



Legislation Text

File #: ID-402-18, Version: 1

Department of Community Development

Reference: Third Amended and Restated Contract for the E-470 Public Highway Authority

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

Through: Philip A. Rodriguez, City Manager

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Date Prepared: November 20, 2018

PURPOSE

City staff requests that City Council approve the Third Amended and Restated Contract for the E-470 Public Highway Authority ("Contract"). City Council has the authority to authorize the Mayor to execute said Contract on behalf of the City via Resolution.

STRATEGIC FOCUS AREAS

1. Supportive, Sustainable Infrastructure
2. Strong Regional Relationships and Partnerships

BACKGROUND

The E-470 Public Highway Authority ("Authority") was created by the Establishing Contract for the Authority, dated January 13, 1988, by and among Adams County, Arapahoe County and Douglas County, and, by amendments to the Establishing Contract, the City of Aurora, the Town of Parker, the City of Thornton, the City of Brighton, and the City of Commerce City (the "Governmental Units"), to finance, construct, operate, or maintain E-470. The boundary of the Authority was set as following the proposed alignment and one and one-half miles on either side of that alignment.

CRITERIA BY WHICH COUNCIL MUST CONSIDER THE ITEM

The execution of the Establishing Contract by the Governmental Units is permitted by Article XIV, Section 18(2) of the Colorado Constitution, Part 2 of Article 1, Title 29, C.R.S. and by the Public Highway Authority Law in Part 5 of Article 4, Title 43, C.R.S.

SUMMARY OF FINDINGS / STAFF ANALYSIS

The proposed amendment ("Amended and Restated Contract") expands the jurisdiction of the Authority to plan, design, construct, and maintain public highways both inside and outside of the established boundary of E-470. A public highway authority in Colorado may operate beyond its established boundary according to state statute. The existing contract provides that the boundaries of the Authority may be changed by action of two-thirds of the Governmental Units of the Authority. The Contract also firmly states that the purpose of the

Authority is to “aid in regional cooperation regarding transportation infrastructure, improvements, and facilities which are presently inadequate given continued population growth and financial constraints upon state and local governments”.

The Authority would like to have the decisions of the Governmental Units prior to their meeting on December 13, 2018. As of the date of this report, Adams County, Arapahoe County, Douglas County, the Town of Parker, and the City of Commerce City have signed the Amended And Restated Contract. The City of Aurora and the City of Thornton are considering the Amended and Restated Contract on upcoming City Council meeting agendas.

PUBLIC NOTICE AND INQUIRY

Notice of this item was carried out with the standard posting of a scheduled meeting of the City Council. As of the date of this staff report, no formal comments have been received as a result of the posting.

STAFF RECOMMENDATION

Regional cooperation and planning are necessary for public highways. Due to the fact that the currently set boundaries of the Authority are limiting, City staff is recommending that City Council grant their approval to the Amended and Restated Contract as presented. A draft resolution has been provided to the Council should it decide to proceed with authorizing the Mayor to execute the Contract on behalf of the City.

OPTIONS FOR COUNCIL CONSIDERATION

The City Council has four options when reviewing this Contract. City Council may:

- 1.) Approve the Resolution as drafted;
- 2.) Approve the Resolution with specific changes;
- 3.) Deny the Resolution as drafted with specific findings to justify the denial; or
- 4.) Continue the item to be heard at a later, specified date.

ATTACHMENTS

- Draft City Council Resolution
- Proposed Third Amended and Restated Establishing Contract
- Exhibit A to the Third Amended and Restated Establishing Contract
- Appendix A - Third Amendment (1989)
- Appendix B - Fourth Amendment (1989)
- Appendix C - Fifth Amendment (1990)
- Appendix D - Sixth Amendment (1995)
- Draft City Staff PowerPoint