



Legislation Text

File #: ID-77-18, Version: 1

Department of Community Development

Reference: Brighton Crossing Metropolitan District Nos. 5-8

To: Mayor Kenneth J. Kreutzer and Members of City Council

Through: Philip Rodriguez, City Manager

Marv Falconburg, AICP, Assistant City Manager

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Date Prepared: February 27, 2018

PURPOSE

Pursuant to Article 1, Title 32, Colorado Revised Statutes, as amended, the City of Brighton has the authority to approve service plans for special districts (also known as metropolitan or simply metro districts) that are organized within the City's boundaries and now has before it final approval of a Service Plan for Brighton Crossing Metropolitan Districts Nos. 5-8. The Service Plan was drafted according to the recently adopted Model Service Plan.

BACKGROUND

The Service Plan was conditionally approved by City Council on September 19, 2017. The Plan was submitted in a multiple district format as the applicant desires to create four new districts out of one large existing district (Brighton Crossing District No. 4).

The formal applicant, the Districts' organizer, Brookfield Residential LLC, and their team is additionally comprised of counsel, White Bear Ankele Tanaka & Waldron; financial advisor, D.A. Davidson and Co.; and engineering firm, Redland Consulting Group Inc.

The Districts had an organizational deadline of September 20th as determined by the State Statutes, and that is why they sought conditional approval at the Council meeting on September 19th. City Council did conditionally approve the Service Plan with three conditions.

The conditions were as follows:

- 1.) *A financial plan that is acceptable to City Council is received;*
- 2.) *An Intergovernmental Agreement (IGA) is agreed to by City Council; and*
- 3.) *Any amendments or modifications to the service plan based on the financial plan or IGA are agreed to by City Council.*

CRITERIA BY WHICH COUNCIL MUST CONSIDER THE ITEM

Per the Special District Act, Article 1, Title 32 of the Colorado Revised Statutes, service plans must include the following items:

- Description of services,
- Financial information,

- Preliminary engineering or architectural survey showing how the services, are to be provided,
- Map of boundaries,
- Estimated population at build-out,
- Estimated assessed valuation at build-out,
- General description of facilities to be constructed,
- Estimated costs of land acquisition, engineering, legal and administrative costs, and costs related to the organization and initial operation of the district,
- Description and form of any proposed Intergovernmental Agreements (IGAs), and
- Other information set by State Statutes or required by the approving jurisdiction(s).

PUBLIC NOTICE AND INQUIRY

Notice of the public hearing was published in the November 29, 2017 edition of the Brighton Standard Blade by the applicant as directed by state statute for Metro District Service Plans. The public hearing was continued at the meeting on December 19, 2017 to the meeting on February 20, 2018 where it was continued to the meeting on March 6, 2018. As of the date of this report, City staff has not received any public comment on the matter.

SUMMARY OF FINDINGS

At the September 19th meeting, the City Council found that the Service Plan submitted was generally acceptable. At this time the applicant is seeking final approval as they have sought to address the three conditions. Staff has reviewed the resubmittal with Sally Tasker of Butler Snow, LLP and Ehlers & Associates, Inc. Butler Snow is the City's special legal counsel for the review of metro district formation and Ehlers is the City's special financial consultant who offers experience in metro district financial review.

In addressing the conditions:

- 1.) *The applicant has submitted a Financial Plan that is acceptable to City staff and our financial consultant.*
- 2.) *Staff and our bond counsel have worked with the applicant to ensure that the submitted IGA is satisfactory to the standards set in the Model Service Plan.*
- 3.) *The resubmitted Service Plan, based on the Financial Plan and IGA, does not require any further amendments or modifications.*

City staff has worked with the applicant to outline the required public improvements that would be constructed and funded by the District, which are included in the Service Plan and the Inter-Governmental Agreement (IGA) (Exhibit F to the Service Plan). The required major roadway improvements (off-site or adjacent to the Districts' boundaries) are generally: Baseline Road, Bridge Street (east of 50th Avenue), 45th Avenue (from Bridge Street to Longs Peak Street), Longs Peak Street (from N. 45th Avenue to N. 50th Avenue), Tower Road aka S. 40th Avenue (from Southern Street to Bridge Street), Southern Street (from Tower Road to S. 45th Avenue), and three accompanying traffic signals (two along Baseline Road and one on Bridge Street). Also required are all onsite and required off-site improvements for water, sewer and storm drainage. In addition, considerable improvements to recreation and parks facilities are proposed.

In a separate item before City Council on March 6, 2018, City staff will present an Agreement Regarding Roadway Improvements between the City and Brookfield Residential (Colorado) LLC that addresses the Developer's obligations and timing of the design and construction of 45th Avenue and Longs Peak Street adjacent to the Districts.

FINANCIAL IMPACT

The Financial Plan (Exhibit D) to the Service Plan sets a total infrastructure cost estimate for Districts Nos. 5-8 in the amount of \$101,113,000.00.

STAFF RECOMMENDATION

Staff is recommending adoption of the resolution granting final approval of the Service Plan for the Brighton Crossing Metropolitan District Nos. 5-8 and the associated IGA.

OPTIONS FOR COUNCIL CONSIDERATION

- Approve the Resolution as drafted;

- Approve the Resolution with changes;
- Continue the item to a date certain; or
- Deny the Resolution as drafted.

ATTACHMENTS

- Resolution (*Draft*)
- Proposed Service Plan with Exhibits (*Includes IGA*)
- Conditionally Approved Service Plan (*without Exhibit F - IGA*)
- Proposed District Map as provided by applicant
- Resolution of Conditional Approval (*Approved on 9/17/2017*)