



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: March 12, 2019
SUBJECT: Pre-Plat Subdivision Improvements Agreement Midtown, LLC
FROM: Kristin Sullivan, Director, Community and Economic Development Department
AGENCY/DEPARTMENT: Community and Economic Development and Public Works Department
HEARD AT STUDY SESSION ON: N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners approves the Pre-Plat Subdivision Improvements Agreement with Midtown, LLC for the development of Midtown at Clear Creek Filing No. 11.

BACKGROUND:

This request is for a Pre-Plat Subdivision Improvements Agreement to allow limited construction of infrastructure to support the development prior to approval of the Filing No. 11 final development plan (FDP) and final plat, at the risk of the applicant. Specifically, the purpose for the pre-plat SIA is to allow the applicant to prepare the site to commence development, once the FDP and final plat are approved. Approving this SIA does not guarantee approval of the FDP or any filing within the Midtown development. The applicant assumes all risk for constructing the public improvements prior to approval of the final plat. Exhibit B of the Subdivision Improvements Agreement for Filing No. 11 describes required improvements for development of the subdivision. The final plat for the subdivision is currently under review by the Community and Economic Development Department (CEDD) and will be scheduled before the Board of County Commissioners after completion of staff review.

The subject request is consistent with the requirement for approval for SIAs. In addition, staff reviewed the SIA and determined the documents conform to the requirements outlined in Section 5-02-05 of the County's Development Standard and Regulations. The Department of Community and Economic Development has also reviewed construction documents associated with the subdivision. Final approval of the construction documents is contingent upon approval of the SIA.

As a requirement of the Subdivision Improvements Agreement, the Developer will furnish to the County a performance bond, releasable only by the County, to guarantee compliance with this Agreement. Said collateral will be submitted as two bonds, the first bond will be in the amount of \$128,784.03, equal to the cost of the improvements described as "Phase One" in Exhibit "B." The second bond will be in the amount of \$34,399.78, equal to the cost of the improvements described as "Phase Two" in Exhibit "B."

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Community and Economic Development
Public Works
Finance

ATTACHED DOCUMENTS:

Resolution Approving A Subdivision Improvements Agreement (SIA) For Midtown At Clear Creek Filing 11

Pre-Plat Subdivision Improvements 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: