



## PUBLIC HEARING AGENDA ITEM

<b>DATE OF PUBLIC HEARING:</b> July 17, 2018
<b>SUBJECT:</b> Agreement Regarding Final Design, Right-Of-Way Acquisition, And Construction Of Drainage And Flood Control Improvements For Clear Creek At BNSF Crossing Between Pecos And Federal Boulevard Adams County (Agreement No. 18-04.06)
<b>FROM:</b> Jeffery A. Maxwell, PE, PTOE, Director of Public Works
<b>AGENCY/DEPARTMENT:</b> Public Works
<b>HEARD AT STUDY SESSION ON:</b> February 6, 2018 and March 20, 2018
<b>AUTHORIZATION TO MOVE FORWARD:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO
<b>RECOMMENDED ACTION:</b> That the Board of County Commissioners approve Agreement Regarding Final Design, Right-Of-Way Acquisition, And Construction Of Drainage And Flood Control Improvements For Clear Creek At BNSF Crossing Between Pecos And Federal Boulevard Adams County (Agreement No. 18-04.06)

### **BACKGROUND:**

This project has two significant components: drainage improvements to Clear Creek; and the installation of the Clear Creek Trail under the Regional Transportation District (RTD) and the Burlington Northern and Santa Fe Railroad (BNSF) bridges over Clear Creek.

### **Drainage Improvements**

In 2016, due to significant repairs needed on the BNSF drop structure in Clear Creek, BNSF staff met with representatives from the County and the Urban Drainage and Flood Control District (UDFCD) to discuss the possibility of a joint project to relocate the drop structure off BNSF property to a mutually acceptable location. BNSF representatives agreed to provide a maximum of \$60,000 toward a preliminary design study, which recommended relocating the drop structure upstream of the BNSF property. The study identified a \$2.25M cost to remove and replace in-kind the BNSF drop structure. BNSF representatives are in the process of drafting up an agreement to fund \$2.25M of this project. Public Works presented this information at the February 6, 2018 Study Session and received Board support to revise the capital improvement projects priorities schedule of the Stormwater Utility (SWU). The schedule identified \$750,000 of SWU funds for this Project.

County and UDFCD staff are working with BNSF on date(s) their funding will be available to the Project.

The attached agreement portions the \$750,000 (County contribution) into the following elements of effort: Final Design (\$200,000), Right-of-way (\$250,000), Construction (\$250,000), and Contingency (\$50,000). This breakdown is for estimating purposes only, actual costs may vary.

### Clear Creek Trail

The Clear Creek Trail is a “Key Multi-Use Trail” (or major regional trail) that provides recreational benefits to the region (ref: 2035 Metro Vision Regional Transportation Plan “Plan”). The Plan emphasizes that major regional trails should follow waterways and railroad corridors. In anticipation of the Trail crossing under the BNSF bridge and the RTD bridge, County staff required the substructures of both bridges be designed to accommodate the lower elevation needed for the trail and channel. Additionally, County staff informed BNSF that a trail underpass was a condition the County will require with the project. Knowing that additional excavation is needed to achieve adequate clearance for the trail, the Parks and Open Space staff (Parks) presented their funding plan to the Board at the March 20, 2018 Study Session. Parks’ plan was to apply for \$1,500,000 of Open Space funds, with \$750,000 being the required 30% shareback. Parks staff clarified the uncertainty of being awarded any of the requested Open Space funds. The Board acknowledged that the Project may require up to \$2,250,000 for the construction of the recreational amenities for this project.

A condition of BNSF providing their funding is to have construction complete prior to spring 2020. The Parties acknowledge that sufficient funding must be available prior to any construction, or pre-construction activities.

This agreement will initiate a separate account at the UDFCD for this project.

This IGA has been reviewed by our Deputy County Attorney.

### **AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:**

Urban Drainage and Flood Control District; Public Works; Parks and Open Space, County Attorney’s Office

### **ATTACHED DOCUMENTS:**

- Intergovernmental Agreement
- Draft Resolution

**FISCAL IMPACT:**

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

**Fund: 7****Cost Center: 3704**

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
<b>Total Revenues:</b>			

	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:	9105	TBD	\$750,000
<b>Total Expenditures:</b>			<b>\$750,000</b>

New FTEs requested: ☐ YES ☒ NO

Future Amendment Needed: ☒ YES ☐ NO

**Additional Note:**