



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: April 4, 2017
SUBJECT: License Agreement Between Lower Clear Creek Ditch Company, Adams County, Urban Drainage And Flood Control District, And Regional Rail Partners, Joint Venture
FROM: Jeffery A. Maxwell, PE, PTOE, Director of Transportation
AGENCY/DEPARTMENT: Transportation
HEARD AT STUDY SESSION ON: May 31, 2016
AUTHORIZATION TO MOVE FORWARD: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners approve the License Agreement Between Lower Clear Creek Ditch Company, Adams County, Urban Drainage And Flood Control District, And Regional Rail Partners, Joint Venture

BACKGROUND:

The attached License Agreement is necessary for the Hoffman Drainageway Improvements Project (“the Project”) and has been reviewed by the County Attorney’s office.

The agreement has already been signed by the Lower Clear Creek Ditch Company, the Urban Drainage and Flood Control District, and the Regional Rail Partners.

The Hoffman Drainageway crosses under the Lower Clear Creek Ditch, which is owned and operated by the Lower Clear Creek Ditch Company, a Colorado mutual ditch company (referred to as “the Ditch Company”). The Ditch Company purports to have a prescriptive easement allowing them to operate their facilities that cross the Project. The Ditch Company’s procedures require the attached License Agreement that defines the terms and details of construction as it pertains to their facilities and prescriptive easement. The construction details of the Project at the crossing of the Hoffman Drainageway have been reviewed and approved by the Ditch Company.

The Project begins just south of East 88th Avenue, across from Thornton’s Hoffman Way (T-intersection), and terminates approximately 400 feet east and south of the Steele Street and East 86th Avenue intersection (approximately 150 feet east of the Lower Clear Creek Canal). The project has a total length of approximately 4,800 feet. The Project consists of excavation along the channel; removal of a failing corrugated metal pipe; installation of erosion protection; construction of four concrete box culverts (Rainbow Avenue, Devonshire Boulevard, Encon’s access road, and Steele Street); accommodations for the Colorado Agricultural Ditch crossing and a new structure for the Lower Clear Creek Ditch crossing.

The Project will ultimately remove the floodplain from structures currently impacted by the Hoffman Drainageway 100-year floodplain.

This Project was discussed in Study Session on May 31, 2016. Subsequently, an agreement with Urban Drainage and Flood Control District (UDFCD) was approved at Public Hearing on October 11, 2016, authorizing and funding the Project. Through that agreement, obligations will be managed by UDFCD and RRP.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Transportation; Urban Drainage and Flood Control District; Regional Rail Partners, Office of County Attorney, Lower Clear Creek Ditch Company

ATTACHED DOCUMENTS:

Draft Resolution
License Agreement

FISCAL IMPACT:

Please check if there is no fiscal impact ☒. If there is fiscal impact, please fully complete the section below.

Fund:
Cost Center:

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			

New FTEs requested: ☐ YES ☒ NO

Future Amendment Needed: ☐ YES ☒ NO

Additional Note:

The Urban Drainage and Flood Control District (UDFCD) and Regional Rail Partners (RRP) are responsible for any financial commitments presented in attached agreement. Adams County has fulfilled its financial obligations for the project by providing the required funding identified in the agreement with UDFCD, approved at Public Hearing on October 11, 2016.

The funds for the agreement with UDFCD were provided from the General Fund and the Stormwater Utility Fund.