1992 urban renewal plan will be amended to reflect the W. Dakota Storm Water Outfall project as an additional project to be funded to fulfill the objectives of the original Plan, and to specifically allow tax increment revenue to be expended outside the boundaries of the urban renewal area as allowed by statute.
- ***Ordinance approving new Cooperation Agreement between the City and DURA.*** All obligations and projects under the original 1992 Cooperation Agreement have been fulfilled. A new Cooperation Agreement will replace and supersede the original Cooperation Agreement and will specifically obligate DURA to reimburse the City for Project costs from tax increment revenues. The new Cooperation Agreement will also set aside \$1 million per annum in incremental sales tax revenue each year to flow directly to the City's general fund (commensurate with the way the city has been receiving approximately \$1 million

per annum in “excess” tax increment revenue from Broadway Marketplace in recent years under the prior Cooperation Agreement).

- ***Ordinance Approving Project Funding Agreement.*** Completion of Project design and actual construction contracting for the Project will be done by the BMP Metropolitan District No. 1. (In 2010, the City Council approved the formation of metropolitan districts to finance additional infrastructure improvements in and around Broadway Marketplace.) A Project Funding Agreement between the City, BMP, and DURA will set up a mechanism for BMP to be reimbursed for Project costs from the \$13 million appropriated by the City, and commit BMP to paying all project costs in excess of \$13 million as necessary to complete the project. BMP is required to comply with City and DURA contracting policies, e.g. prevailing wage, DBE/SBE policies, public art, etc. The Agreement expressly authorizes BMP to exercise its eminent domain authority as necessary to complete the project between S. Broadway and S. Cherokee. At the request of the BMP and the current owners of the Broadway Marketplace, the commencement of the Project is made expressly contingent upon the owners striking a deal with RTD for the acquisition and development of land adjacent to the Alameda Light Rail Transit Station, just west of the Broadway Marketplace.
- ***Budget Ordinance.*** Via Ordinance No. 256, Series 2011 the City Council previously established an appropriation account for the Project (originally identifying the Project as “Center Avenue Storm Water Improvements”) and appropriated \$1 million for design and engineering. This ordinance must be amended to reflect the fact that the Project will now be constructed along the W. Dakota alignment, and to appropriate an additional \$12 million to finance the Project, to be reimbursed from tax increment revenues.