



## PUBLIC HEARING AGENDA ITEM

<b>DATE OF PUBLIC HEARING:</b> July 9, 2019
<b>SUBJECT:</b> Development Agreement with DJ South Gathering LLC
<b>FROM:</b> Bryan Ostler, Interim Director, Community and Economic Development Department
<b>AGENCY/DEPARTMENT:</b> Community and Economic Development and Public Works Department
<b>HEARD AT STUDY SESSION ON:</b> N/A
<b>AUTHORIZATION TO MOVE FORWARD:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO
<b>RECOMMENDED ACTION:</b> That the Board of County Commissioners approves the Development Agreement with DJ South Gathering LLC for the public improvements of curb, gutter, sidewalk, and drainage facilities to support the development of Bennett Station located at 1614 Manilla Road.

### **BACKGROUND:**

The applicant, DJ South Gathering LLC, is requesting to enter into a Development Agreement for the public improvements of curb, gutter, sidewalk, and drainage facilities along Manilla Road and on the project site to support the construction of Bennett Station. The development is located at 1614 Manilla Road. The subject Development Agreement is required to ensure that public improvements associated with the development are designed and constructed in conformance with County's Development Standards and Regulations. Exhibit "B" and Exhibit "C" of the Development Agreement describe all of the required public improvements to support this development.

The subject request is consistent with the requirement for approval of Development Agreements. In addition, staff reviewed the Development Agreement and determined that the proposed improvements conform to the requirements outlined in Section 4-20-06-04 of the County's Development Standard and Regulations. These Standards require a property owner of land abutting a constructed public right-of-way is responsible for the construction and maintenance of curb, gutter, and sidewalk along the right-of-way that is adjacent to the property under development. Maintenance of public right-of-way includes snow removal for pedestrian access.

The Department of Community and Economic Development also reviewed construction documents associated with the development. Final acceptance of the project is contingent upon approval of the Development Agreement.

As a requirement of the Development 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 in the amount of, \$1,323,245.70.

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

Community and Economic Development and Public Works Departments.

**ATTACHED DOCUMENTS:**

Resolution

Development Agreement for DJ South Gathering LLC

**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:			
<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:			
<b>Total Expenditures:</b>			

**New FTEs requested:** ☐ YES ☒ NO

**Future Amendment Needed:** ☐ YES ☒ NO

**Additional Note:**