City of Arvada
City Council Agenda
APRIL 1, 2025

Councilmembers:
Lauren Simpson, Mayor
Randy Moorman, Mayor Pro-Tem
Shawna Ambrose, District 2
Sharon Davis, At large
Bob Fifer, District 4
John Marriott, District 3
Brad Rupert, At large

Staff Members Usually Present:
Linda Haley, Acting City Manager
Don Wick, Deputy City Manager
Rachel Morris, City Attorney
Jacqueline Rhoades, Director of Public Works
Jessica Morales, Interim Director of Utilities
Jessica Garner, Director of Community & Econ. Dev.
Bryan Archer, Director of Finance
Gabriella Bommer, Director of Human Resources
Ryan Stevenson, Director of Vibrant Community & Neighborhoods
Rachael Kuroiwa, Director of Communications & Engagement
Ed Brady, Chief of Police
Kristen Rush, City Clerk

Info: 720-898-7550

THIRD FLOOR CONFERENCE ROOM
EXECUTIVE SESSION
5:00 P.M.

Personnel Matter Pursuant to CRS 24-6-402(4)(f) for the purpose of discussing applicants for the City Manager position

REGULAR BUSINESS
CITY COUNCIL CHAMBERS
6:00 P.M.

1. Call to Order - 6:00 PM

2. Moment of Reflection and Pledge of Allegiance - Councilmember Fifer

3. Roll Call of Councilmembers

4. Approval of Minutes
    A. March 18, 2025 City Council Meeting

5. Recognitions and Communications
    A. Proclamation for Child Abuse Prevention Month - Presented by Mayor Pro Tem Moorman
    B. Proclamation for National Public Safety Telecommunicators Week - Presented by Councilmember Ambrose

6. Presentations - None

7. Public Comment on Issues not Scheduled on Agenda - Three Minute Limit

8. New Business
    A. Consent Agenda
        1. R25-031, A Resolution Authorizing Acceptance of Donations made to the City of Arvada from the Landmark Exhibition

2. R25-032, A Resolution Approving an Agreement By and Between the City of Arvada and Brett and Andralee Bunch for the Grant of a Revocable Encroachment License to Accommodate a Fence Within a portion of the Public Right of Way adjacent to 10230 W 80th Avenue and along Lee Street

3. R25-033, A Resolution Authorizing a Warranty Deed from the City of Arvada Conveying Land for Right-Of-Way on Highway 93, Arvada, Colorado to the Department of Transportation, State of Colorado

4. R25-034, A Resolution Authorizing an Agreement Between the City of Arvada and Transwest Freightliner LLC for the Purchase of Three Heavy Duty Snowplows in an Amount Not to Exceed $1,442,961.00

B. Resolutions

1. R25-035, A Resolution Authorizing An Agreement with the Urban Drainage and Flood Control District (D/B/A Mile High Flood District) Regarding Site Mitigation for Property Acquisition of 6000 Secrest Drive, City of Arvada (Presenter: Melanie Walter, Floodplain Administrator)

2. R25-036, A Resolution Expressing the Intent of the City to be Reimbursed for Certain Expenses Relating to the Construction of Certain Wastewater Improvements (Presenter: Bryan Archer, Director of Finance)

3. R25-037, A Resolution Expressing the Intent of the City to be Reimbursed for Certain Expenses Relating to the Construction of Certain Water Improvements (Presenter: Bryan Archer, Director of Finance)

C. Ordinances (First Reading)

1. CB25-006, An Ordinance Authorizing an Additional Appropriation for Fiscal Year 2025 (Public Hearing to be set for April 15, 2025 at 6:15 p.m.)

2. CB25-007, An Ordinance Vacating a Portion of Right-Of-Way on West 80th Avenue and Lee Street Located Approximately at 7990 Lee Street, City of Arvada, County of Jefferson, State of Colorado (Public Hearing to be set for April 15, 2025 at 6:15 p.m.)

3. CB25-008, An Ordinance Vacating a Portion of Right-of-Way on West 80th Avenue and Lee Street Located Approximately At 10230 W. 80th Avenue, City of Arvada, County of Jefferson, State of Colorado (Public Hearing to be set for April 15, 2025 at 6:15 p.m.)

9. Other

A. Ratification and Approval of CP2025-0001 a Resolution by the Planning Commission for the City of Arvada, Colorado, Adopting the 2014 Arvada Comprehensive Plan as Arvada's Three Mile Plan Pursuant to Section 31-12-105(1)(E), C.R.S., as Amended (Presenter: Rob Smetana, Manager of City Planning and Development)

10. Public Hearings - 6:15 PM - None

11. Public Comment - Five Minute Limit

12. Reports from City Council

A. Council Committee Reports

13. Reports from City Manager

A. Review of Future Workshops and Presentations

14. Reports from City Attorney

15. Adjournment

SUMMARY OF MINUTES OF THE MEETING OF THE ARVADA CITY COUNCIL HELD MARCH 18, 2025

1. Call to Order - 6:00 p.m.

2. Moment of Reflection and Pledge of Allegiance

3. Roll Call of Councilmembers

   Those Present: Mayor Lauren Simpson, Mayor Pro Tem Randy Moorman, Councilmember Shawna Ambrose, Councilmember Sharon Davis, Councilmember Bob Fifer, Councilmember John Marriott, Councilmember Brad Rupert

   Also Present: Linda Haley, Interim City Manager; Rachel Morris, City Attorney; Don Wick, Deputy City Manager; Bryan Archer, Director of Finance; Jessica Garner, Director of Community and Economic Development; Ryan Stevenson, Director of Vibrant Communities and Neighborhoods, Candice Svoboda, Assistant to the City Manager, and Kristen Rush, City Clerk.

4. Approval of Minutes – March 4, 2025 City Council Meeting

   The minutes stand approved.

5. Presentations - None

6. Recognition and Communication – None

7. Public Comment –
   A. Karen Cowling, representing Mission Arvada, addressed council regarding funding for Mission Arvada.
   B. Keith Cowling, representing Mission Arvada, addressed council regarding funding for Mission Arvada.
   C. Katie Leigh, Parent of St. Anne student, addressed council regarding homeless in Olde Town.
   D. David Holland, Arvada resident, addressed council regarding homeless in Olde Town.
   E. John Butterfield, Arvada resident, addressed council regarding homeless in Olde Town.
   F. Mike Ingle, Arvada resident, addressed council regarding homeless in Olde Town.
   G. Pat Malone, Arvada resident, addressed council regarding immigration.

8. New Business
   A. Consent Agenda –
      1. R25-026 A Resolution Authorizing an Agreement Between the City of Arvada and Triple M Construction, LLC for Construction of ADA Ramps and Concrete Replacement in an Amount not to Exceed $1,826,966.00

Councilmember Ambrose moved that R25-026, A Resolution Authorizing an Agreement Between the City of Arvada and Triple M Construction, LLC for Construction of ADA Ramps and Concrete Replacement in an Amount not to Exceed $1,826,966.00, be approved.

The following votes were cast on the Motion:
Those voting Yes: Simpson, Moorman, Ambrose, Davis, Fifer, Marriott, Rupert
The Motion was Approved

B. Resolutions –

1. R25-027 A Resolution Authorizing an Intergovernmental Agreement Between the City of Arvada and the U.S. Department of Housing and Urban Development for Community Development Block Grant ("CDBG") Funding in the Amount of $458,033.00

Carrie Espinosa, Housing Manager, reviewed this resolution with council.

Mayor Pro Tem Moorman moved that R25-027, A Resolution Authorizing an Intergovernmental Agreement Between the City of Arvada and the U.S. Department of Housing and Urban Development for Community Development Block Grant ("CDBG") Funding in the Amount of $458,033.00, be approved.

The following votes were cast on the Motion:
Those voting Yes: Simpson, Moorman, Ambrose, Davis, Fifer, Marriott, Rupert
The Motion was Approved

2. R25-028 A Resolution Revising and Adopting Bylaws for the Arvada Housing Advisory Committee

Carrie Espinosa, Housing Manager, reviewed this resolution with council.

Councilmember Ambrose moved that R25-028, A Resolution Revising and Adopting Bylaws for the Arvada Housing Advisory Committee, be approved.

The following votes were cast on the Motion:
Those voting Yes: Simpson, Moorman, Ambrose, Davis, Fifer, Marriott, Rupert
The Motion was Approved

3. R25-029 A Resolution Approving an Intergovernmental Agreement Between the City of Arvada and the Colorado Department of Local Affairs, Division of Housing to Support Homeless Street Outreach Services

Carrie Espinosa, Housing Manager, reviewed this resolution with council.

Councilmember Ambrose moved that R25-029, A Resolution Approving an Intergovernmental Agreement Between the City of Arvada and the Colorado Department of Local Affairs, Division of Housing to Support Homeless Street Outreach Services, be approved.

The following votes were cast on the Motion:

Those voting Yes: Simpson, Moorman, Ambrose, Davis, Fifer, Marriott, Rupert
The Motion was Approved

C. Ordinances (First Reading) - None

9. Other – None

10. Public Hearings –

A. R25-030 A Resolution Setting Forth Certain Findings of Fact and Conclusions as to the Annexation of Certain Land into the City of Arvada, Colorado, A Section of 64th Avenue Right-of-Way approximately Located at 15812 West 64th Avenue

B. CB25-003 An Ordinance Annexing Certain Land Into The City Of Arvada, A Section of 64th Avenue Right-Of-Way Approximately Located at 15812 W 64th Avenue, In The City of Arvada, County of Jefferson, State of Colorado (Ordinance No. 4889) (Presenter: Rob Smetana, Planning Manager)

Mayor Simpson opened the public hearing on R25-030 and CB25-003.

Rob Smetana, Planning Manager, reviewed these items with council and stated that the posting logs and mailing affidavit have been received and are in order. Mayor Simpson made them a part of the official record, along with the staff report.

Sworn Testimony: Tom McHale, representing applicant
Carol Rose, Arvada resident, in opposition

Mayor Simpson closed the public hearings.

Councilmember Fifer moved that R25-030, A Resolution Setting Forth Certain Findings of Fact and Conclusions as to the Annexation of Certain Land into the City of Arvada, Colorado, A Section of 64th Avenue Right-of-Way approximately Located at 15812 West 64th Avenue, be approved.

The following votes were cast on the Motion:
Those voting Yes: Simpson, Moorman, Ambrose, Davis, Fifer, Marriott, Rupert
The Motion was Approved

Councilmember Fifer moved that CB25-003, An Ordinance Annexing Certain Land Into The City Of Arvada, A Section of 64th Avenue Right-Of-Way Approximately Located at 15812 W 64th Avenue, In The City of Arvada, County of Jefferson, State of Colorado, be approved on final reading, numbered 4889 and ordered published by title only.

The following votes were cast on the Motion:
Those voting Yes: Simpson, Moorman, Ambrose, Davis, Fifer, Marriott, Rupert
The Motion was Approved

11. Public Comment - Five Minute Limit –

A. Lynn Clemmens, Arvada resident, addressed council regarding the Heritage Canal Trail
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12. City Council Reports –

A. Councilmember Ambrose said that her Coffee Meet is rescheduled to March 21 from noon to 3 p.m., at Heaven Creamery.

B. Mayor Pro Tem Moorman said that he testified at the State Capital today for the Construction Defects Reform Bill

D. Mayor Pro Tem Moorman reported on the NLC conference that he and Mayor Simpson attended last week.

E. Mayor Pro Tem Moorman said that he will be holding a Town Hall Meeting on March 29 at 10 a.m. at the First United Church of Arvada with Representative Brianna Titone, Representative Lisa Feret and County Commissioner Rachel Zenzinger

F. Councilmember Fifer is going to hold a District Four Meeting on March 29 at the Candelas Community Room with Representative Brianna Titone, Senator Lisa Cutter, and County Commissioner Rachel Zenzinger

G. Councilmember Fifer thanked staff for arranging the joint dinner with the Arvada Fire Protection District Board members this evening.

H. Mayor Simpson discussed the NLC Conference that she and Mayor Pro Tem Moorman attended last week.

I. Mayor Simpson congratulated Carrie Briscoe for her appointment as the new Executive Director of the Arvada Urban Renewal Authority.

J. Mayor Simpson thanked the Arvada Fire Protection District Board Members for joining Council for dinner tonight.

K. Mayor Simpson welcomed the Colorado Rangers to Arvada.

L. Mayor Simpson reported on the St. Patrick's Day Festival in Olde Town on March 15.

M. Mayor Simpson congratulated the Greater Arvada Chamber of Commerce for their 100th Anniversary Celebration.

13. City Manager Reports –

A. Linda Haley, Interim City Manager, reviewed the upcoming workshop schedule.

14. City Attorney Reports – None

15. Adjournment at 7:10 p.m.

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Lauren Simpson, Mayor

SEAL:

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Kristen R. Rush, City Clerk

CITY OF ARVADA

REPORT TO CITY COUNCIL	AGENDA ITEM 5.A.

TO: THE HONORABLE CITY COUNCIL DATE: April 1, 2025

SUBJECT: Proclamation for Child Abuse Prevention Month - Presented by Mayor Pro Tem Moorman

Report in Brief

City Council will proclaim April as Child Abuse Prevention Month. Three organizations will be present to accept the proclamations:

Jennifer Kemps, Development Officer, will be present to accept the proclamation on behalf of Ralston House.

Two CASA (Court Appointed Special Advocates for Children) organizations will be present:

Josie Martinez, Community Engagement Manager, will be present to accept on behalf of CASA of Adams & Broomfield Counties.

Melissa Hellmuth, Director of Operations, will be present to accept on behalf of CASA of Jefferson & Gilpin Counties.

Prepared by:
Chris Koch, CCO Admin

Reviewed by:
Toni Riebschlager, Law Office Administrator 3/5/2025
Laura Hemler, Assistant City Attorney 3/5/2025

Approved by:

Rachel Morris, City Attorney 3/12/2025
Linda Haley, Acting City Manager 3/12/2025

Enclosure, exhibits & attachments required to support the report

WHEREAS, although every child deserves to grow up in a nurturing environment, free from harm and fear, all children do not receive appropriate care; in fact, too many children become victims at the hands of abusive perpetrators; and

WHEREAS, Arvada has dedicated individuals and organizations who work daily to counter the problem of child abuse and to help parents obtain the assistance they need; and

WHEREAS, our community is stronger when all citizens become aware of child abuse prevention and become involved in supporting parents to raise their children in a safe and nurturing environment; and

WHEREAS, effective child abuse prevention programs, such as Ralston House, Jeffco/Gilpin CASA and Adams/Broomfield CASA, succeed because of partnerships among families, social service agencies, schools, religious and civic organizations, law enforcement agencies and the business community; and

WHEREAS, it is up to us as a community to work tirelessly to end the abuse through awareness and action; and

WHEREAS, all citizens, community agencies, faith organizations and businesses will work to increase their efforts to support families.

NOW, THEREFORE, BE IT PROCLAIMED that the Mayor and the Arvada City Council hereby designate the month of April 2025 as CHILD ABUSE PREVENTION MONTH. We encourage all Arvada citizens to join in renewing our commitment to preventing child abuse and learning what we can do to promote the safety and well-being of children. Every responsible person will agree that even one abused child is too many.

Dated this 1st day of April 2025.

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Lauren Simpson, Mayor

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Randy Moorman, Mayor Pro Tem

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Shawna Ambrose, Councilmember

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Sharon Davis, Councilmember

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Bob Fifer, Councilmember

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John Marriott, Councilmember

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Brad Rupert, Councilmember

CITY OF ARVADA

REPORT TO CITY COUNCIL	AGENDA ITEM 5.B.

TO: THE HONORABLE CITY COUNCIL   DATE: April 1, 2025

SUBJECT: Proclamation for National Public Safety Telecommunicators Week - Presented by Councilmember Ambrose

Report in Brief

City Council will proclaim the week of April 13-19, 2025 as National Public Safety Telecommunicators Week.

Jen Sandoval, Deputy Director of JeffCom will be present, along with Operation Managers Jen Gustin, Kyle Mickelson and Geena Gomez to accept the proclamation.

Prepared by:
Chris Koch, CCO Admin

Reviewed by:
Toni Riebschlager, Law Office Administrator 3/5/2025
Laura Hemler, Assistant City Attorney 3/5/2025

Approved by:

Rachel Morris, City Attorney 3/12/2025
Linda Haley, Acting City Manager 3/12/2025

Enclosure, exhibits & attachments required to support the report

WHEREAS, the continued vitality of the City of Arvada depends on having safe homes, neighborhoods, schools, and workplaces throughout our community; and

WHEREAS, the employees of the Arvada Police Department are dedicated to delivering the highest quality police response strategies and professional police services to citizens; and

WHEREAS, efficient, concise communications are essential to all police response strategies; and

WHEREAS, the delivery of quality police services are dependent on public safety dispatchers receiving and disseminating critical information 24 hours a day, 365 days a year.

NOW, THEREFORE, BE IT PROCLAIMED by the Mayor and City Council of the City of Arvada, Colorado that April 13-19, 2025 be proclaimed as

NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK

in the City of Arvada and we urge all citizens, government agencies, public and private institutions and businesses to recognize that public safety dispatchers perform a crucial service to this community and to the operation of our police department.

Dated this 1st day of April 2025.

____
Lauren Simpson, Mayor

Randy Moorman, Mayor Pro Tem	Shawna Ambrose, Councilmember
Sharon Davis, Councilmember	Bob Fifer, Councilmember
John Marriott, Councilmember	Brad Rupert, Councilmember

CITY OF ARVADA

REPORT TO CITY COUNCIL	AGENDA ITEM 8.A.

TO: THE HONORABLE CITY COUNCIL DATE: April 1, 2025

SUBJECT: Consent Agenda

Report in Brief

1. R25-031, A Resolution Authorizing Acceptance of Donations Made to the City of Arvada from the Landmark Exhibition

2. R25-032, A Resolution Approving an Agreement By and Between the City of Arvada and Brett and Andralee Bunch for the Grant of a Revocable Encroachment License to Accommodate a Fence Within a portion of the Public Right of Way adjacent to 10230 W 80th Avenue and along Lee Street

3. R25-033, A Resolution Authorizing a Warranty Deed from the City of Arvada Conveying Land for Right-Of-Way on Highway 93, Arvada, Colorado to the Department of Transportation, State of Colorado

4. R25-034, A Resolution Authorizing an Agreement Between the City of Arvada and Transwest Freightliner LLC for the Purchase of Three Heavy Duty Snowplows in an Amount Not to Exceed $1,442,961.00

Suggested Motion: Moved by: ____________________________________ I move that the Consent Item(s),
Number(s)_________
be
(Removed from the Consent Agenda and Heard Upon Item _____________) (Referred to a Workshop) (Postponed Indefinitely).

YES _______ NO ______ ABSENT ______

That All/Remaining Consent Items be (Approved) (Rejected).

YES _______ NO ______ ABSENT ______

Prepared by:
Chris Koch, CCO Admin

Reviewed by:

Approved by:

Enclosure, exhibits & attachments required to support the report

REPORT TO CITY COUNCIL RESOLUTION	AGENDA ITEM 8.A.1.

TO: THE HONORABLE CITY COUNCIL DATE: April 1, 2025

SUBJECT: R25-031, A Resolution Authorizing Acceptance of Donations made to the City of Arvada from the Landmark Exhibition

Report in Brief

"PRESENTER: Ryan Stevenson"

Between April 2021-2024, Arvada, through its Arts and Culture Commission, supported an art exhibition entitled, "LandMark." Five of the artists showcased in the LandMark exhibition wish to donate their art to the City. Chapter XIII, Section 13.6 of the Arvada City Charter requires that the City Council accept gifts and donations on behalf of the City. This resolution authorizes the acceptance of sculpture donations made to the City of Arvada's Public Art Collection.

Financial Impact

The acceptance of these donations does not have an immediate financial impact. The donated sculptures will become part of the City's Public Art Collection. Any future treatment or maintenance will be funded through the City's Public Art Fund.

Background

The City of Arvada recognizes that art in public places is vitally important to the quality of life in the community through its contribution to a sense of ownership and community pride in public facilities and spaces, its enrichment of local culture and community character, and its strengthening of civic identity and the local economy.

Discussion

All acquisitions of artwork for the Art in Public Places Program, whether by direct purchase of an existing work, commission, donation, or otherwise, shall be pursuant to an agreement executed by the artist, donor, or other applicable party, in form approved by the City Attorney, and the city’s determination to acquire such artwork shall not be considered final until such agreement is thereafter approved by City Council and executed by the Mayor or Mayor Pro Tem.

Public Contact

Posting of the City Council agenda

Commission Recommendation

The Arvada Arts & Culture Commission recommends accepting these donations.

Strategic Alignment

This resolution aligns with and contributes to the following City Council Strategic Result: By 12/2025, develop a maintenance and reinvestment plan to ensure a sustainable, resilient and beautiful community of parks, trails, open space, and medians in alignment with our diverse, changing, and growing community.

Alternative Courses of Action

1.Approve R25-031, A Resolution Authorizing Acceptance of Donations Made to the City of Arvada from the LandMark Exhibition.
2. Do not approve R25-031, A Resolution Authorizing Acceptance of Donations Made to the City of Arvada from the LandMark Exhibition.

Recommendation for Action

The Arvada team recommends that the City Council approve R25-031, A Resolution Authorizing Acceptance of Donations Made to the City of Arvada from the LandMark Exhibition. The Arvada team recommends that the City Council approve Alternative No. 1.

Suggested Motion:

I move that R25-031, ,A Resolution Authorizing Acceptance of Donations Made to the City of Arvada from the LandMark Exhibition, be (approved) (rejected).

Prepared by:
Gail Walker, Legal Specialist-Contracts

Reviewed by:

Approved by:

Derrick Kuhl, Deputy Director VCN	3/12/2025
Bryan Archer, Director of Finance	3/13/2025
Gail Walker, Legal Specialist-Contracts	3/14/2025
Janelle Miller, Assistant City Attorney	3/14/2025
Don Wick, Deputy City Manager	3/15/2025
Rachel Morris, City Attorney	3/18/2025
Linda Haley, Acting City Manager	3/18/2025

Enclosure, exhibits & attachments required to support the report

RESOLUTION NO. R25-031

A RESOLUTION AUTHORIZING ACCEPTANCE OF DONATIONS MADE TO THE CITY OF ARVADA FROM THE LANDMARK EXHIBITION

WHEREAS, between April 2021–2024, the City of Arvada, through its Arts and Culture Commission, supported a public outdoor exhibition entitled, “LandMark”; and

WHEREAS, LandMark showcased the work of 14 regional and local Colorado artists; and

WHEREAS, each LandMark art piece, which addresses the environment or sense of place, was placed in an Arvada park; and

WHEREAS, five of the artists who participated in the LandMark exhibition wish to donate their showcased artwork to Arvada; and

WHEREAS, such donations foster a sense of discovery, community, and environmental awareness.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

Section 1. Pursuant to Sec. 13.6 of the Arvada City Charter, City Council hereby accepts following artwork donations from the LandMark exhibition:

Apology to JB by Nikki Pike;

Bamboo Boy by Yoshitomo Saito;

From Thirty Inches to Six Feet by Jesse Mathes;

Moiré Tower #8a (from the Interference Series) by Collin Parson; and

Nesting Crane by Judy Gardner

Section 2. This resolution shall be effective upon its approval by the City Council.

APPROVED AND ADOPTED this 1st day of April, 2025.

____
Lauren Simpson, Mayor

ATTEST:

____
City Clerk

APPROVED AS TO FORM:
Rachel A. Morris, City Attorney

By: __________________________

CITY OF ARVADA

REPORT TO CITY COUNCIL RESOLUTION	AGENDA ITEM 8.A.2.

TO: THE HONORABLE CITY COUNCIL DATE: April 1, 2025

SUBJECT: R25-032, A Resolution Approving an Agreement By and Between the City of Arvada and Brett and Andralee Bunch for the Grant of a Revocable Encroachment License to Accommodate a Fence Within a portion of the Public Right of Way adjacent to 10230 W 80th Avenue and along Lee Street

Report in Brief

Brett and Andralee Bunch, the owners of the undeveloped lot at 10230 W. 80th Avenue, are requesting approval of a Revocable Encroachment License to leave as construed an existing four-foot-tall, wooden split-rail fence.

The Arvada team recommends that the City Council approve R25-032, A Resolution Approving an Agreement By and Between the City of Arvada and Brett and Andralee Bunch for the Grant of a Revocable Encroachment License to Accommodate a Fence Within a portion of the Public Right of Way adjacent to 10230 W 80th Avenue and along Lee Street.

Financial Impact

There is no financial impact.

Background

The fence had been constructed by a former property owner without a permit. The current property owners approached the Planning Division to discuss the possibilities of building a new single-family home on this lot. During that conversation, staff observed a fence built encroaching into the Lee Street right-of-way. It was advised that they would be required to formalize the fence and obtain a Revocable Encroachment License for the fence prior to obtaining a building permit.

Discussion

It is the responsibility of the applicant to justify the requested land use application. The City Council should make a determination regarding the granting of the license based on its findings regarding the approval criteria shown in the table(s) below. The City team has evaluated the request and determined that the license will not impact City infrastructure and is acceptable.

Community and Economic Development team members performed an analysis of the proposal, based on the approval criteria listed in Section 3 of the Land Development Code, and presents the following findings:

Div. 8-3-5-8B Revocable Right-of-Way License Agreement	Finding	Rationale
1. The applicant agrees to the terms of a Revocable Right-of-Way License Agreement in a form approved by the City Attorney, including any insurance provision and provision that indemnify and hold the City harmless from future damages or liability claims.	Complies	The applicant has signed the Revocable Right-of-Way License Agreement.
2. The proposed sign, structure, or use complies with all applicable use, development, and design standards set forth in this LDC and the City of Arvada Municipal Code that have not	Complies	The existing fence complies with all other regulations in the LDC.

otherwise been modified or waive.		
3. The proposed sign, structure, or use shall not interfere with street intersection visibility, materially impede access to utilities or other facilities, or in any other way adversely affect the public health, safety, or welfare.	Complies	The fences does not interfere with street intersection visibility and will not affect any utility infrastructure or adversely affect public health, safety, or welfare.

Public Contact

Posting of the City Council agenda

Commission Recommendation

A Planning Commission public hearing is not required by the Land Development Code for this type of application.

Strategic Alignment

The recommended action aligns with the Community and Economic Development Priority Area of the City Council Strategic Plan.

Alternative Courses of Action

N/A

Recommendation for Action

The Arvada team recommends that City Council approve R25-032, A Resolution Approving an Agreement By and Between the City of Arvada and Brett and Andralee Bunch for the Grant of a Revocable Encroachment License to Accommodate a Fence Within a portion of the Public Right of Way adjacent to 10230 W 80th Avenue and along Lee Street.

Suggested Motion:

I move that R25-032, A Resolution Approving an Agreement By and Between the City of Arvada and Brett and Andralee Bunch for the Grant of a Revocable Encroachment License to Accommodate a Fence Within a portion of the Public Right of Way adjacent to 10230 W 80th Avenue and along Lee Street., be (approved) (rejected).

Prepared by:
Heidi Van Gieson, Administrative Specialist

Reviewed by:

Approved by:

Jeremiah Bebo, Planner II	3/11/2025
Josie Suk, Development Systems and Administrative Manager	3/12/2025
Rob Smetana, Planning Manager	3/12/2025
Jessica Garner, Director of Community and Economic Development	3/12/2025

Gail Walker, Legal Specialist-Contracts	3/17/2025
Emily Grogg, Senior Assistant City Attorney	3/17/2025
Rachel Morris, City Attorney	3/18/2025
Linda Haley, Acting City Manager	3/18/2025

Enclosure, exhibits & attachments required to support the report

RESOLUTION NO. R25-032

A RESOLUTION APPROVING AN AGREEMENT BY AND BETWEEN THE CITY OF ARVADA AND BRETT AND ANDRALEE BUNCH FOR THE GRANT OF A REVOCABLE ENCROACHMENT LICENSE TO ACCOMMODATE A FENCE WITHIN A PORTION OF THE PUBLIC RIGHT-OF-WAY ADJACENT TO 10230 W. 80TH AVENUE AND ALONG LEE STREET

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

Section 1. The Mayor or Mayor Pro Tem is authorized to sign and the City Clerk to attest, in form approved by the City Attorney, a Revocable Encroachment License, which is in substantially the same form as that attached hereto, by and between the City of Arvada and Brett Bunch and Andralee Bunch.

Section 2. The City of Arvada hereby approves a grant of a revocable encroachment license to accommodate a fence within a portion of the public right-of-way adjacent to 10230 W. 80th Avenue and along Lee Street.

Section 3. This resolution shall be effective upon its approval by the City Council.

APPROVED AND ADOPTED this 1st day of April, 2025.

____
Lauren Simpson, Mayor

ATTEST:

____
City Clerk

APPROVED AS TO FORM:
Rachel A. Morris, City Attorney

By: ______________________________________

AN AGREEMENT BY AND BETWEEN THE CITY OF ARVADA AND BRETT AND ANDRALEE BUNCH FOR THE GRANT OF A REVOCABLE ENCROACHMENT LICENSE TO ACCOMMODATE A FENCE WITHIN A PORTION OF THE PUBLIC RIGHT-OF-WAY ADJACENT TO 10230 W. 80TH AVENUE AND ALONG LEE STREET

1.0 **PARTIES**. The parties to this Agreement are the City of Arvada, a Colorado municipal corporation ("Arvada") at 8101 Ralston Road, Arvada, Colorado 80002 and Brett and Andralee Bunch, owners of the property located at 10230 W. 80th Avenue, Arvada, CO 80005 ("Licensee").

2.0 **RECITALS AND PURPOSE.**

2.1 Licensee is the owner of the property located at 10230 W. 80th Avenue described as Lot 1, Block 1, Amended, Oberson Acres Reception No. 54581170 ("Licensee's Property").

2.2 Arvada is the owner of properties, or has some interest in properties, located adjacent to and in the vicinity of Licensee's Property more particularly described in Exhibit A, attached and incorporated herein ("Arvada's Property").

2.3 The Licensee has expressed a desire for Arvada to recognize, accommodate, and permit certain minor encroachments upon a specific and limited portion of Arvada's Property; to wit, a fence within a portion of the public right-of-way and upon Arvada's Property described in Exhibit A.

2.4 Arvada is willing to grant an encroachment license to the Licensee under the terms and conditions as hereinafter specified in this Agreement.

3.0 **TERMS AND CONDITIONS**. In consideration of Arvada's agreement to permit the Licensee to encroach upon Arvada's Property, and in consideration of the mutual promises and covenants contained herein, the sufficiency and adequacy of consideration being acknowledged by the parties, Arvada and Licensee agree as follows:

3.1 Arvada hereby grants to the Licensee a License for the encroachments as described above, with such limitations as are set forth herein, including, but not limited to:

3.1.1 Any improvements allowed by this Agreement to be kept upon Arvada's Property shall be so kept at Licensee's sole expense and Licensee agrees to maintain any such improvement in good repair during the period of this License.

3.1.2 Licensee understands and agrees that Arvada shall not be liable or responsible for any costs related to any damage, maintenance, repair, or removal of any structures kept upon Arvada's Property pursuant to this Agreement.

3.2 The license as granted in paragraph 3.1 above shall continue from the date of this Agreement to the time that this Agreement is terminated. Arvada may terminate this License at any time by giving written notice to the Licensee ten (10) days in advance of the effective date of termination and specifying the date of termination therein and, in the event this License is terminated as to such encroachments, Licensee expressly agrees to remove such from Arvada's Property and to return Arvada's Property to as close to its original condition as reasonably possible, within 30 days of said date of termination.

3.3 Licensee expressly agrees to indemnify and hold harmless Arvada and any of its officers or employees from any and all claims, damages, liability, or court awards, including costs and attorney's fees that are or may be awarded as a result of any loss, injury or damage sustained or claimed to have been sustained by anyone, including, but not limited to, any person, firm, partnership, or corporation, in connection with, arising out of, or related to the issuance of this License or any omission or act of commission by Licensee or any of its employees, agents, representatives, or contractors in encroaching upon Arvada's Property.

3.4 Licensee agrees that it will never institute any action or suit at law or in equity against Arvada or any of its officers or employees, nor institute, prosecute, or in any way aid in the institution or prosecution of any claim, demand, or compensation for or on account of any damages, loss, or injury either to person or property, or both, known or unknown, past, present, or future, arising from the license granted to Licensee herein.

3.5 Licensee agrees to provide, secure, and maintain at all times during the term of this License commercial general liability insurance of at least $1,000,000 per occurrence, with an annual aggregate limit of $2,000,000, naming Arvada as an additional insured on the policy. Failure to maintain sufficient insurance shall not terminate, modify, preclude or limit the obligations of Licensee under this License or limit in any way Licensee's liability to or indemnification of Arvada for any reason. Arvada does not waive, nor shall anything herein be construed as a waiver of, any of the rights, privileges, or immunities granted to it under the Colorado Governmental Immunity Act, Section 24-10-101 *et seq*., C.R.S., as amended.

3.6 Licensee agrees to repair and reconstruct any damage to Arvada's Property prior to or immediately upon termination of this Agreement for any reason and return Arvada's Property to its original condition at the expense of Licensee and at no expense to Arvada.

4.0 **ASSIGNMENT**. Except as may be the legal consequence, pursuant to paragraph 10 hereof, of a conveyance of Licensee's Property, this Agreement shall not be assigned by Licensee without the prior written consent of Arvada which may withhold its consent for any reason.

5.0 **NOTICES.** Any notice required or permitted by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if personally served or if sent by facsimile transmission or by U.S. mail, postage and fees prepaid, addressed to the party to whom such notice is to be given at the address set forth on the signature page below, or at such other address as have been previously furnished in writing, to the other party and parties. Notice shall be deemed to have been given when deposited in the United States mail.

6.0 **EXHIBITS.** All exhibits, if any, referred to in this Agreement are, by reference, incorporated herein for all purposes.

7.0 **INTEGRATION AND AMENDMENT.** This Agreement represents the entire agreement between the parties and there are no oral or collateral agreements or understandings. This Agreement may be amended only by an instrument in writing signed by the parties. If any other provision of this Agreement is held invalid or unenforceable, no other provision shall be affected by such holding, and all of the remaining provisions of this Agreement shall continue in full force and effect.

8.0 **GOVERNING LAW AND VENUE**. This Agreement shall be governed by the laws of the State of Colorado. Venue for any action arising under this Agreement or for the enforcement of this Agreement shall be in the appropriate court for Jefferson County, Colorado.

9.0 **WAIVER OF BREACH**. A waiver by any party of this Agreement of the breach of any term or provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach of either party.

10.0 **BINDING EFFECT**. This Agreement shall inure to the benefit of, and be binding upon, the parties, their respective legal representatives, successors, heirs, and assigns and shall constitute covenants running with Licensee's Property. Either party may record this Agreement with the Clerk and Recorder's Office of Jefferson County, Colorado.

11.0 **NO THIRD PARTY BENEFICIARIES**. It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to Arvada and the Licensee, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other third party on such Agreement. It is the express intention of Arvada and the Licensee that any person other than Arvada or the Licensee receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

DATED this ___________ day of _________________________, 2025.

CITY OF ARVADA, a Colorado municipal corporation

____
Lauren Simpson, Mayor
8101 Ralston Road
Arvada, CO 80002

ATTEST:

City Clerk

APPROVED AS TO FORM:

Rachel A. Morris, City Attorney

By: ______________________________

LICENSEE:
Brett and Andralee Bunch
Property Owners

Brett Bunch
____
Brett Bunch

Andralee Bunch
____
Andralee Bunch

STATE OF ~~COLORADO~~ Florida)
) ss.
COUNTY OF Miami Dade)

The foregoing instrument was acknowledged before me this 12th day of March, 2025, by Brett and Andralee Bunch

Witness my hand and official seal.

____
Notary Public

My commission expires: 04/28/2028

NOTARY PUBLIC · STATE OF FLORIDA ·
GIANNINA TASSARA
Notary Public - State of Florida
Commission # HH521612
Expires on April 28, 2028

Notarized remotely online using communication technology via Proof.

Exhibit A

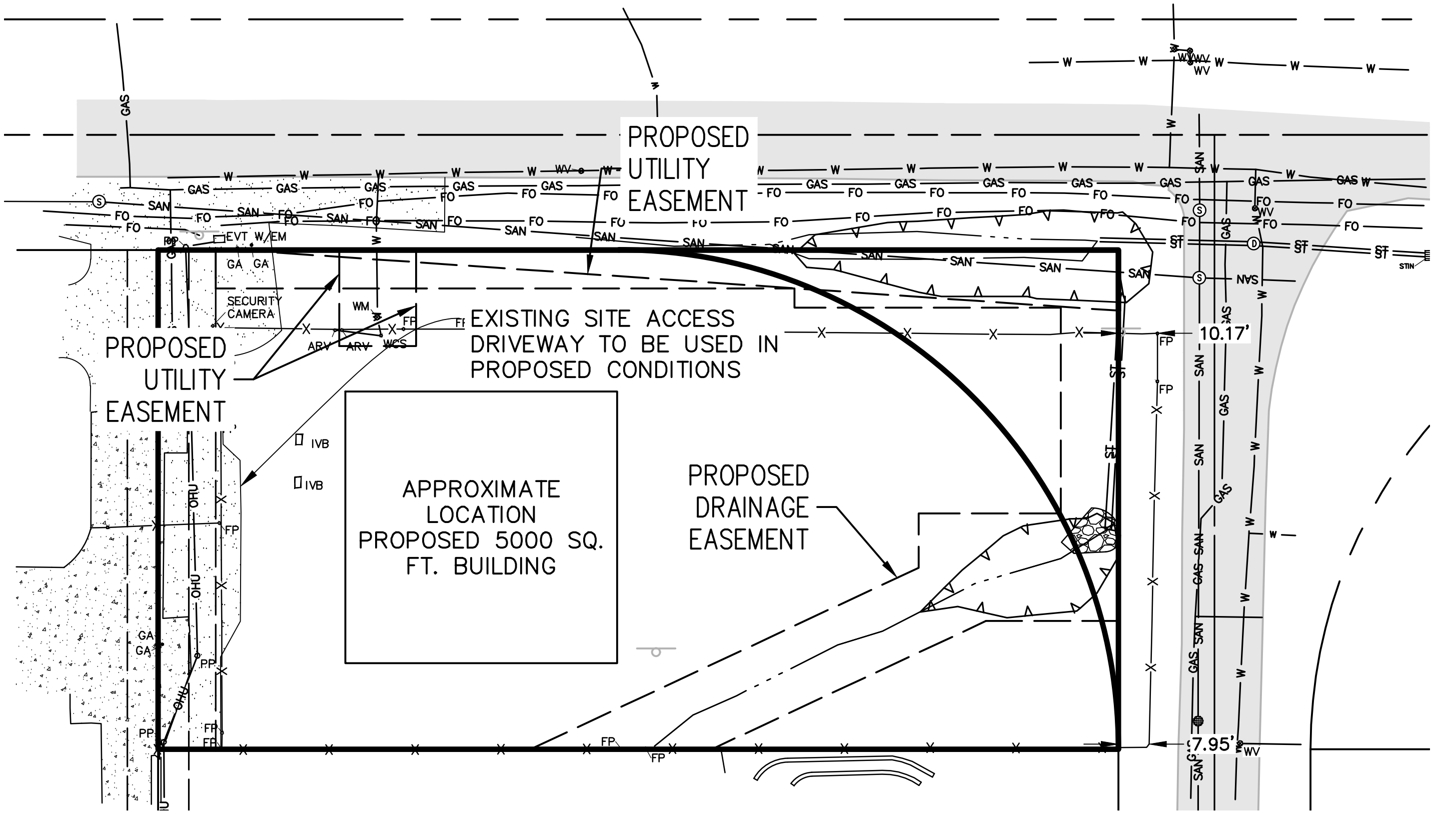
AN AGREEMENT BY AND BETWEEN THE CITY OF ARVADA AND BRETT AND ANDRALEE BUNCH FOR THE GRANT OF A REVOCABLE ENCROACHMENT LICENSE TO ACCOMMODATE A FENCE WITHIN A PORTION OF THE PUBLIC RIGHT-OF-WAY ADJACENT TO 10230 W. 80TH AVENUE AND ALONG LEE STREET

LEGAL DESCRIPTION

LOT 7, BLOCK 1, AMENDED, OBERON ACRES,
COUNTY OF JEFFERSON, STATE OF COLORADO

ABBREVIATIONS LEGEND

ARV	=	AIR RELEASE VALVE
CMP	=	CORRUGATE METAL PIPE
EM	=	ELECTRIC METER
EVT	=	ELECTRIC VAULT
FP	=	FENCE POST
FO	=	FIBER OPTIC
GA	=	GUY ANCHOR
IVB	=	IRRIGATION VALVE BOX
PP	=	POWER POLE
STIN	=	STORM SEWER INLET
WM	=	WATER METER
WV	=	WATER VALVE



SCALE: 1"=50'

LEGEND

PROPERTY BOUNDARY	
PROPOSED EASEMENT	
RIGHT OF WAY	
EXISTING SANITARY SEWER	SAN
EXISTING FIBER OPTIC	FO
EXISTING OVERHEAD ELECTRIC	OHU
EXISTING GAS LINE	GAS
EXISTING WATER LINE	W
EXISTING WOOD SPLITRAIL FENCE	
DRAINAGE SWALE	
EXISTING PONDS	
EXISTING CONCRETE	
EXISTING ASPHALT	
EXISTING RIPRAP	
EXISTING GRAVEL	

REVOCABLE LICENSE AND VACATION RIGHT-OF-WAY SITE PLAN

CIVILARTS
ENGINEERING
PLANNING
SURVEYING
1500 Kansas Ave., Suite 2-E
Longmont, CO 80501
P 303.682.1131
F 303.682.1149

CITY OF ARVADA

REPORT TO CITY COUNCIL RESOLUTION	AGENDA ITEM 8.A.3.

TO: THE HONORABLE CITY COUNCIL DATE: April 1, 2025

SUBJECT: R25-033, A Resolution Authorizing a Warranty Deed from the City of Arvada Conveying Land for Right-Of-Way on Highway 93, Arvada, Colorado to the Department of Transportation, State of Colorado

Report in Brief

PRESENTER: Robert Smetana

The Arvada Team recommends that City Council approves the Warranty deed from the City of Arvada to transfer land generally located at 9472 Highway 93 to the Colorado Department of Transportation (CDOT) to be used for right-of-way for Highway 93.

Financial Impact

There is no financial impact.

Background

The Jefferson Center Metropolitan District (JCMD) has submitted plans to the City and the Colorado Department of Transportation (CDOT) to widen portions of State Highway 93 to accommodate future traffic. The larger project includes widening State Highway 93 along the east and State Highway 72 along the north and south throughout the northeastern and southeastern quadrants of the intersection of SH 93 and SH 72. This widening project is adjacent to the development area containing Candelas Parcels P1, P2, P3, P4 and P5. This project also includes the installation of new stormwater infrastructure. The improvements are being completed to accommodate the future development on these parcels. The warranty deed will transfer approximately 5,059 square feet of City-owned land on the Sleeping Indian Tank site to CDOT for right-of-way and associated purposes.

Discussion

The right-of-way transfer is necessary in order to complete the widening of the east side of State Highway 93. JCMD will be responsible for completeing the work and obtaining the necessary permits from the City, Jefferson County, and CDOT.

Public Contact

Posting of the City Council agenda.

Commission Recommendation

No Planning Commission review was required for this project.

Strategic Alignment

The recommended action aligns with the Community and Economic Development Priority Area of the City Council Strategic Plan.

Alternative Courses of Action

N/A

Recommendation for Action

The Arvada Team recommends that City Council approves A Resolution Authorizing a Warranty deed from the City of Arvada Conveying Land for Right-Of-Way on Highway 93, Arvada, Colorado to the Department of Transportation State of Colorado.

Suggested Motion:

I move that R25-033, A Resolution Authorizing a Warranty Deed from the City of Arvada Conveying Land for Right-Of-Way on Highway 93, Arvada, Colorado to the Department of Transportation, State of Colorado, be (approved) (rejected).

Prepared by:
Dixielee Rodriguez, Administrative Specialist

Reviewed by:

Approved by:

Jeremiah Bebo, Planner II	3/10/2025
Josie Suk, Development Systems and Administrative Manager	3/10/2025
Rob Smetana, Planning Manager	3/10/2025
Jessica Garner, Director of Community and Economic Development	3/10/2025
Gail Walker, Legal Specialist-Contracts	3/12/2025
Emily Grogg, Senior Assistant City Attorney	3/12/2025
Rachel Morris, City Attorney	3/18/2025
Linda Haley, Acting City Manager	3/19/2025

Enclosure, exhibits & attachments required to support the report

RESOLUTION NO. R25-033

A RESOLUTION AUTHORIZING A WARRANTY DEED FROM THE CITY OF ARVADA CONVEYING LAND FOR RIGHT-OF-WAY ON HIGHWAY 93, ARVADA, COLORADO TO THE DEPARTMENT OF TRANSPORTATION STATE OF COLORADO

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

Section 1. The Mayor or Mayor Pro Tem is authorized to sign and the City Clerk to attest this Resolution authorizing a Warranty Deed, a copy of which is attached hereto, from the City of Arvada conveying land, more particularly described on the attached Warranty Deed, for right-of-way on Highway 93, Arvada, Colorado.

Section 2. This resolution shall be effective upon its approval by the City Council.

APPROVED AND ADOPTED this 1st day of April, 2025.

____

Lauren Simpson, Mayor

ATTEST:

____

City Clerk

APPROVED AS TO FORM:
Rachel A. Morris, City Attorney:

By: ______________________________

WARRANTY DEED

THIS DEED, dated ________________________________

Between THE CITY OF ARVADA

of the County of JEFFERSON and State of Colorado, grantor, and

DEPARTMENT OF TRANSPORTATION STATE OF COLORADO

whose legal address is 2829 W. Howard Place, Denver, CO 80204
of the City and County of Denver and State of Colorado, grantee:

WITNESS, that the grantor, for and in consideration of the sum of ($ 10.00) TEN DOLLARS AND NO/100THS, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the grantee, his heirs and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the County of Jefferson and State of Colorado, described as follows:

Project Number: AA-13 Units 1 & 2
Project Code: N/A
See attached Exhibits "A" dated October 9, 2024 for:
Parcel Numbers: RW-21A, RW-27 Rev.
See attached Exhibits "A" dated July 18, 2024 for:
Parcel Numbers: RW-21, RW-22, RW-23, RW-24, RW-25, RW-26

also being a portion of the property known by street and number as: Vacant Land assessor's schedule or parcel number: 20-212-02-002

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenance's.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. The grantor, for himself, his heirs and personal representatives, does covenant, grant, bargain, and agree to and with the grantee, his heirs and assigns, that at the time of the ensealing and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid,

GRANTOR excepts from the property hereby conveyed and reserves to itself and its successors and assigns, the mineral estate including all coal, oil, gas and other hydrocarbons, and all clay and other valuable minerals in and under said subject property. The GRANTOR hereby covenants and agrees that the GRANTEE shall forever have the right to take and use, without payment of further compensation to the GRANTOR, any and all sand, gravel, earth, rock, and other road building materials found in or upon said subject property and belonging to the GRANTOR; and

The GRANTOR further covenants and agrees that no exploration for, or development of any of the products, as described above, and owned by the GRANTOR heretofore or hereafter the date set forth above and hereby excepted will ever be conducted on or from the surface of the premises described in the attached Exhibits, and that in the event any of such operations may hereafter be carried on beneath the surface of said premises, the GRANTOR shall perform no act which may impair the subsurface or lateral support of said premises. These covenants and agreements hereunder, shall inure to and be binding upon the GRANTOR and its heirs, personal and legal representatives, successors and assigns forever.

The grantor shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the grantee, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof, subject to all matters of record and any matters that a survey of the property would disclose.

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

By: ______________________________________ By: ______________________________________

STATE OF COLORADO

COUNTY OF ______________

The foregoing instrument was acknowledged before me this ______ day of _______________, 202__ by

Witness my hand and official seal.

My commission expires:

____
Notary Public

____

Name and Address of Person Creating Newly Created Legal Description (§38-35-106.5, C.R.S.)

Exhibit A

Warranty deed from the City of Arvada Conveying Land for Right-Of-Way on Highway 93, Arvada, Colorado to the Department of Transportation State of Colorado (CDOT).

EXHIBIT “A”
RIGHT-OF-WAY DEDICATION
“AA-13_UNITS 1 & 2_ROW_ALL”
“RW-27-REV”
DATE: DECEMBER OCTOBER 09, 2024

LEGAL DESCRIPTION

A PARCEL HEREIN BEING DESCRIBED AS A PORTION OF PARCEL 9 PER CDOT PLAN SET AA-13_UNITS 1 & 2_ROW_ALL ALSO BEING A PORTION OF LOT 2, SLEEPING INDIAN TANK SITE MINOR SUBDIVISION PLAT, RECORDED AT RECEPTION NO. 2019069483, LOCATED IN THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 2 SOUTH, RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 21, THENCE S00°51’04”E A DISTANCE OF 696.15 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 93 RECORDED AT BOOK 814 AT PAGE 365 AND THE NORTHWEST CORNER OF SAID LOT 2, SLEEPING INDIAN TANK SITE MINOR SUBDIVISION PLAT, SAID POINT BEING THE POINT OF BEGINNING;
THENCE ALONG THE NORTHERLY LINE OF SAID LOT 2, N78°35’12”E A DISTANCE OF 29.70 FEET;
THENCE S00°43’12”W A DISTANCE OF 196.30 FEET;
THENCE S11°36’32”E A DISTANCE OF 140.76 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 2;
THENCE ALONG SAID SOUTHERLY LINE, S78°34’30”W A DISTANCE OF 3.78 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2;
THENCE ALONG THE WESTERLY LINE OF SAID LOT 2 ALSO BEING THE EASTERLY RIGHT-OF-WAY LINE OF HIGHWAY 93 THE FOLLOWING TWO (2) CONSECUTIVE COURSES:
1) N15°29’59”W A DISTANCE OF 109.18 FEET;
2) THENCE 224.98 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 2815.00 FEET, A CENTRAL ANGLE OF 04°34’45” AND A CHORD WHICH BEARS N05°38’10”W A DISTANCE OF 224.92 FEET TO THE POINT OF BEGINNING:

SAID PARCEL CONTAINS 0.116 ACRES OR 5,059 SQUARE FEET MORE OR LESS.

ALL LINEAL DIMENSIONS ARE IN U.S. SURVEY FEET.

BASIS OF BEARINGS

BEARINGS ARE BASED ON THE WESTERLY LINE OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 2 SOUTH, RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO ASSUMED THE BEAR S00°12’05”E AND BEING MONUMENTED BY A FOUND BRASS PLATE 2”x2” SET ON TOP OF CONCRETE STAMPED NOV. 10, 1927 G. COORS O.K. GARDNER AT THE NORTHWEST CORNER AND A FOUND BRASS PLATE 2”x2” SET ON TOP OF CONCRETE STAMPED NOV. 10, 1927 G. COORS O.K. GARDER AT THE WEST QUARTER CORNER.

PREPARED BY SCOTT A. AREHART, PLS
FOR AND ON BEHALF OF
MARTIN/MARTIN, INC.
12499 WEST COLFAX AVENUE
LAKEWOOD, CO. 80215
303-431-6100
PROJECT NO. 20.0532

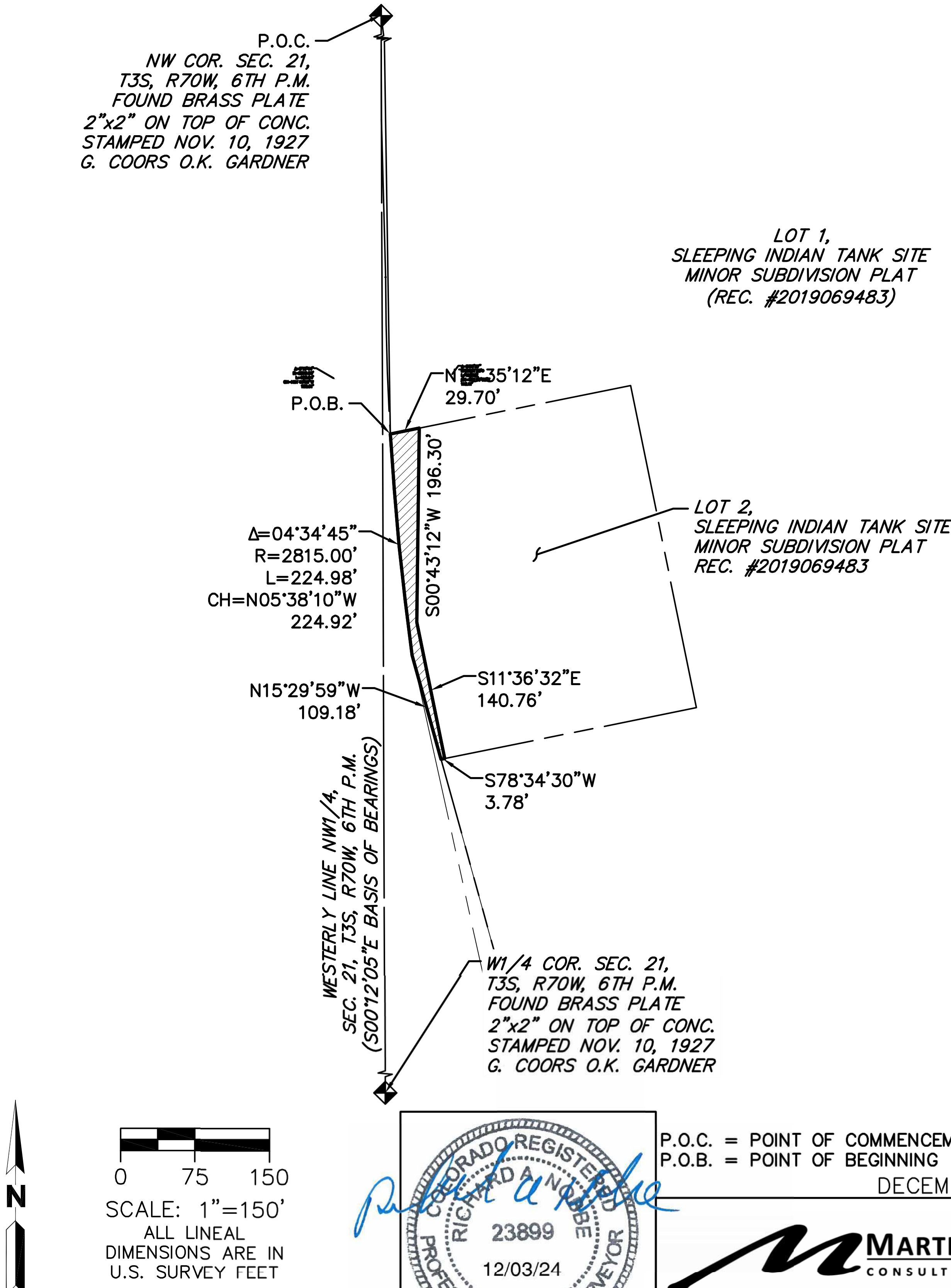
COLORADO REGISTERED
RICHARD A NOBBE
23899
12/03/24
PROFESSIONAL LAND SURVEYOR

Richard A. Nobbe PLS

Digitally signed by Richard A. Nobbe PLS
DN: C=US, E=rnobbe@martinmartin.com, O=Martin/Martin Inc, CN=Richard A. Nobbe PLS
Date: 2024.12.03 09:38:47-07'00'

ILLUSTRATION FOR

EXHIBIT A



SCALE: 1"=150'
ALL LINEAL DIMENSIONS ARE IN U.S. SURVEY FEET

THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY. IT IS ONLY TO DEPICT THE ATTACHED DESCRIPTION.

COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR
RICHARD A. NOBBE
23899
12/03/24

P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING

DECEMBER 03, 2024

MARTIN/MARTIN
CONSULTING ENGINEERS

12499 West Colfax Avenue Lakewood, Colorado 80215
survey@martinmartin.com | 303.431.6100 | martinmartin.com

DRAWING LOCATION: G:\LOVATO\20.0532-Candelas Hwy 72 Widening\SURVEY\Exhibits\Exhibit A - RW-27_REV.dwg

CITY OF ARVADA

REPORT TO CITY COUNCIL RESOLUTION	AGENDA ITEM 8.A.4.

TO: THE HONORABLE CITY COUNCIL DATE: April 1, 2025

SUBJECT: R25-034, A Resolution Authorizing an Agreement Between the City of Arvada and Transwest Freightliner LLC for the Purchase of Three Heavy Duty Snowplows in an Amount Not to Exceed $1,442,961.00

Report in Brief

Fleet Services utilizes a data-driven tracking system that is a part of the fleet maintenance software system, FASTER, to identify vehicle replacement needs. This system tracks and assesses points based on the three categories of vehicle age, mileage, and maintenance costs. An accumulation of fifteen points renders the vehicle no longer cost effective to retain for service. As part of the 2025 vehicle replacement program, Fleet services has identified three heavy duty snowplow trucks in need of replacement.

The Arvada team recommends that the City Council approve R25-034, A Resolution Authorizing an Agreement Between the City of Arvada and Transwest Freightliner LLC for the Purchase of Three Heavy Duty Snowplows In An Amount Not to Exceed $1,442,961.00.

Financial Impact

These new units will be purchased in the amount of $1,442,961.00 as part of the 2025 Vehicle Replacement budget with available funds from the New Vehicle and Equipment Acquisitions Program, account number 240FD.10050PG.50140SC. This purchase is a one-time cost and is in accordance with the CDOT Cooperative Award #371002023.

Background

Units S130, S131, and S132 are used for winter ice and snow operations as well as moving materials such as dirt, spoils, asphalt, concrete, and road base during the summer months. These units are over 13 years old, are now past the end of their useful life. A solicitation was performed by the Purchasing Department and the bid was awarded to Transwest Freightliner LLC, d/b/a Transwest Truck Trailer RV. These units are a Freightliner truck with Monroe snowplow equipment and Force America controls which is the standardized plow truck for the City of Arvada. This standardization eliminates the need to train maintenance technicians and operators on separate equipment manufacturers and reduces the need to stock additional parts, which ultimately reduces vehicle downtime.

Discussion

Approval of this resolution and procurement of these trucks will enable the Streets Department to continue maintaining their current levels of service. These trucks will be upfitted with Monroe snowplow equipment that includes the feature of a wing plow which will increase the lane width the trucks are able to plow in a single pass. This wing plow has the potential to improve efficiency and levels of service by covering more lane miles in the same amount of time than a standard plow. The procurement of these units will enable Fleet Services to maintain equipment in an efficient and cost effective manner which focuses on preventive maintenance and reduces equipment downtime.

Public Contact

Posting of the City Council agenda.

Commission Recommendation

NA

Strategic Alignment

This vehicle replacement supports the City Council Strategic Plan for Infrastructure Work System Services by obtaining safe and environmentally efficient fleet vehicles as well as maintaining existing roads and transportation networks, including snow and ice control services to ensure swift and safe transportation modes for the community.

Alternative Courses of Action

NA

Recommendation for Action

The Arvada team recommends that the City Council approve R25-034, A Resolution Authorizing an Agreement Between the City of Arvada and Transwest Freightliner LLC for the Purchase of Three Heavy Duty Snowplows in an Amount Not to Exceed $1,442,961.00.

Suggested Motion:

I move that R25-034, A Resolution Authorizing an Agreement Between the City of Arvada and Transwest Freightliner LLC for the Purchase of Three Heavy Duty Snowplows in an Amount Not to Exceed $1,442,961.00, be (approved) (rejected).

Prepared by:
Tammy Hedlund, Legal Specialist

Reviewed by:

Approved by:

Bryan Archer, Director of Finance	3/13/2025
Tammy Hedlund, Legal Specialist	3/14/2025
Janelle Miller, Assistant City Attorney	3/14/2025
Ike Miller, Fleet Services Manager	3/14/2025
Jacqueline Rhoades, Public Works Director	3/17/2025
Don Wick, Deputy City Manager	3/18/2025
Rachel Morris, City Attorney	3/18/2025
Linda Haley, Acting City Manager	3/19/2025

Enclosure, exhibits & attachments required to support the report

RESOLUTION NO. R25-034

A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF ARVADA AND TRANSWEST FREIGHTLINER LLC FOR THE PURCHASE OF THREE HEAVY DUTY SNOWPLOWS IN AN AMOUNT NOT TO EXCEED $1,442,961.00

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

Section 1. The Mayor or Mayor Pro Tem is authorized to sign and the City Clerk to attest, in form approved by the City Attorney, an Agreement that is in substantially the same form as that attached hereto.

Section 2. This resolution shall be effective upon its approval by the City Council.

APPROVED AND ADOPTED this 1st day of April, 2025.

____
Lauren Simpson, Mayor

ATTEST:

____
City Clerk

APPROVED AS TO FORM:
Rachel A. Morris, City Attorney

By: _______________________________

AN AGREEMENT BETWEEN THE CITY OF ARVADA AND TRANSWEST FREIGHTLINER LLC, d/b/a TRANSWEST TRUCK TRAILER RV, FOR GOODS AND SERVICES RELATING TO THE PURCHASE OF THREE HEAVY DUTY SNOWPLOWS IN AN AMOUNT NOT TO EXCEED $1,442,961.00

1. PARTIES. The Parties to this Agreement are the City of Arvada, a Colorado home rule municipal corporation, whose mailing address is 8101 Ralston Road, Arvada, CO 80002 ("Arvada" or the "City") and Transwest Freightliner LLC, d/b/a Transwest Truck Trailer RV, a Colorado limited liability company whose principal place of business is located at 20660 Interstate 76, Brighton, CO 80603 ("Contractor"). The Parties may be referred to individually as a "Party" and collectively as the "Parties."

2. RECITALS AND PURPOSE.

2.1. Arvada requires a qualified entity to assemble and deliver custom heavy duty snowplow trucks.

2.2. On or about March 5, 2025, Arvada issued Request for Bid ("RFB") 25-FLT-027: Freightliner Truck with Plow – 3 Each ("RFB 25-FLT-027"), seeking responses from qualified entities to provide goods and services as described in Sec. 2.1 ("the Work").

2.3. Contractor manufacturers and sells commercial vehicles and trailers, including heavy duty snowplows. On or about March 11, 2025, Contractor submitted its response in response to Arvada's RFB 25-FLT-027 ("Response").

2.4. Arvada has determined that Contractor has the requisite background, skill, expertise, and insurance to provide the requested goods and services and other related services, under the terms and conditions more fully set forth below.

2.5. Arvada and Contractor agree that Arvada contemplates using Contractor as a Contractor for the Work as described in the Contract Documents. However, Arvada and Contractor acknowledge and agree that Arvada may, at its sole discretion, use other Contractors to perform similar work, and that this Agreement in no way limits Arvada from hiring other contractors or constitutes a contract for exclusive services from Contractor.

3. CONTRACT DOCUMENTS AND EXHIBITS.

3.1. Contract Documents. The Contract Documents shall consist of this Agreement together with the following:

Exhibit A: Arvada's RFB 25-FLT-027, including General Terms and Conditions; Special Terms and Conditions; and Insurance

Requirements; and

Exhibit B: Contractor's Response

All exhibits referred to in this Agreement are attached hereto and are, by reference, incorporated herein for all purposes.

3.2. Interpretation of Contract Documents. In the event any matter, term, provision, or condition that is the subject of this Agreement requires clarification or is in dispute, or is the subject of a difference of opinion, then the terms of this Agreement shall control, and then the terms of **Exhibit A**, and then **Exhibit B**, in that order.

3.2.1. In no event may any contradictory term or provision contained in **Exhibit B** supersede the provisions of this Agreement or **Exhibit A**. Any such contradictory term or provision shall be null and void.

4. TERM AND TERMINATION.

4.1. Effective date. This Agreement will become effective and binding on both Parties upon its execution by Arvada.

4.2. Term. The term of the Agreement shall remain in effect until such time as the commodities, equipment and/or services acquired as part of the Work have been accepted by Arvada's Project Owner. Any required warranty period which exceeds this term shall remain in full force for the duration of the warranty period.

4.2.1. Contractor will furnish all materials, supplies, tools, equipment, labor, transportation, testing, and other services necessary for the completion of the Work.

4.2. Termination. Notwithstanding the above, Arvada may terminate this Agreement with or without cause upon 30 days written notice and in accordance with the provisions of this Agreement and **Exhibit A**.

4.3 Force majeure. Any delays in or failure of performance by any party of its obligations under this Agreement shall be excused if such delays or failure are a result of acts of God, fires, floods, strikes, labor disputes, pandemics, accidents, regulations or orders of civil or military authorities, shortages of labor or materials, or other causes, similar or dissimilar, which are beyond the control of such party.

5. COMPENSATION.

5.1. Payment. Arvada shall pay Contractor for the Work requested by Arvada and rendered by Contractor under this Agreement in an amount not to exceed $1,442,961.00.

5.1.1. Contractor shall submit itemized invoice(s) for actual goods and services that have been accepted by Arvada. Payment shall be due NET 30 days.

5.2 Additional Work. While Arvada has listed its major requirements for its solicitation in **Exhibit A**, Arvada may, during the term of this Agreement, wish to purchase other related services identified and offered by Contractor, based upon the pricing/fee contained in Contract Documents. Arvada reserves the right to award these ancillary items to Contractor or another top rated Bidder based upon the negotiated scope of work and fee structure. This option, if exercised, in no way obligates Arvada to pursue additional services with Contractor.

6. **SCOPE OF SERVICES.** Contractor shall perform the Work as described in the Contract Documents or as amended by the mutual consent of the Parties in writing. The Scope of Work is reflected on **Page 8 of Exhibit A.** Should the Parties agree in writing to a change in the scope of services or a change in a deadline provided in the Contract Documents, then the Parties will timely execute an amendment, which will address the amended scope of services, revisions to necessary start and end dates, any applicable deliverables and associated due dates, reporting requirements, documentation requirements, and any other matters that the Parties deem necessary.

7. **TERMS AND CONDITIONS IN CONTRACT DOCUMENTS.** Contractor affirms that it has read and is familiar with all of the Contract Documents including the General Terms and Conditions and Special Terms and Conditions set forth in Exhibit A, attached to this Agreement, and agrees to be bound by those Terms and Conditions.

7.1. Notwithstanding Section 12, Subcontracts, of General Terms and Conditions set forth in Exhibit A, Parties agree that Contractor may subcontract work required under this Agreement with O.J. Watson Company, Inc. Contractor's subcontract with O.J. Watson Company, Inc. comply with all applicable laws and Contractor will be fully responsible for O.J. Watson Company Inc.'s work under this Agreement as described in Section 12.

8. **PROJECT OWNERS.** Arvada designates Ike Miller as Arvada's Project Owner. Mr. Miller (imiller@arvada.org) will be Arvada's responsible staff member to provide direction to Contractor during the course of the Work. Arvada reserves the right to change the Project Owner(s) at its discretion and will promptly notify Contractor of any such change in writing. Contractor designates Will Schafer as Contractor's Project Owner. Mr. Schafer (whschafer@transwest.com) will be Contractor's primary contact person during the course of this Agreement. Contractor may change the Project Owner(s) with the Arvada's prior written approval.

9. **INSURANCE.** Contractor will be required to, at its own expense, keep in full force and effect during the term of the Agreement, and during the term of any extension or amendment of the Agreement, insurance reasonably sufficient to insure against the liability assumed by Contractor under the terms of the Contract Documents. Contractor's failure to secure and maintain sufficient insurance at any time during the pendency of this Agreement do not relieve Contractor of its obligations under this provision; Contractor's failure to fulfill the obligations of this section will make the Contractor the *per se* insurer.

9.1 Contractor shall maintain insurance in the types and amounts shown in **Exhibit A.**

10. INTEGRATION, AMENDMENT, AND SEVERABILITY. This Agreement represents the entire agreement between the Parties; there are no oral or collateral agreements or understandings. The Parties, by mutual agreement, may amend this Agreement at any time. Any amendments must be in writing and will be incorporated into and made a part of this Agreement. If any provision in this Agreement is held to be invalid or unenforceable, the remainder of this Agreement will be deemed severable, and as such, the remaining provisions will continue in full force and effect.

11. NOTICES. Any notice or notification required or permitted by the Agreement shall be in writing, and may be sent to the other Party by certified or registered mail, or by electronic mail, addressed to the that Party's project owner at such street address or email address as are set forth herein or subsequently designated by the Parties. Such notice or notification shall be deemed to have been given when deposited in the United States mail or, in the case of electronic mail, upon the sent date stamp contained in the electronic mail.

12. ADDITIONAL DOCUMENTS OR ACTION. The parties agree to execute any additional documents and to take any additional action that is necessary to carry out this Agreement.

13. BINDING AUTHORITY. Contractor represents and affirms that the signature page hereof accurately states the full legal name of Contractor (whether as a corporation, partnership, limited liability company, sole proprietorship, or other), contains all requisite signature(s) on behalf of Contractor, and in all other respects is effective to bind Contractor, in accordance with all applicable statutes, regulations, resolutions, rules, bylaws, agreements, or similar sources of authority or limitation. This Agreement may be executed in counterpart(s), each of which shall be deemed to be an original, and all of which, taken together, shall constitute one instrument.

14. NO THIRD-PARTY BENEFICIARIES. The Parties understand and agree that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the Parties, and nothing contained in this Agreement shall give or allow any such claim or right of action to any other third party on this Agreement. It is the intention of the Parties that any person other than the Parties receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

Remainder of page intentionally left blank

DATED this____________day of____________________________, 20___.

CITY OF ARVADA, a Colorado home rule municipal corporation

____

Lauren Simpson
Mayor
8101 Ralston Road
Arvada, CO 80002

ATTEST:

____

City Clerk

APPROVED AS TO FORM:
Rachel A. Morris

By: ______________________________________

TRANSWEST FREIGHTLINER LLC, d/b/a TRANSWEST TRUCK TRAILER RV, a Colorado limited liability company

____

Will Schafer
Fleet Manager
20660 Interstate 76
Brighton, CO 80603

REPORT TO CITY COUNCIL RESOLUTION

AGENDA ITEM 8.B.1.

TO: THE HONORABLE CITY COUNCIL DATE: April 1, 2025

SUBJECT: R25-035, A Resolution Authorizing An Agreement with the Urban Drainage and Flood Control District (D/B/A Mile High Flood District) Regarding Site Mitigation for Property Acquisition of 6000 Secrest Drive, City of Arvada (Presenter: Melanie Walter, Floodplain Administrator)

Report in Brief

PRESENTER: Melanie Walter, Floodplain Administrator

Council action is requested on the attached Resolution Authorizing an Agreement with the Urban Drainage and Flood Control District (D/B/A Mile High Flood District) Regarding Site Mitigation for Property Acquisition of 6000 Secrest Drive, City of Arvada. The property is currently owned by the City of Arvada and is in a mapped floodway. Mitigation for the property involves demolition. The demolition satisfies the requirement set forth in the Special Warranty Deed dated August 29, 2024 in which MHFD deeded the property to the City.

The Arvada team recommends that the City Council approve R25-035, A Resolution Authorizing an Agreement with the Urban Drainage and Flood Control District (D/B/A Mile High Flood District) Regarding Site Mitigation for Property Acquisition of 6000 Secrest Drive, City of Arvada.

Financial Impact

The financial impact to the City is not to exceed $110,000. The cost is a one-time request that is budgeted and available through the Stormwater Enterprise Fund Project No. PRJ25000000

Background

In 2022, the City of Arvada received a Federal Emergency Management Agency (FEMA) grant to study the feasibility of flood mitigation alternatives along Ralston Creek from Vance Street to Wadsworth Bypass. This feasibility study concluded in December 2024 and gave various alternatives including acquisition, capital projects, or a combination of both. 6000 Secrest is a residential structure that was recommended by the study to be acquired and removed.

The homeowner at 6000 Secrest Drive alerted the City that he was putting his home up for sale, and MHFD had the funds available to purchase it in Fall 2024. Through Council action, the property was deeded to the City with the requirement that the property would not be used for permanent or temporary structures designed for human habitation.

Discussion

The opportunity presented itself to purchase a property that was deemed to be in a very high risk flood zone. Through a partnership with MHFD, the City was able to remove this particular property out of this high risk zone by way of purchase. The City intends, through this Agreement, to demolish the structure and mitigate the site to a more natural state.

Environmental testing has shown asbestos in the walls that will require specialized demolition and hazardous material disposal. MHFD has requested to use one of their on-call contractors who has extensive experience in this type of work. The City will reimburse the MHFD through this IGA.

Public Contact

Posting of the City Council agenda

Commission Recommendation

N/A

Strategic Alignment

This action aligns with the Physical and Technology Systems Strategic Result by ensuring the physical assets support emergency preparedness, and City and community resiience. It also aligns with the Quality of Life Strategic Result by strengthening community resilience and well-being by proactively collaborateing in emergency management initiatives and ensuring preparedness.

Alternative Courses of Action

N/A

Recommendation for Action

The Arvada team recommends that the City Council approve the Agreement with the Urban Drainage and Flood Control District (D/B/A Mile High Flood District) Regarding Site Mitigation for Property Acquisition of 6000 Secrest Drive, City of Arvada.

Suggested Motion:

I move that R25-035, A Resolution Authorizing an Agreement with the Urban Drainage and Flood Control District (D/B/A Mile High Flood District) Regarding Site Mitigation for Property Acquisition of 6000 Secrest Drive, City of Arvada, be (approved) (rejected).

Prepared by:
Melanie Walter, Engineering Manager

Reviewed by:

Approved by:

Claudia Vaughan, City Engineer	3/11/2025
Jacqueline Rhoades, Public Works Director	3/12/2025
Bryan Archer, Director of Finance	3/12/2025
Tammy Hedlund, Legal Specialist	3/12/2025
Kelsy Sargent, Assistant City Attorney	3/12/2025
Laura Hemler, Assistant City Attorney	3/13/2025
Don Wick, Deputy City Manager	3/13/2025
Rachel Morris, City Attorney	3/18/2025
Linda Haley, Acting City Manager	3/19/2025

Enclosure, exhibits & attachments required to support the report

RESOLUTION NO. R25-035

A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT (D/B/A MILE HIGH FLOOD DISTRICT) REGARDING SITE MITIGATION FOR PROPERTY ACQUISITION OF 6000 SECREST DRIVE, CITY OF ARVADA

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

Section 1. The Mayor or Mayor Pro Tem is authorized to sign and the City Clerk to attest, in form approved by the City Attorney, an Agreement that is in substantially the same form as that attached hereto.

Section 2. This resolution shall be effective upon its approval by the City Council.

APPROVED AND ADOPTED this 1st day of April, 2025.

____
Lauren Simpson, Mayor

ATTEST:

____
City Clerk

APPROVED AS TO FORM:
Rachel A. Morris, City Attorney

By: __________________________________

AGREEMENT REGARDING SITE MITIGATION FOR
PROPERTY ACQUISITION OF
6000 SECREST DRIVE, CITY OF ARVADA

Agreement No. 25-01.26
Project No. 110242

THIS AGREEMENT, by and between URBAN DRAINAGE AND FLOOD CONTROL DISTRICT D/B/A MILE HIGH FLOOD DISTRICT (hereinafter called "DISTRICT") and the City of Arvada (hereinafter called "PROJECT SPONSOR") and collectively known as "PARTIES";

WITNESSETH:

WHEREAS, DISTRICT, in a policy statement previously adopted, (Resolution No. 14, Series of 1970 and Resolution No. 11, Series of 1973) expressed an intent to assist public bodies which have heretofore enacted floodplain regulation measures; and

WHEREAS, DISTRICT, in a policy statement previously adopted, (Resolution No. 88, Series of 2021) outlined DISTRICT policy ‘Regarding Preservation of Floodways and Floodplains and the Purchase of Land for Future Improvements’ intended to assist public bodies acquire flood prone properties (hereinafter called “POLICY”); and

WHEREAS, PROJECT SPONSOR has enacted floodplain regulations; and

WHEREAS, PARTIES participated in a joint planning study titled "Flood Hazard Area Delineation for Ralson Creek – Leyden Creek” by Boyle Engineering, dated June 2004 (hereinafter called "PLAN"); and

WHEREAS, PARTIES participated in 2024 in the acquisition of 6000 Secrest Drive as shown in Exhibit A; and

WHEREAS, PARTIES now desire to proceed with the site mitigation of 6000 Secrest Drive (hereinafter called "PROJECT"); and

WHEREAS, the estimated total cost for site mitigation of PROJECT is $110,000; and

WHEREAS, DISTRICT has requested PROJECT SPONSOR funding assistance for PROJECT; and

WHEREAS, the governing board (officials) of PROJECT SPONSOR has budgeted, by appropriation or resolution, all of its share of PROJECT costs; and

NOW, THEREFORE, in consideration of the mutual promises contained herein, PARTIES hereto agree as follows:

Part 1

1.01 SCOPE OF AGREEMENT

This Agreement defines the responsibilities and financial commitments of PARTIES with respect to PROJECT.

1.02 PUBLIC NECESSITY

PARTIES agree that the work performed pursuant to this Agreement is necessary for the health, safety, comfort, convenience, and welfare of all the people of the State, and is of particular benefit to the inhabitants of PARTIES and to their property therein.

1.03 PROJECT COSTS AND ALLOCATION OF COSTS

A. PARTIES agree that for the purposes of this Agreement PROJECT costs shall consist of and be limited to the following:

1. Acquisition costs;
2. Contingencies mutually agreeable to PARTIES.

B. It is understood that PROJECT costs as defined above are estimated not to exceed $110,000.

Project costs for the various elements of the effort are estimated as follows:

	ITEM	AMOUNT
1.	Acquisition $0	
2.	Appraisal costs, title work, demolition, and/or relocation, etc.	$110,000
	Grand Total	$110,000

This breakdown of costs is for estimating purposes only. Costs may vary between the various elements of the effort without amendment to this Agreement provided the total expenditures do not exceed the maximum contribution by all PARTIES plus accrued interest, if applicable.

C. PROJECT SPONSOR shall contribute $110,000 toward PROJECT costs. Based on total PROJECT costs, the maximum cost to each party shall be:

	Participation
DISTRICT share	$0
PROJECT SPONSOR share	$110,000
TOTAL	$110,000

1.04 MANAGEMENT OF FINANCES

As set forth in DISTRICT policy (Resolution No. 11, Series of 1973, Resolution No. 49, Series of 1977, and Resolution No. 37, Series of 2009), the funding of a PROJECT SPONSOR's share may come from its own revenue sources or from funds received from state, federal or other sources of funding without limitation and without prior DISTRICT approval.

Payment of each party's full share (PROJECT SPONSOR - $110,000; DISTRICT - $0) shall be made to DISTRICT subsequent to execution of this Agreement and within 30 days of request for payment by DISTRICT. The payments by PARTIES shall be held by DISTRICT in a special fund to pay for increments of PROJECT as authorized by PARTIES, and as defined herein. DISTRICT shall provide accounting of PROJECT funds as well as a notification to PROJECT SPONSOR of any unpaid obligations upon request. Any interest earned by the monies contributed by PARTIES shall be accrued to the special fund established by DISTRICT for PROJECT and such interest shall be used only for PROJECT upon approval by the contracting officers (Paragraph 2.06).

Within one year of completion of PROJECT if there are monies including interest earned remaining which are not committed, obligated, or disbursed, each party shall receive a share of such monies, which shares shall be computed as were the original shares; or, at PROJECT SPONSOR request, PROJECT SPONSOR share of remaining monies shall be transferred to another special fund held by DISTRICT.

1.05 RESPONSIBILITIES OF PARTIES

DISTRICT shall be responsible for coordinating with PROJECT SPONSOR the information developed by the various consultants hired by DISTRICT and for obtaining all concurrences from PROJECT SPONSOR needed to complete PROJECT in a timely manner. PROJECT SPONSOR agrees to review any associated documents; and to provide comments within 21 calendar days after the drafts have been provided by DISTRICT to PROJECT SPONSOR.

1.06 PUBLIC RELATIONS

It shall be at PROJECT SPONSOR's sole discretion to initiate and to carry out any public relations program to inform the residents in PROJECT area as to the purpose of PROJECT and what impact it may have on them. Technical information shall be presented to the public by the selected engineer, if requested by PROJECT SPONSOR. In any event DISTRICT shall have no responsibility for a public relations program but shall assist PROJECT SPONSOR as needed and appropriate.

1.07 EXECUTION IN COUNTERPARTS – ELECTRONIC SIGNATURES

Electronic signatures shall be permitted to bind the PARTIES to this Agreement, and all subsequent documents requiring the signatures of the PARTIES to this Agreement. Documents requiring notarization may also be notarized by electronic signatures. All use of electronic signatures shall be governed by the Uniform Electronic Transactions Act, CRS §§ 24-71.3-101 to 121. However, the PARTIES agree that only electronic signatures created by electronic signature software including but not limited to DocuSign shall be permitted.

Part 2

2.01 FLOODPLAIN REGULATION

PROJECT SPONSOR agrees to regulate and control the floodplain of Ralston Creek within their jurisdiction in the manner prescribed by the National Flood Insurance Program and prescribed regulations thereto as a minimum.

PARTIES understand and agree, however, that PROJECT SPONSOR cannot obligate itself by contract to exercise its police powers. If PROJECT SPONSOR fails to regulate the floodplain of Ralston Creek within their jurisdiction in the manner prescribed by the National Flood Insurance Program and prescribed regulations thereto as a minimum, DISTRICT may exercise its power to do so and PROJECT SPONSOR shall cooperate fully.

2.02 TERM OF AGREEMENT

The term of this Agreement shall commence upon execution and shall terminate three (3) years after the final payment is made to the construction contractor and the final accounting of funds on deposit at DISTRICT is provided to all PARTIES pursuant to Paragraph 1.05 herein, except for Paragraph 2.01. FLOODPLAIN REGULATION and Paragraph 1.05C. OWNERSHIP OF PROPERTY AND LIMITATION OF USE.

2.03 LIABILITY

Each party hereto shall be responsible for any suits, demands, costs or actions at law resulting from its own negligent or wrongful acts or omissions and may insure against such liabilities as appropriate.

2.04 CONTRACTING OFFICERS

A. The contracting officer for PROJECT SPONSOR shall be
Mayor Lauren Simpson, 8101 Ralston Road Arvada, CO 80002.

B. The contracting officer for DISTRICT shall be the Executive Director, 12575 W. Bayaud Avenue, Lakewood, Colorado 80228.

C. The contracting officers for PARTIES each agree to designate and assign a PROJECT representative to act on the behalf of said PARTIES in all matters related to PROJECT undertaken pursuant to this Agreement. Each representative shall coordinate all PROJECT-related issues between PARTIES, shall attend all progress meetings, and shall be responsible for providing all available PROJECT-related file information to the engineer upon request by DISTRICT or PROJECT SPONSOR. Said representatives shall have the authority for all approvals, authorizations, notices or concurrences required under this Agreement. However, in regard to any amendments or addenda to this Agreement, said representative shall be responsible to promptly obtain the approval of the proper authority.

2.05 AMENDMENTS

This Agreement contains all of the terms agreed upon by and among PARTIES. Any amendments to this Agreement shall be in writing and executed by PARTIES hereto to be valid and binding.

2.06 SEVERABILITY

If any clause or provision herein contained shall be adjudged to be invalid or unenforceable by a court of competent jurisdiction or by operation of any applicable law, such invalid or unenforceable clause or provision shall not affect the validity of the Agreement as a whole and all other clauses or provisions shall be given full force and effect.

2.07 APPLICABLE LAWS

This Agreement shall be governed by and construed in accordance with the laws of the State of Colorado. Jurisdiction for any and all legal actions regarding this Agreement shall be in the State of Colorado and venue for the same shall lie in the PROJECT SPONSOR where PROJECT is located.

2.08 ASSIGNABILITY

No party to this Agreement shall assign or transfer any of its rights or obligations hereunder without the prior written consent of the other party or parties to this Agreement.

2.09 BINDING EFFECT

The provisions of this Agreement shall bind and shall inure to the benefit of PARTIES hereto and to their respective successors and permitted assigns.

2.10 ENFORCEABILITY

PARTIES hereto agree and acknowledge that this Agreement may be enforced in law or in equity, by decree of specific performance or damages, or such other legal or equitable relief as may be available subject to the provisions of the laws of the State of Colorado.

2.11 TERMINATION OF AGREEMENT

This Agreement may be terminated upon thirty (30) days' written notice by any party to this Agreement, but only if there are no contingent, outstanding contracts. If there are contingent, outstanding contracts, this Agreement may only be terminated upon the cancellation of all contingent, outstanding contracts. All costs associated with the cancellation of the contingent contracts shall be shared between PARTIES in the same ratio(s) as were their contributions.

2.12 NO DISCRIMINATION IN EMPLOYMENT

In connection with the performance of work under this Agreement, PARTIES agree not to refuse to hire, discharge, promote or demote, or to discriminate in matters of compensation against any person otherwise qualified because of race, color, ancestry, creed, religion, national origin, gender, age, military status, sexual orientation, gender identity, marital status, or physical or mental disability and further agree to insert the foregoing provision in all subcontracts hereunder.

2.13 APPROPRIATIONS

Notwithstanding any other term, condition, or provision herein, each and every obligation of the PARTIES stated in this Agreement is subject to the requirement of a prior appropriation of funds therefore by the appropriate governing body of the respective PARTIES.

2.14 NO THIRD-PARTY BENEFICIARIES

It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to PARTIES, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other or third person on such Agreement. It is the express intention of PARTIES that any person or party other than PARTIES receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

2.15 GOVERNMENTAL IMMUNITIES

PARTIES hereto intend that nothing herein shall be deemed or construed as a waiver by any party of any rights, limitations, or protections afforded to them under the Colorado Governmental Immunity Act (§ 24-10-101, *et seq*., C.R.S.) as now or hereafter amended or otherwise available at law or equity.

2.16 INTENT OF AGREEMENT

Except as otherwise stated herein, this Agreement is intended to describe the rights and responsibilities of and between PARTIES and is not intended to and shall not be deemed to confer rights upon any person or entities not named as PARTIES, nor to limit in any way the powers and responsibilities of PROJECT SPONSOR, DISTRICT or any other entity not a party hereto.

WHEREFORE, PARTIES hereto have caused this instrument to be executed by properly authorized signatories as of the date and year first above written.

URBAN DRAINAGE AND
FLOOD CONTROL DISTRICT D/B/A
MILE HIGH FLOOD DISTRICT

By________________________________

Name Laura A. Kroeger

Title Executive Director

Date________________________________

____
Checked By

CITY OF ARVADA

By________________________________

Name Lauren Simpson

Title: Mayor

Date________________________________

ATTEST:

____

City Clerk

(SEAL)

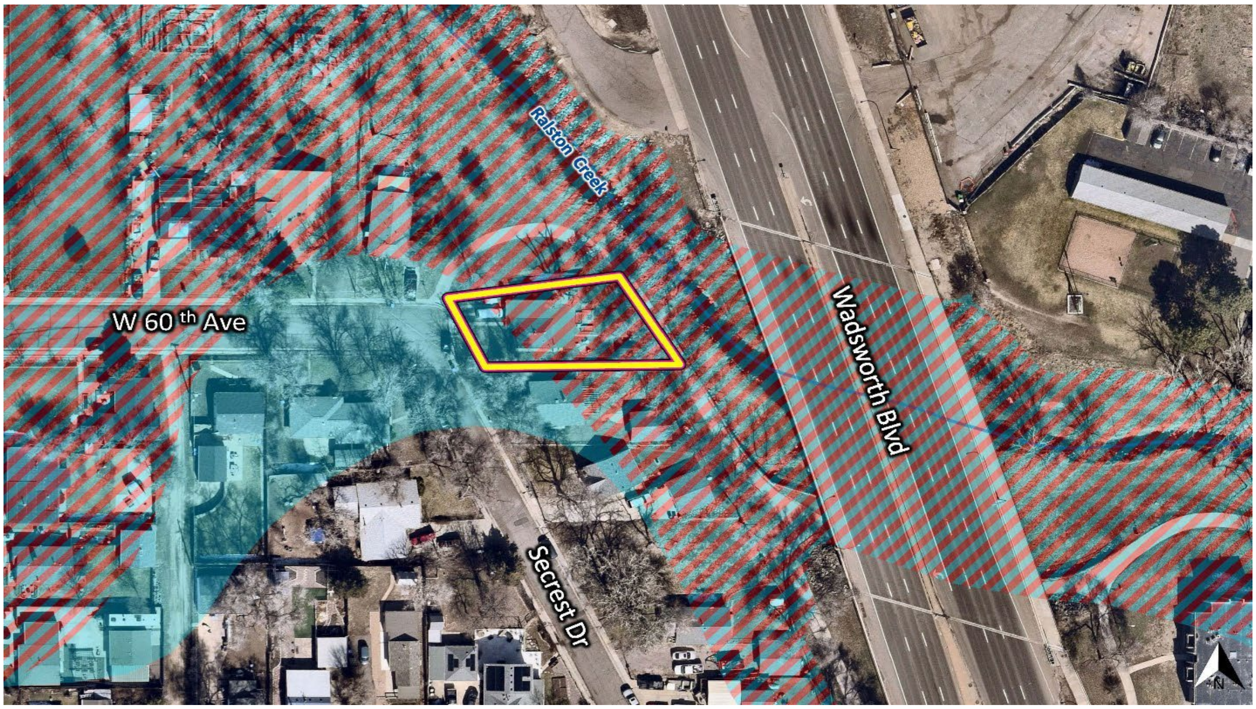
APPROVED AS TO FORM:
Rachel A. Morris, City Attorney

By:_______________________
Laura A. Hemler, Sr. Asst. City Attorney

AGREEMENT REGARDING SITE MITIGATION FOR
PROPERTY ACQUISITION OF
6000 SECREST DRIVE, CITY OF ARVADA

Agreement No. 25-01.26
Project No. 110242

Exhibit A



CITY OF ARVADA

REPORT TO CITY COUNCIL RESOLUTION	AGENDA ITEM 8.B.2.

TO: THE HONORABLE CITY COUNCIL DATE: April 1, 2025

SUBJECT: R25-036, A Resolution Expressing the Intent of the City to be Reimbursed for Certain Expenses Relating to the Construction of Certain Wastewater Improvements (Presenter: Bryan Archer, Director of Finance)

Report in Brief

The Infrastructure Department has continued to update and adjust financial strategies to support the funding of Utilities infrastructure related to reinvestment and planned development. The financial strategies include plans to issue a bond for wastewater infrastructure. This Resolution will provide flexibility in the use of the bond proceeds to reimburse the City for certain costs incurred before the issuance date of the bond.

The Arvada team recommends that the City Council approve R25-036, A Resolution Expressing the Intent of the City to be Reimbursed for Certain Expenses Relating to the Construction of Certain Wastewater Improvements.

Financial Impact

There is no financial impact.

Background

The City's Infrastructure team continues to prepare for investments in operations and infrastructure as part of our ongoing commitment to continue to provide reliable water, sewer, and stormwater drainage services to our community. Over the past several years, the team has provided information and updates to the Council regarding this, including annual budgets and workshops related to the water, sewer, and stormwater master planning efforts and financial strategies. This work supports the 2025-2030 City Council Strategic Plan's Physical and Technology Systems result, improving City and community connectivity by providing reliable and accessible physical and technology systems.

During the 2025 rate and fee discussions with City Council, the City team was directed to present financial strategies that would support a variety of reinvestment and planned development scenarios. The adopted wastewater rate/fee scenario included issuing debt in 2025 to fund the design and construction of wastewater infrastructure. Bond revenues will provide additional resources to support implementation of the reinvestment and planned development work.

The City team is working with financial and legal advisors to prepare for issuing a bond for wastewater infrastructure reinvestment and capacity. This Resolution will enable the City to be reimbursed for certain expenses from the bond proceeds.

Discussion

The City team is preparing to issue a bond for wastewater infrastructure to fund reinvestment and capacity related projects. This Resolution will enable the City to be reimbursed for certain expenses from wastewater bond proceeds. Expenses may include costs related to master planning, design, and construction.

It is common practice for bond proceeds to be used to pay certain expenses incurred before the date of bond issuance. The City team recommends this as a course of action that will provide flexibility in funding projects identified in recent wastewater system master plans.

Public Contact

Posting of the City Council agenda.

Commission Recommendation

N/A

Strategic Alignment

This project is aligns with the following Strategic Result and Goals:

Physical and Technology Systems

- Strategic Goal 2: Identify and prioritize projects for modernizing our physical infrastructure to maintain and elevate service levels.
- Strategic Goal 4: Ensure all physical and technology assets support reliable safety response, emergency preparedness, and City and community resilience.
- Strategic Goal 6: Close infrastructure deficits and funding gaps.

Alternative Courses of Action

1. The Arvada team recommends that the City Council approve R25-036, A Resolution Expressing the Intent of the City to be Reimbursed for Certain Expenses Relating to the Construction of Certain Wastewater Improvements
2. Alternative: The City Council could choose not to authorize this Resolution. The City team does not recommend this alternative. The Resolution allows the City to be reimbursed for certain expenses (already incurred) from the bond proceeds. This helps the City team to begin spending the bond proceeds immediately, providing flexibility and helping to meet the required spending timelines.

Recommendation for Action

The Arvada team recommends that the City Council approve R25-036, A Resolution Expressing the Intent of the City to be Reimbursed for Certain Expenses Relating to the Construction of Certain Wastewater Improvements.

Suggested Motion:

I move that R25-036, A Resolution Expressing the Intent of the City to be Reimbursed for Certain Expenses Relating to the Construction of Certain Wastewater Improvements, be (approved) (rejected).

Prepared by:
Christine Gray, Utilities Business Manager

Reviewed by:

Approved by:

Jessica Morales, Assistant City Attorney 3/10/2025
Jacqueline Rhoades, Public Works Director 3/12/2025

Bryan Archer, Director of Finance	3/12/2025
Tammy Hedlund, Legal Specialist	3/13/2025
Jessica Morales, Assistant City Attorney	3/13/2025
Don Wick, Deputy City Manager	3/13/2025
Rachel Morris, City Attorney	3/18/2025
Linda Haley, Acting City Manager	3/19/2025

Enclosure, exhibits & attachments required to support the report

RESOLUTION NO. R25-036

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARVADA EXPRESSING THE INTENT OF THE CITY TO BE REIMBURSED FOR CERTAIN EXPENSES RELATING TO THE CONSTRUCTION OF CERTAIN WASTEWATER IMPROVEMENTS

WHEREAS, the City of Arvada (the "City"), is a duly organized and existing home rule municipality of the State of Colorado, created and operating pursuant to Article XX, Section 6 of the Constitution of the State of Colorado and the home rule charter of the City; and

WHEREAS, the members of the City Council of the City (the "Council") have been duly appointed and qualified; and

WHEREAS, it is the current intent of City to construct certain capital improvements to the wastewater system of the City (the "Wastewater Project"); and

WHEREAS, the City has determined that it is in the best interest of the City to finance the Wastewater Project through a tax-exempt financing which may include the issuance of wastewater enterprise revenue bonds; or by any other means legally available to the City; and

WHEREAS, the City has determined that it is necessary to make capital expenditures to acquire and construct the Wastewater Project prior to the time that the City arranges for the specific financing of such Wastewater Project; and

WHEREAS, it is the City's reasonable expectation that when such financing occurs, the capital expenditures will be reimbursed with the proceeds of the financing; and

WHEREAS, in order to comply with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), it is the City's desire that this resolution shall constitute the "official intent" of the Council to reimburse such capital expenditures within the meaning of Treasury Regulation §1.150-2.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

<u>Section 1.</u> All action (not inconsistent with the provisions of this resolution) heretofore taken by the City and the officers, employees and agents of the City directed toward the tax-exempt financing is hereby ratified, approved and confirmed.

<u>Section 2.</u> The City intends to finance approximately $15,000,000 to pay the costs of the Wastewater Project, including the reimbursement of certain costs incurred by the City prior to the receipt of any proceeds of financing, upon terms acceptable to the City, as authorized in an ordinance to be hereafter adopted and to take all further action which is necessary or desirable in connection therewith.

Section 3. The officers, employees and agents of the City shall take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated hereby and shall take all action necessary or desirable to finance the Wastewater Project and to otherwise carry out the transactions contemplated by this resolution.

Section 4. The officers and employees of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provision of this resolution.

Section 5. The City shall not use reimbursed moneys for purposes prohibited by Treasury Regulation §1.150-2(h).

Section 6. This resolution is intended to be a declaration of “official intent” to reimburse expenditures within the meaning of Treasury Regulation §1.150-2.

Section 7. If any section, paragraph, clause or provision of this resolution shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

Section 8. All acts, orders and resolutions of the City, and parts thereof, inconsistent with this resolution be, and the same hereby are, repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 9. The resolution shall be in full force and effect upon its passage and approval by the City Council.

APPROVED AND ADOPTED this 1st day of April, 2025.

____
Lauren Simpson, Mayor

ATTEST:

____
City Clerk

APPROVED AS TO FORM:
Rachel A. Morris, City Attorney

By: ________________________________

CITY OF ARVADA

REPORT TO CITY COUNCIL RESOLUTION	AGENDA ITEM 8.B.3.

TO: THE HONORABLE CITY COUNCIL DATE: April 1, 2025

SUBJECT: R25-037, A Resolution Expressing the Intent of the City to be Reimbursed for Certain Expenses Relating to the Construction of Certain Water Improvements (Presenter: Bryan Archer, Director of Finance)

Report in Brief

The Infrastructure Department has continued to update and adjust financial strategies to support the funding of Utilities infrastructure related to reinvestment and planned development. The financial strategies include plans to issue a bond for water infrastructure. This Resolution will provide flexibility in the use of the bond proceeds to reimburse the City for certain costs incurred before the issuance date of the bond.

The Arvada team recommends that the City Council approve R25-037, A Resolution Expressing the Intent of the City to be Reimbursed for Certain Expenses Relating to the Construction of Certain Water Improvements.

Financial Impact

There is no financial impact.

Background

The City's Infrastructure team continues to prepare for investments in operations and infrastructure as part of our ongoing commitment to continue to provide reliable water, sewer, and stormwater drainage services to our community. Over the past several years, the team has provided information and updates to the Council regarding this, including annual budgets and workshops related to the water, sewer, and stormwater master planning efforts. This work supports the 2025-2030 City Council Strategic Plan's Physical and Techonology Systems result, which is intended to improve City and community connectivity by providing reliable and accessible physical and technology systems.

During the 2025 rate and fee discussions with City Council, the City team was directed to present financial strategies that would support a variety of reinvestment and planned development scenarios. The adopted water rate/fee scenario included issuing debt in 2025 to fund the design and construction of water infrastructure. Bond revenues will provide additional resources to support implementation of the reinvestment and planned development work.

The City team is working with financial and legal advisors to prepare for issuing a bond for water infrastructure reinvestment and capacity. This Resolution will enable the City to be reimbursed for certain expenses from the bond proceeds.

Discussion

The City team is preparing to issue a bond for water infrastructure to fund reinvestment and capacity related projects. This Resolution will enable the City to be reimbursed for certain expenses from water bond proceeds. Expenses may include costs related to master planning, design, and construction.

It is common practice for bond proceeds to be used to pay certain expenses incurred before the date of bond issuance. The City team recommends this as a course of action that will provide flexibility in funding projects identified in recent water system master plans.

Public Contact

Posting of the City Council agenda.

Commission Recommendation

N/A

Strategic Alignment

This project is in line with the following Strategic Result and Strategic Goals:

Physical and Technology Systems

- Strategic Goal 2: Identify and prioritize projects for modernizing our physical infrastructure to maintain and elevate service levels.
- Strategic Goal 4: Ensure all physical and technology assets support reliable safety response, emergency preparedness, and City and community resilience.
- Strategic Goal 6: Close infrastructure deficit and funding gaps.

Alternative Courses of Action

1. The Arvada team recommends that the City Council approve R25-037, A Resolution Expressing the Intent of the City to be Reimbursed for Certain Expenses Relating to the Construction of Certain Water Improvements
2. Alternative: The City Council could choose not to authorize this Resolution. The City team does not recommend this alternative. The Resolution allows the City to be reimbursed for certain expenses (already incurred) from the bond proceeds. This helps the City team to begin spending the bond proceeds immediately, which helps with meeting the required spending timelines.

Recommendation for Action

The Arvada team recommends that the City Council approve R25-037, A Resolution Expressing the Intent of the City to be Reimbursed for Certain Expenses Relating to the Construction of Certain Water Improvements.

Suggested Motion:

I move that R25-037, A Resolution Expressing the Intent of the City to be Reimbursed for Certain Expenses Relating to the Construction of Certain Water Improvements, be (approved) (rejected).

Prepared by:
Christine Gray, Utilities Business Manager

Reviewed by:

Approved by:

Jessica Morales, Assistant City Attorney	3/10/2025
Bryan Archer, Director of Finance	3/12/2025
Jacqueline Rhoades, Public Works Director	3/14/2025

Tammy Hedlund, Legal Specialist	3/14/2025
Jessica Morales, Assistant City Attorney	3/17/2025
Don Wick, Deputy City Manager	3/18/2025
Rachel Morris, City Attorney	3/18/2025
Linda Haley, Acting City Manager	3/19/2025

Enclosure, exhibits & attachments required to support the report

RESOLUTION NO. R25-037

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARVADA EXPRESSING THE INTENT OF THE CITY TO BE REIMBURSED FOR CERTAIN EXPENSES RELATING TO THE CONSTRUCTION OF CERTAIN WATER IMPROVEMENTS

WHEREAS, the City of Arvada (the "City"), is a duly organized and existing home rule municipality of the State of Colorado, created and operating pursuant to Article XX, Section 6 of the Constitution of the State of Colorado and the home rule charter of the City; and

WHEREAS, the members of the City Council of the City (the "Council") have been duly appointed and qualified; and

WHEREAS, it is the current intent of City to construct certain capital improvements to the water system of the City (the "Water Project"); and

WHEREAS, the City has determined that it is in the best interest of the City to finance the Water Project through a tax-exempt financing which may include the issuance of Water enterprise revenue bonds; or by any other means legally available to the City; and

WHEREAS, the City has determined that it is necessary to make capital expenditures to acquire and construct the Water Project prior to the time that the City arranges for the specific financing of such Water Project; and

WHEREAS, it is the City's reasonable expectation that when such financing occurs, the capital expenditures will be reimbursed with the proceeds of the financing; and

WHEREAS, in order to comply with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), it is the City's desire that this resolution shall constitute the "official intent" of the Council to reimburse such capital expenditures within the meaning of Treasury Regulation §1.150-2.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

Section 1. All action (not inconsistent with the provisions of this resolution) heretofore taken by the City and the officers, employees and agents of the City directed toward the tax-exempt financing is hereby ratified, approved and confirmed.

Section 2. The City intends to finance approximately $95,000,000 to pay the costs of the Water Project, including the reimbursement of certain costs incurred by the City prior to the receipt of any proceeds of a financing, upon terms acceptable to the City, as authorized in an ordinance to be hereafter adopted and to take all further action which is necessary or desirable in connection therewith.

Section 3. The officers, employees and agents of the City shall take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated hereby and shall take all action necessary or desirable to finance the Water Project and to otherwise carry out the transactions contemplated by this resolution.

Section 4. The officers and employees of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provision of this resolution.

Section 5. The City shall not use reimbursed moneys for purposes prohibited by Treasury Regulation §1.150-2(h).

Section 6. This resolution is intended to be a declaration of "official intent" to reimburse expenditures within the meaning of Treasury Regulation §1.150-2.

Section 7. If any section, paragraph, clause or provision of this resolution shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

Section 8. All acts, orders and resolutions of the City, and parts thereof, inconsistent with this resolution be, and the same hereby are, repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 9. The resolution shall be in full force and effect upon its passage and approval by the City Council.

APPROVED AND ADOPTED this 1st day of April, 2025.

____
Lauren Simpson, Mayor

ATTEST:

____
City Clerk

APPROVED AS TO FORM:
Rachel A. Morris, City Attorney

By: ________________________________

CITY OF ARVADA

REPORT TO CITY COUNCIL ORDINANCE FIRST READING	AGENDA ITEM 8.C.1.

TO: THE HONORABLE CITY COUNCIL DATE: April 1, 2025

SUBJECT: CB25-006, An Ordinance Authorizing an Additional Appropriation for Fiscal Year 2025 (Public Hearing to be set for April 15, 2025 at 6:15 p.m.)

Report in Brief

The appropriation for the expenditure of funds from the 2024 budget lapsed on December 31, 2024. At the end of 2024, there were several projects/programs that had been approved, although not yet completed. In order to complete these projects, funds that were designated for these projects will now need to be carried over from the 2024 budget to the 2025 budget. These items total $104,243,127. The majority of these carryovers are from the Enterprise Funds for ongoing Capital Improvement Projects.

Additionally, there are several items that need to be added to the 2025 budget due to changes since the presentation of the 2024 budget. The majority of these items are also capital in nature. These items total $53,491,034.

Finally, during the 2025 budget process, City team members identified a group of one-time items, that if there were additional funds available at the end of 2024, would be presented for approval. These items total $5,987,000.

The Arvada team recommends that the City Council approve CB25-006, an Ordinance Authorizing an Additional Appropriation for Fiscal Year 2025.

Financial Impact

The overall increase in the 2025 appropriation is $163,901,161, consisting of $104,423,127 of carryover items, $53,491,034 in new items and $5,987,000 in one-time items. Sufficient revenues or available fund balance exist to cover each of the new proposed budget items. These budget items, if approved, will be incorporated into the 2025-2034 ten-year financial plan.

Background

CARRYOVERS
GENERAL FUND
Organizational Service Effectiveness
City Manager's Office
Funds were set aside in 2024 for the accessibility program and were not used. The City Manager's Office is requesting to carry over $23,949 into 2025.

Funds were set aside in 2024 for the street lighting project and were not used. The City Manager's Office is requesting to carry over $65,325 into 2025.

Funds were set aside in 2024 for consultants and were not used. The City Manager's Office is requesting to carry over $110,486 into 2025.

Funds were set aside in 2024 for homelessness and were not used. The City Manager's Office is requesting to carry over $25,844 into 2025.

Funds were set aside in 2024 for the City website and were not used. The City Manager's Office is requesting to carry over $55,050 into 2025.

Human Resources

Funds were budgeted in 2024 for training programs and not used. Human Resources is requesting to carryover $16,850 into 2025 for this training.

Funds were budgeted in 2024 for HR Acuity licenses and not used. Human Resources is requesting to carryover $3,950 into 2025 for the licenses.

Funds were budgeted in 2024 for the ERP replacement project and not used. Human Resources is requesting to carryover $250,000 into 2025 to complete this project.

Information Technology

Funds were budgeted in 2024 for the ERP replacement project and not used. Information Technology is requesting to carryover $295,048 into 2025 to complete this project.

Funds were budgeted in 2024 for the workstation replacement project and not used. Information Technology is requesting to carryover $312,305 into 2025 to complete this project.

Funds were budgeted in 2024 for united battery vendor and not used. Information Technology is requesting to carryover $6,000 into 2025 to complete this project.

Funds were budgeted in 2024 for an incident response retainer and not used. Information Technology is requesting to carryover $44,000 into 2025 for this item.

Funds were budgeted in 2024 for security training courses and not used. Information Technology is requesting to carryover $7,886 into 2025 to complete this training.

Funds were budgeted in 2024 for the Lumen implementation project and not used. Information Technology is requesting to carryover $63,000 into 2025 to complete this project.

Public Safety

Funds were budgeted in 2024 for recruiting and not used. Public Safety is requesting to carryover $150,000 into 2025 for this work.

Funds were budgeted in 2024 for radio tower batteries and not used. Public Safety is requesting to carryover $28,650 into 2025 to complete this purchase.

Funds were budgeted in 2024 for a historical book project and not used. Public Safety is requesting to carryover $47,000 into 2025 to complete this project.

Funds were budgeted in 2024 for the police academy and not used. Public Safety is requesting to carryover $27,647 into 2025 for this invoice.

Funds were budgeted in 2024 for items for new recruits and not used. Public Safety is requesting to carryover $11,657 into 2025 to purchase these items.

Public Works

Funds were budgeted in 2024 for a facilities master plan and not used. Public Works is requesting to carryover $280,675 into 2025 to complete this work.

Funds were budgeted in 2024 for a staff augmentation due to vacancies and not used. Public Works is requesting to carryover $350,000 into 2025 for this item.

Funds were budgeted in 2024 to design a Bike Training Facility and not used. Public Works is requesting to carryover $47,568 into 2025 to complete this project.

Funds were budgeted in 2024 for facility maintenance and not used. Public Works is requesting to carryover $204,165 into 2025 to complete this work.

Parks Fund
Funds were budgeted in 2024 for Nature Center professional services, temporary wages and supplies and not used. Parks is requesting $94,383 be carried over into 2025 for these items.

Funds were budgeted in 2024 for printing services for Parks and Urban Design and not used. Parks is requesting $48,048 be carried over into 2025 for these items.

Funds were budgeted in 2024 for electric, water, wastewter and stormwater and not used. Parks is requesting $100,311 be carried over into 2025 due to increases in these costs.

Tax Increment .21 Fund
Funds were budgeted in 2024 for lab camera equipment and not purchased. Public Safety is requesting to carry over $44,865 into 2025 for these items.

Funds were budgeted in 2024 for concrete work and not completed. Public Safety is requesting to carry over $37,160 into 2025 to complete this work.

Tax increment .25 Fund
Funds were budgeted in 2024 for a donation to the Police Foundation and not completed. Public Safety is requesting to carry over $100,000 into 2025 for this donation.

Water Fund
Funds were budgeted in 2024 for security cameras and not purchased. Utilities is requesting to carry over $188,400 into 2025 for this purchase.

Funds were budgeted in 2024 for water meters and not received. Utilities is requesting to carry over $272,230 into 2025 for this purchase.

Funds were budgeted in 2024 for various capital projects not completed. Utilities is requesting to carry over $57,413,350 into 2025 to complete these projects. The capital projects include the Denver Water Moffat project, watermain replacement, Canyon Pines pump station, treatment plant filter improvements, smart meters, treatment plant solids handling, Zephyr tank, zone 6 pumping and tank, and sliplining of 54"transmission main.

Wastewater Fund
Funds were budgeted in 2024 for various capital projects not completed. Utilities is requesting to carry over $37,094,848 into 2025 to complete these projects. The capital projects include north and central trunk line replacement and sewer system replacements.

Funds were budgeted in 2024 for training not completed. Utilities is requesting to carry over $6,675 into 2025 to complete this training.

Stormwater Fund
Funds were budgeted in 2024 for various capital projects not completed. Utilities is requesting to carry over $1,578,016 into 2025 to complete these projects. The projects include drainage improvement, Lake Arbor dredging and various flood plain projects.

Funds were budgeted in 2024 for a stormwater detention basin not completed. Utilities is requesting to carry over $30,000 into

2025 to complete this work.

Funds were budgeted in 2024 for a vehicle not received. Utilities is requesting to carry over $40,000 into 2025 to complete this purchase.

Vehicle Fund
Funds were budgeted in 2020 for vehicles, equipment and maintenance items not received. The Fleet team is requesting $2,117,255 be carried into 2025 to complete these purchases.

Computer Maintenance and Replacement Fund
Funds were budgeted in 2024 for various technology projects and not completed. Information technology is requesting $2,503,000 be carried into 2025 to complete these projects. The projects include Zoom phones, ERP replacement, workstation replacement, back-up servers and radio replacement.

Insurance Fund
Funds were budgeted in 2024 for two claims but not completed. The Risk team is requesting $216,417 be carried into 2025 for these claims. The claims include a dump truck accident and damage to the Grandview Bridge.

Emergency Fund
The City received $10,383,800 in ARPA funds. $109,910 of the funds have not been spent. The team is requesting to carry over these funds into 2025 to complete the ARPA funded projects.

Police Seizure Fund
Funds were budgeted in 2024 for conversion items for a police vehicle and not completed. The team is requesting $1,204 be carried into 2025 to complete this work.

NEW REQUESTS
General Fund
Phase II of the contract with Envision IIP requires funding of $120,000. This item will come from the fund balance.

Each year UMR provides the City with funding for wellness incentives. UMR has increased this funding for 2024 and 2025 by $40,000. This request allows the City to spend this funding on wellness incentives.

The City Attorney's Office is requesting $20,006 for training due to staffing changes and new attorneys being hired. This funding will come from the General Fund fund balance.

Streets Maintenance Fund
The streets maintenance fund will receive one time funding from the General Fund in the amount of $2,800,000. $400,000 of this was received in 2024. This request will allow these funds to be spent in the Streets Maintenance Fund.

Tax Increment .21 Fund
The Tax Increment .21 Fund will transfer $200,000 to the Capital Improvement Fund for the Evidence Storage Building project. Funding for this item will be from the fund balance.

Tax Increment .25 Fund
The Tax Increment .25 Fund will transfer $720,000 to the Capital Improvement Fund for the Evidence Storage Building project. Funding for this item will be from the fund balance.

Water Fund
$331,258 is needed for the Canyon Pines project. Funding for this project comes from a $10,000 rebate received from United Power and $321,258 was received from a developer.

An increase of $4,554 is needed for fuel purchases, funding for this item comes from increased water rates that were approved late in the 2025 budget process and not included in the appropriation ordinance in October 2024.

An increase of $867,479 is needed for vehicle maintenance and replacement. Funding for this item comes from increased water rates that were approved late in the 2025 budget process and not included in the appropriation ordinance in October 2024.

An increase of $18,844,814 is needed for capital improvement projects. Funding for these items comes from increased water rates that were approved late in the 2025 budget process and not included in the appropriation ordinance in October 2024.

An increase of $9,087,344 is needed for capital improvement projects. Funding for these items will come from bond proceeds.

Wastewater Fund
An increase of $470,269 is needed for building maintenance, equipment, vehicle maintenance and vehicle replacement. Funding for these items comes from increased wastewater rates that were approved late in the 2025 budget process and not included in the appropriation ordinance in October 2024.

An increase of $1,017,558 is needed for capital improvement projects. Funding for these items will come from bond proceeds.

Stormwater Fund
An increase of $243,168 is needed for the Utilities Foreman and Utilities Supervisor positions. Funding for these items comes from increased stormwater rates that were approved late in the 2025 budget process and not included in the appropriation ordinance in October 2024.

An increase of $30,156 is needed for vehicle maintenance and replacement. Funding for this item comes from increased stormwater rates that were approved late in the 2025 budget process and not included in the appropriation ordinance in October 2024.

An increase of $2,000 is needed for cell phones. Funding for these items comes from increased stormwater rates that were approved late in the 2025 budget process and not included in the appropriation ordinance in October 2024.

Golf Fund
An increase of $476,963 is needed for a feasibility study, Lake Arbor master plan, flooring and Westwoods improvements. Funding for these items will come from increased revenues in 2024.

An increase of $17,700 is needed for fertilizer. Funding will come from increased revenues in 2024.

An increase of $41,177 is needed for cleaning services. Funding will come from increased revenues in 2024.

Capital Improvement Fund
The Water fund provides revenue to CIP fund for irrigation improvements. In the early 1990's, a "3 cents per thousand gallons" calculation was created and collected by the Water fund. The amount collected in 2024 was $243,963. The team requests to appropriate these funds in 2025 for future park irrigation projects.

Each year as part of new construction, Park development fees are collected. These fees are accumulated throughout the year in the CIP fund to fund new park construction. The amount collected in 2024 was $1,435,948. The team requests to appropriate these funds in 2025 for future park projects along with tree replacements.

Each year as part of new construction, Lands Dedicated fees are collected. These fees are accumulated throughout the year in the CIP fund to fund new park construction. The amount collected in 2024 was $1,032,300. The team requests to appropriate these funds in 2025 for future parks projects.

Each year, the City collects Adams County Transportation Tax revenue. This revenue is accumulated in the CIP to fund new traffic projects in Adams County. The amount collected in 2024 was $249,071. The team requests to appropriate these funds in 2025 for future traffic projects.

Each year, the City collects Adams County Open Space Tax revenue. This revenue is accumulated in the CIP to fund new parks projects in Adams County. The amount collected in 2024 was $101,763. The team requests to appropriate these funds in 2025 for future park projects.

Each year, the City receives a Public Education and Government (PEG) fee from cable franchising companies. The amount collected in 2024 was $69,185. The team requests to appropriate these funds in 2025 for eligible PEG purchases.

Each year interest is received in the Capital Improvement Projects Fund. The amount collected in 2024 was $1,901,081. The team requests to appropriate these funds in 2025.

An increase of $117,725 is being requested for tree replacements. This is being funded by the wastewater fund.

An increase of $3,500,000 is being requested for the Evidence Storage Building. This is being funded by the Tax Increment Funds.

An increase of $573,077 is being requested for transportation and signal projects. This is being funded by traffic impact fees.

An increase of $181,866 is being requested for Grandview Bridge repairs. This is being funded by the Insurance Fund.

An increase of $388,000 is being requested for EV charging stations. This is being funded by the General Fund one-time funding.

An increase of $3,247 is being requested. These are funds remaining from the Lake Arbor Golf Improvement project and the request is to transfer these funds back to the CIP fund.

An increase of $1,400,000 is being requested for the Track-it software replacement. This is being funded from the General Fund one-time funding.

An increase of $175,000 is being requested for the Comcate software replacement. This is being funded from the General Fund one-time funding.

Construction Fund
Each year interest is received in the Construction fund. The amount collected in 2024 was $1,287. The team requests to appropriate these funds in 2025.

An increase of $1,901,081 is being requested for the Aquatic Center project. Funding is from the Capital Improvement Fund.

Community Development Fund
An increase of $78,000 is being requested for the Jefferson Home Consortium. Funding is coming from fund balance.

An increase of $850,000 is being requested for a loan to the Marshall Point Apartment project. Funding is coming from fund balance.

An increase of $1,894,000 is being requested for items related to the THR Grant. Funding is from a THR grant received.

An increase of $60,000 is being requested for administration costs. Funding is coming from the General Fund one-time funding.

An increase of $2,000,000 is being requested for the Marshall Point Apartment system development charges. Funding is coming from a DOLA grant.

ONE-TIME REQUESTS
A number of one-time requests were presented during the 2025 budget process as items that the Arvada team would like to fund if there were savings in the General Fund budget at the end of 2024. The table below shows these items. Our team proposes to fund all of these items in 2025 as part of this budget ordinance.

Item	
Human Resources temporary wages	$ 180,000
CDBG Administration costs	60,000
Additional contribution to Streets Maintenance Fund	2,400,000
Recruitment of police officers	250,000
West 60th Avenue water tap	34,000
EV charging stations (grant match)	388,000
Track-it software replacement	1,400,000
Ask Arvada software replacement	175,000
AEDA programming	250,000
Severe weather shelter	40,000
Ballot issue	50,000
Job architecture project phase II	60,000
CED comp plan	700,000
Total	**$5,987,000**

Discussion

The recommended action will authorize the expenditure of resources that aligns to the City Council's direction. A total of $104,423,127 of the requests as described are funded as carryover of unspent resources approved as part of the 2024 operating and capital budget. A total of $53,491,034 is funded by additional revenues, transfers from other funds, or reserves within the various funds within our fully balanced ten-year financial models. Finally, there are one-time requests totaling $5,987,000 that are funded by a combination of unspent 2024 appropriations and additional 2024 revenue over budgeted estimates.

If approved by the City Council, total appropriations for 2025 will be $530,525,460 as presented in the Carryover Summary attachment included with this agenda item.

Public Contact

Posting of the City Council Agenda

Commission Recommendation

N/A

Strategic Alignment

The proposed action aligns with the Organizational and Service Effectiveness worksystem within the City Council Strategic Plan by authorizing resources that will be administered by the Finance Department in accordance with applicable City Code and financial policies. Other worksystems that will be served through the recommended action include Safe Community, Infrastructure, Community and Economic Development and Vibrant Community and Neighborhoods.

Alternative Courses of Action

N/A

Recommendation for Action

The Arvada team recommends that the City Council approve CB25-006, An Ordinance Authorizing an Additional Appropriation for Fiscal Year 2025 and set the public hearing for April 15, 2025, at 6:15 pm.

Suggested Motion:

I move that CB25-006, An Ordinance Authorizing an Additional Appropriation for Fiscal Year 2025, be (approved on first reading, ordered published in full, and a public hearing set for April 15, 2025, at 6:15 p.m.) (rejected).

Prepared by:
Debra Nielson, Deputy Director of Finance

Reviewed by:

Approved by:

Jenna Belec, Executive Assistant	3/10/2025
Bryan Archer, Director of Finance	3/10/2025
Gail Walker, Legal Specialist-Contracts	3/10/2025
Laura Hemler, Assistant City Attorney	3/10/2025
Rachel Morris, City Attorney	3/18/2025
Linda Haley, Acting City Manager	3/18/2025

Enclosure, exhibits & attachments required to support the report

COUNCIL BILL NO. 25-006
ORDINANCE NO. ___________

AN ORDINANCE AUTHORIZING AN ADDITIONAL APPROPRIATION FOR FISCAL YEAR 2025

WHEREAS, the City Council of the City of Arvada adopted Ordinance No. 4881 (Council Bill No. 24-015), which authorized the annual appropriation for Fiscal Year 2025; and

WHEREAS, Section 10.8(a) of the Arvada Home Rule Charter provides that City Council may make additional appropriations by Ordinance during the fiscal year for unanticipated expenditures required of the City; and

WHEREAS, the City Council of the City of Arvada finds that an additional appropriation is necessary in order for the City to meet unanticipated expenditures; and

WHEREAS, the City Council of the City of Arvada further finds that such additional expenditures and budgeted expenses do not exceed budgeted revenues and reserves for Fiscal Year 2025.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

Section 1. The following sums of money as may be needed or deemed necessary to defray the expenses and liabilities of the City of Arvada are hereby appropriated for Fiscal Year 2025.

City of Arvada Final Appropriation

Fund	Final Budget
General Fund	$137,409,230
Conservation Trust Fund	$195,717
Street Maintenance Fund	$16,080,482
Community Development Fund	$6,097,200
Housing Authority Fund	$8,912,140
Emergency Fund	$109,910
Parks Fund	$15,432,622
Police Seizure	$33,362
Police Tax Increment Fund .21	$8,710,547
Police Tax Increment Fund .25	$9,724,725
Debt Service	$5,800,280
COP Debt Service Fund	$1,975,378

Capital Improvement Projects Fund	$17,986,638
Construction Fund	$1,902,368
Water Fund	$181,344,488
Wastewater Fund	$68,115,075
Golf Course Fund	$10,027,456
Stormwater Fund	$7,327,843
Solid Waste Fund	$4,985,782
Insurance Fund	$4,118,723
Computer Replacement Fund	$11,376,596
Print Shop	$408,699
Vehicle Fund	$10,573,601
Building Fund	$1,876,598
Total Appropriation	**$503,525,460**

Section 2. This Ordinance shall take effect five days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED this 1st day of April, 2025.

PASSED, ADOPTED, AND APPROVED this ______ day of ________, 2025.

____
Lauren Simpson, Mayor

ATTEST:

____
City Clerk

APPROVED AS TO FORM:
Rachel A. Morris, City Attorney

By: ____________________________________

Publication Dates: April 3, 2025
____

Fund	Original Budget	Carry over	One-time	New Requests
General Fund	$ 128,815,169	$ 2,427,055	$ -	$ 180,006
Grants Fund	195,717	$ -	-	$ -
Street Maintenance Fund	13,280,482	$ -	-	$ 2,800,000
Community Development	1,215,200	$ -	-	$ 4,882,000
Arvada Housing	8,912,140	$ -	-	$ -
ARPA	-	$ 109,910	-	$ -
Parks Fund	15,189,880	$ 242,742	-	$ -
Police Seizure Fund	32,158	$ 1,204	-	$ -
Police Tax Increment .21	8,428,522	$ 82,025	-	$ 200,000
Police Tax Increment .25	8,904,725	$ 100,000	-	$ 720,000
COP Debt Service	1,975,378	$ -	-	$ -
Debt Service	5,800,280	$ -	-	$ -
Capital Projects Fund	6,614,412	$ -	-	$ 11,372,226
Construction Fund	-	$ -	-	$ 1,287
Water Fund	94,335,059	$ -	-	$ 9,087,344
Wastewater Fund	29,525,725	$ 37,101,523	-	$ 1,487,827
Golf Course Fund	9,491,622	$ -	-	$ 535,834
Stormwater Fund	5,404,503	$ 1,648,016	-	$ 275,324
Solid Waste Fund	4,985,782	$ -	-	$ -
Insurance Fund	3,902,306	$ 216,417	-	$ -
Computers	8,873,596	$ 2,503,000	-	$ -
Print Shop	408,699	$ -	-	$ -
Vehicles	8,456,346	$ 2,117,255	-	$ -
Buildings	1,876,598	$ -	-	$ -
Total	**$ 366,624,299**	**$ 46,549,147**	**$ -**	**$ 31,541,848**

Revised Budget
$ 131,422,230
195,717
16,080,482
6,097,200
8,912,140
109,910
15,432,622
33,362
8,710,547
9,724,725
1,975,378
5,800,280
17,986,638
1,287
103,422,403
68,115,075
10,027,456
7,327,843
4,985,782
4,118,723
11,376,596
408,699
10,573,601
1,876,598
$ 444,715,294

CITY OF ARVADA

REPORT TO CITY COUNCIL ORDINANCE FIRST READING

AGENDA ITEM 8.C.2.

TO: THE HONORABLE CITY COUNCIL DATE: April 1, 2025

SUBJECT: CB25-007, An Ordinance Vacating a Portion of Right-Of-Way on West 80th Avenue and Lee Street Located Approximately at 7990 Lee Street, City of Arvada, County of Jefferson, State of Colorado (Public Hearing to be set for April 15, 2025 at 6:15 p.m.)

Report in Brief

Andralee and Brett Bunch (owners of 10230 W. 80th Avenue) and Julie and Richard Sharpless (owners of 7990 Lee Street) are requesting approval of a vacation of two portions of the 80th Avenue and Lee Street right-of-way adjacent to their respective properties.

The Arvada team recommends that the City Council approve CB25-007, An Ordinance Vacating a Portion of Right-Of-Way on West 80th Avenue and Lee Street Located Approximately at 7990 Lee Street, City of Arvada, County of Jefferson, State of Colorado.

Financial Impact

There is no financial impact with the project.

Background

The subject properties are both located at the south intersection of W. 80th Avenue and Lee Street. The Bunch lot (10230 W. 80th Avenue) is currently undeveloped, however, the owners plan to construct a new single-family home on the lot. The Sharpless lot (7990 Lee Street) contains one existing single-family home.

Discussion

VACATION ANALYSIS

The applicants have requested to vacate two portions of right-of-way at 80th Avenue and Lee Street adjacent to their properties. The right-of-way was dedicated by the Oberon Acres and Block 1, Amended, Oberon Acres subdivisions in 1954. Both were approved by the Jefferson County Planning Commission as the land had not been annexed into the City at that time. Both portions along the radii of the corners of the road are not used for street improvements and have been deemed a surplus by City staff.
It is the responsibility of the applicant to justify the requested land use application.

Staff performed an analysis of the proposal, based on the approval criteria listed in Chapter 8 of the Land Development Code, and presents the following findings:

Div. 8-3-9-1 Vacation of Rights-of-Way Approval Criteria	Finding	Rationale

1. The vacation is consistent with the Comprehensive Plan and with any other City-adopted transportation plan or streets/roadway plan.	Complies	The vacation of the two portions of right-of-way is consistent with the Comprehensive Plan and transportation element of the plan.
2. The land to be vacated is no longer necessary for the public use and convenience or the public right-of-way or public vehicular access easement has become useless, inconvenient, or burdensome to the City.	Complies	The surplus of right-of-way at the radii of both corners is not necessary for the public use.
3. The vacation will not create any landlocked properties.	Complies	The vacation will not result in creating any landlocked properties.
4. The vacation will not restrict access to any lot, tract, or parcel so that the resulting access is unreasonable or economically prohibitive.	Complies	The vacation will not restrict access to any lot, tract, or parcel.
5. The vacation will not reduce the quality of public services or the provision of necessary emergency services to any lot, tract, or parcel.	Complies	The vacation will not have any negative impact on emergency services of quality of public services.

Public Contact

Division 8-2-3-4 of the Land Development Code establishes that the purpose of a neighborhood meeting is to inform City residents of pending development proposals rather than a proposed vacation of right-of-way, and was therefore not required.

Written notice was sent 15 days prior to the meeting, a published notice was posted in the newspaper 15 days prior to the meeting, and a public hearing sign was posted 15 days prior to the meeting.

In addition, the public was notified through the posting of the City Council agenda.

Commission Recommendation

No Planning Commission public hearing was required by the LDC for this application.

Strategic Alignment

This recommended action aligns with the Community and Economic Development Priority Area of the City Council Strategic Plan.

Alternative Courses of Action

N/A

Recommendation for Action

The Arvada team recommends that the City Council approve CB25-007, An Ordinance Vacating a Portion of Right-Of-Way on West 80th Avenue and Lee Street Located Approximately at 7990 Lee Street, City of Arvada, County of Jefferson, State of Colorado.

Suggested Motion:

I move that CB25-007, An Ordinance Vacating a Portion of Right-Of-Way on West 80th Avenue and Lee Street Located Approximately at 7990 Lee Street, City of Arvada, County of Jefferson, State of Colorado, be (approved on first reading, ordered published in full, and a public hearing set for April 15th, at 6:15 p.m.) (rejected).

Prepared by:
Heidi Van Gieson, Administrative Specialist

Reviewed by:

Approved by:

Jeremiah Bebo, Planner II	3/10/2025
Josie Suk, Development Systems and Administrative Manager	3/12/2025
Rob Smetana, Planning Manager	3/12/2025
Jessica Garner, Director of Community and Economic Development	3/12/2025
Gail Walker, Legal Specialist-Contracts	3/12/2025
Emily Grogg, Senior Assistant City Attorney	3/13/2025
Rachel Morris, City Attorney	3/18/2025
Linda Haley, Acting City Manager	3/18/2025

Enclosure, exhibits & attachments required to support the report

COUNCIL BILL NO. 25-007
ORDINANCE NO.

AN ORDINANCE VACATING A PORTION OF RIGHT-OF-WAY ON WEST 80TH AVENUE AND LEE STREET LOCATED APPROXIMATELY AT 7990 LEE STREET, CITY OF ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

Section 1. The following right-of-way situate within the City of Arvada, County of Jefferson, State of Colorado, be and the same hereby is vacated, described further in the attached **Exhibit A**.

Section 2. The Council finds that:

1) The vacation is consistent with the Comprehensive Plan and with any other City-adopted transportation plan or streets/roadway plan.

2) The land to be vacated is no longer necessary for the public use and convenience.

3) The vacation will not create any land locked properties.

4) The vacation will not restrict access to any parcel so that access is unreasonable or economically prohibitive.

5) The vacation will not reduce the quality of public services to any parcel of land.

Section 3. The interests being vacated shall vest in accordance with the provisions of C.R.S. §43-2-302.

Section 4. This ordinance shall be effective five days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED this 1st day of April, 2025.

PASSED, ADOPTED, AND APPROVED this ______ day of __________, 2025.

____
Lauren Simpson, Mayor

ATTEST:

____
City Clerk

APPROVED AS TO FORM:

Rachel A. Morris, City Attorney

By: ______________________________

Publication Dates: April 3, 2025

____

Exhibit A

AN ORDINANCE VACATING A PORTION OF RIGHT-OF-WAY ON WEST 80TH AVENUE AND LEE STREET LOCATED APPROXIMATELY AT 7990 LEE STREET, CITY OF ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO

CIVIL ARTS
ENGINEERING
PLANNING
SURVEYING
P 303.682.1131
F 303.682.1149
info@civilarts.us
www.civilarts.us
1500 Kansas Avenue, Suite 2-E
Longmont, CO 80501

EXHIBIT "A"

January 28, 2025

A description of a tract of land located in the NE1/4 of Section 33, T2S, R69W of the 6th P.M., in Jefferson County, Colorado. For: Julie & Richard Sharpless

LEGAL DESCRIPTION – RIGHT-OF-WAY VACATION

A tract of land located in the NE1/4 of Section 33, T2S, R69W of the 6th P.M., County of Jefferson, State of Colorado, being a part of the Right-of-Way of W. 80th Avenue and Lee Street as dedicated by the plat of Oberon Acres and being more particularly described as follows:

COMMENCING at the Northeast Corner of said Section 33 from which the N1/4 Corner of said Section 33 bears S90°00'00"W, 2644.97 feet (Basis of Bearing), thence S90°00'00"W, 621.53 feet along the Northerly Line of said NE1/4 of Section 33; thence S00°00'00"E, 40.00 feet along the Northerly Extension of the Westerly Line of Lot 2, Block 2, Oberon Acres, to the POINT OF BEGINNING;

Thence continuing S00°00'00"E, 120.00 feet along said Northerly Extension of the Westerly Line of Lot 2, Block 2, Oberon Acres to the Southwesterly Corner of Lot 1, Block 2, Oberon Acres, and a non-tangent point of curve to the right;

Thence 152.89 feet along the arc of said curve, said curve having a radius of 130.00 feet, a central angle of 67°22'58", and being subtended by a chord bearing N33°41'29"E, a distance of 144.23 feet, to the Southwesterly Corner of the Excepted Parcel described in the Warranty Deed recorded at Rec. 2021114752 of the Jefferson County Records;

Thence S90°00'00"W, 80.01 feet along the Westerly Extension of said Southerly Line of the Excepted Parcel described in the Warranty Deed recorded at Rec. 2021114752 of the Jefferson County Records, to the POINT OF BEGINNING.

Area = 2,663 square feet (0.061 acres), more or less.

NOTICE: According to Colorado law you **must** commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

COLORADO REGISTERED PETER D. STEGER 25379 PROFESSIONAL LAND SURVEYOR

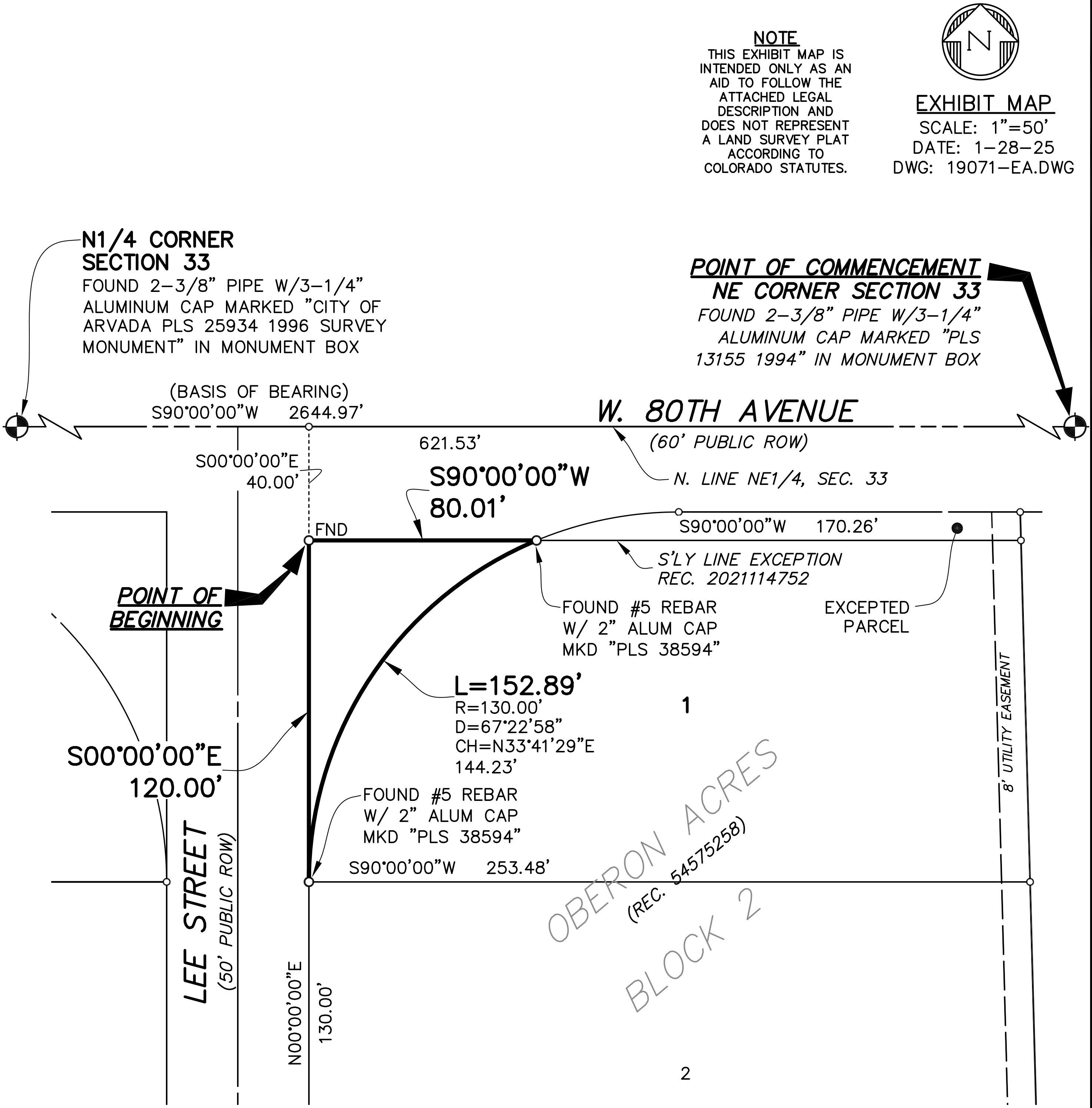
Peter D. Steger
Colorado Professional Land
Surveyor No. 25379
1500 Kansas Ave #2-E, Longmont, CO 80501

Date: 1-28-25

File: Legal_ROW_a.docx Project: 1907-1

NOTE
THIS EXHIBIT MAP IS INTENDED ONLY AS AN AID TO FOLLOW THE ATTACHED LEGAL DESCRIPTION AND DOES NOT REPRESENT A LAND SURVEY PLAT ACCORDING TO COLORADO STATUTES.

EXHIBIT MAP
SCALE: 1"=50'
DATE: 1-28-25
DWG: 19071-EA.DWG



LEGEND

ALUM = ALUMINUM
FND = FOUND #5 REBAR W/ 2" ALUMINUM CAP MARKED "CIVILARTS PLS 25379"
MKD = MARKED
NFS = NOT FOUND OR SET
ROW = RIGHT-OF-WAY
SEC = SECTION
S'LY = SOUTHERLY

EXHIBIT MAP OF RIGHT-OF-WAY VACATION

CIVILARTS
ENGINEERING
PLANNING
SURVEYING
1500 Kansas Ave, Suite 2-E
Longmont, CO 80501
P 303.682.1131
F 303.682.1149

City of Arvada
Community and Economic Development Department
PUBLIC HEARING STAFF REPORT

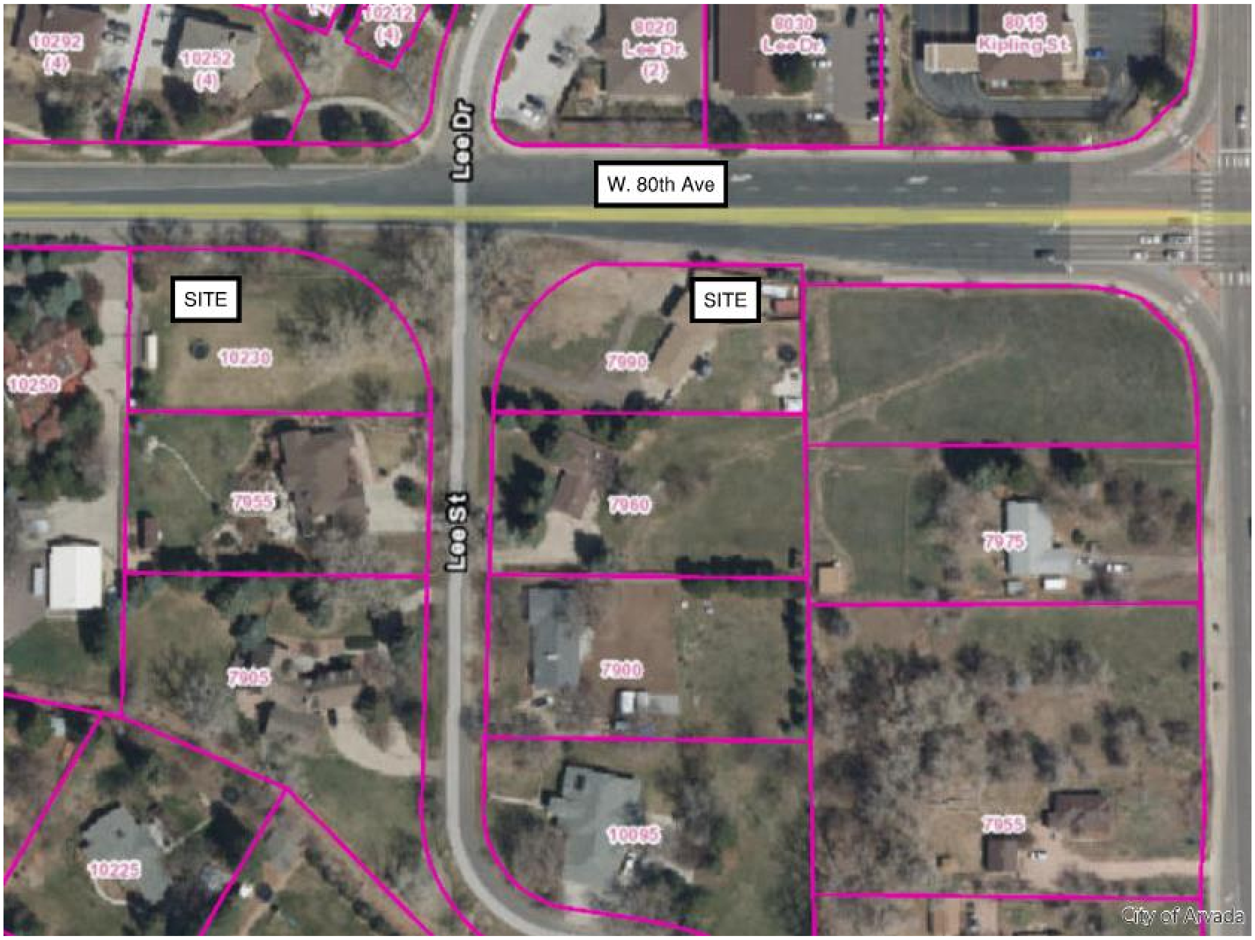
W. 80th Avenue and Lee Street Vacation
Vacation of Two Portions of the 80th Avenue and Lee Street Right-of-Way
DA2024-0088

NATURE OF REQUEST

Andralee and Brett Bunch (owners of 10230 W. 80th Avenue) and Julie and Richard Sharpless (owners of 7990 Lee Street) are requesting approval of a vacation of two portions of the 80th Avenue and Lee Street right-of-way adjacent to their respective properties.

LOCATION AND HISTORY

The subject properties are both located at the south intersection of W. 80th Avenue and Lee Street. The Bunch lot (10230 W. 80th Avenue) is currently undeveloped, however, the owners plan to construct a new single-family home on the lot. The Sharpless lot (7990 Lee Street) contains one existing single-family home.



NEIGHBORHOOD MEETING

Division 8-2-3-4 of the Land Development Code establishes that purpose of a neighborhood meeting is to inform City residents of pending development proposals rather than a proposed vacation of right-of-way and was therefore not required.

PUBLIC NOTIFICATION

Division 8-2-4 of the Land Development Code requires public notification for all public hearings as follows:

Written Notice: At least 15 days prior to all public hearings, written notice must be mailed to all property owners within 1,000 feet of the subject property and to all homeowners associations and neighborhood associations with a known interest in the subject property. The applicant will provide an affidavit of mailing verifying this requirement has been met prior to the public hearing.

Posted Notice: At least 15 days prior to all public hearings, signs notifying the public of the hearing must be posted on the subject property. The applicant will provide a posting log verifying that this requirement has been met prior to the public hearing.

Published Notice: At least 15 days prior to all public hearings, notice of the hearing must be published in a newspaper of general circulation in the City. The required notice has been published.

SEVERED MINERAL RIGHTS

The notice required pursuant to Colorado Revised Statute 24-65.5-103 is not applicable to the right-of-way vacation request.

DEVELOPMENT REVIEW TIMELINE

The review of the vacation required two reviews within 17 weeks. There were delays in resubmittals by the applicant.

ALIGNMENT WITH CITY COUNCIL STRATEGIC PLAN

The project is consistent with the City Council Strategic Plan principles for the Community and Economic Development work system.

ZONING AND LAND USE

The subject properties are currently zoned RN-12.5 (Residential Neighborhood) and are approximately .66 acres (Bunch lot) and .61 acres (Sharpless lot) in size.

Surrounding properties are zoned and utilized as follows:

Direction	Zoning	Actual Use
North (across W. 80th Ave)	R24 (Residential 24) and MX-S (Mixed Use – Suburban)	Multifamily Residential
South	RN-12.5	Single-Family Residential
East	MX-N (Mixed Use – Neighborhood)	Undeveloped Land
West	RN-12.5	Single-Family Residential

VACATION ANALYSIS

The applicants have requested to vacate two portions of right-of-way at 80th Avenue and Lee Street adjacent to their properties. The right-of-way was dedicated by the Oberon Acres and Block 1, Amended, Oberson Acres subdivisions in 1954. Both were approved by the Jefferson County Planning Commission as the land had not been annexed into the City at that time. Both portions along the radii of the corners of the road are not used for street improvements and have been deemed a surplus by City staff.

Compliance with the Comprehensive Plan
The properties are designated as Suburban Residential on the Future Land Use Map. W 80th Avenue is designated as an arterial and Lee Street is designated as a local street.

LAND DEVELOPMENT CODE APPROVAL CRITERIA

It is the responsibility of the applicant to justify the requested land use application.

Staff performed an analysis of the proposal, based on the approval criteria listed in Chapter 8 of the Land Development Code, and presents the following findings:

Div. 8-3-9-1 Vacation of Rights-of-Way Approval Criteria	Finding	Rationale
1. The vacation is consistent with the Comprehensive Plan and with any other City-adopted transportation plan or streets/roadway plan.	Complies	The vacation of the two portions of right-of-way is consistent with the Comprehensive Plan and transportation element of the plan.
2. The land to be vacated is no longer necessary for the public use and convenience or the public right-of-way or public vehicular access easement has become useless, inconvenient, or burdensome to the City.	Complies	The surplus of right-of-way at the radii of both corners is not necessary for the public use.
3. The vacation will not create any landlocked properties.	Complies	The vacation will not result in creating any landlocked properties.
4. The vacation will not restrict access to any lot, tract, or parcel so that the resulting access is unreasonable or economically prohibitive.	Complies	The vacation will not restrict access to any lot, tract, or parcel.
5. The vacation will not reduce the quality of public services or the provision of necessary emergency services to any lot, tract, or parcel.	Complies	The vacation will not have any negative impact on emergency services of quality of public services.

STAFF RECOMMENDATION

Based upon project analysis and review of the Land Development Code approval criteria, staff recommends approval of the project.

REPORT TO CITY COUNCIL ORDINANCE FIRST READING

AGENDA ITEM 8.C.3.

TO: THE HONORABLE CITY COUNCIL DATE: April 1, 2025

SUBJECT: CB25-008, An Ordinance Vacating a Portion of Right-of-Way on West 80th Avenue and Lee Street Located Approximately At 10230 W. 80th Avenue, City of Arvada, County of Jefferson, State of Colorado (Public Hearing to be set for April 15, 2025 at 6:15 p.m.)

Report in Brief

PRESENTER: Rob Smetana

Andralee and Brett Bunch (owners of 10230 W. 80th Avenue) and Julie and Richard Sharpless (owners of 7990 Lee Street) are requesting approval of a vacation of two portions of the 80th Avenue and Lee Street right-of-way adjacent to their respective properties.

The Arvada team recommends that the City Council approve CB25-008, An Ordinance Vacating a Portion of Right-of-Way on West 80th Avenue and Lee Street Located Approximately At 10230 W. 80th Avenue, City of Arvada, County of Jefferson, State of Colorado.

Financial Impact

There is no financial impact with this project.

Background

The subject properties are both located at the south intersection of W. 80th Avenue and Lee Street. The Bunch lot (10230 W. 80th Avenue) is currently undeveloped, however, the owners plan to construct a new single-family home on the lot. The Sharpless lot (7990 Lee Street) contains one existing single-family home.

The applicants have requested to vacate two portions of right-of-way at 80th Avenue and Lee Street adjacent to their properties. The right-of-way was dedicated by the Oberon Acres and Block 1, Amended, Oberon Acres subdivisions in 1954. Both were approved by the Jefferson County Planning Commission as the land had not been annexed into the City at that time. Both portions along the radii of the corners of the road are not used for street improvements and have been deemed a surplus by City staff.

Discussion

VACATION ANALYSIS

The applicants have requested to vacate two portions of right-of-way at 80th Avenue and Lee Street adjacent to their properties. The right-of-way was dedicated by the Oberon Acres and Block 1, Amended, Oberon Acres subdivisions in 1954. Both were approved by the Jefferson County Planning Commission as the land had not been annexed into the City at that time. Both portions along the radii of the corners of the road are not used for street improvements and have been deemed a surplus by City staff.

It is the responsibility of the applicant to justify the requested land use application.

Staff performed an analysis of the proposal, based on the approval criteria listed in Chapter 8 of the Land Development Code, and presents the following findings:

Div. 8-3-9-1 Vacation of Rights-of-Way Approval Criteria	Finding	Rationale
1. The vacation is consistent with the Comprehensive Plan and with any other City-adopted transportation plan or streets/roadway plan.	Complies	The vacation of the two portions of right-of-way is consistent with the Comprehensive Plan and transportation element of the plan.
2. The land to be vacated is no longer necessary for the public use and convenience or the public right-of-way or public vehicular access easement has become useless, inconvenient, or burdensome to the City.	Complies	The surplus of right-of-way at the radii of both corners is not necessary for the public use.
3. The vacation will not create any landlocked properties.	Complies	The vacation will not result in creating any landlocked properties.
4. The vacation will not restrict access to any lot, tract, or parcel so that the resulting access is unreasonable or economically prohibitive.	Complies	The vacation will not restrict access to any lot, tract, or parcel.
5. The vacation will not reduce the quality of public services or the provision of necessary emergency services to any lot, tract, or parcel.	Complies	The vacation will not have any negative impact on emergency services of quality of public services.

Public Contact

Division 8-2-3-4 of the Land Development Code establishes that the purpose of a neighborhood meeting is to inform City residents of pending development proposals rather than a proposed vacation of right-of-way, and was therefore not required.

Written notice was sent 15 days prior to the meeting, a published notice was posted in the newspaper 15 days prior to the meeting, and a public hearing sign was posted 15 days prior to the meeting.

In addition, the public was notified through the posting of the City Council agenda.

Commission Recommendation

A Planning Commission public hearing is not required by the LDC for this project.

Strategic Alignment

This recommended action aligns with the Community and Economic Development Priority Area of the City Council Strategic Plan.

Alternative Courses of Action

N/A

Recommendation for Action

The Arvada Team recommends that Council approves CB25-008, An Ordinance Vacating a Portion of Right-of-Way on W. 80th Avenue and Lee Street Located Approximately at 10230 W. 80th Avenue, City of Arvada, County of Jefferson, State of Colorado, be approved.

Suggested Motion:

I move that CB25-008, An Ordinance Vacating a Portion of Right-of-Way on W. 80th Avenue and Lee Street Located Approximately at 10230 W. 80th Avenue, City of Arvada, County of Jefferson, State of Colorado, be (approved on first reading, ordered published in full, and a public hearing set for April 15, 2025, at 6:15 p.m.) (rejected).

Prepared by:
Heidi Van Gieson, Administrative Specialist

Reviewed by:

Approved by:

Jeremiah Bebo, Planner II	3/10/2025
Josie Suk, Development Systems and Administrative Manager	3/10/2025
Rob Smetana, Planning Manager	3/11/2025
Jessica Garner, Director of Community and Economic Development	3/11/2025
Gail Walker, Legal Specialist-Contracts	3/12/2025

Emily Grogg, Senior Assistant City Attorney	3/13/2025
Rachel Morris, City Attorney	3/18/2025
Linda Haley, Acting City Manager	3/18/2025

Enclosure, exhibits & attachments required to support the report

COUNCIL BILL NO. 25-008
ORDINANCE NO.

AN ORDINANCE VACATING A PORTION OF RIGHT-OF-WAY ON WEST 80TH AVENUE AND LEE STREET LOCATED APPROXIMATELY AT 10230 W. 80TH AVENUE, CITY OF ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

Section 1. The following right-of-way situate within the City of Arvada, County of Jefferson, State of Colorado, be and the same hereby is vacated, described further in the attached **Exhibit A**.

Section 2. The Council finds that:

1) The vacation is consistent with the Comprehensive Plan and with any other City-adopted transportation plan or streets/roadway plan.

2) The land to be vacated is no longer necessary for the public use and convenience.

3) The vacation will not create any land locked properties.

4) The vacation will not restrict access to any parcel so that access is unreasonable or economically prohibitive.

5) The vacation will not reduce the quality of public services to any parcel of land.

Section 3. The interests being vacated shall vest in accordance with the provisions of C.R.S. §43-2-302.

Section 4. This ordinance shall be effective five days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED this 1st day of April, 2025.

PASSED, ADOPTED, AND APPROVED this ______ day of __________, 2025.

____
Lauren Simpson, Mayor

ATTEST:

____
City Clerk

APPROVED AS TO FORM:

Rachel A. Morris, City Attorney

By: ______________________________

Publication Dates: April 3, 2025

____

Exhibit A

AN ORDINANCE VACATING A PORTION OF RIGHT-OF-WAY ON WEST 80TH AVENUE AND LEE STREET LOCATED APPROXIMATELY AT 10230 W. 80TH AVENUE, CITY OF ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO

EXHIBIT "A"

January 28, 2025

A description of a tract of land located in the NE1/4 of Section 33, T2S, R69W of the 6th P.M., in Jefferson County, Colorado. For: Brett Bunch

LEGAL DESCRIPTION – RIGHT-OF-WAY VACATION

A tract of land located in the NE1/4 of Section 33, T2S, R69W of the 6th P.M., County of Jefferson, State of Colorado, being a part of the Right-of-Way of W. 80th Avenue and Lee Street as dedicated by the plat of Oberon Acres and being more particularly described as follows:

COMMENCING at the Northeast Corner of said Section 33 from which the N1/4 Corner of said Section 33 bears S90°00'00"W, 2644.97 feet (Basis of Bearing), thence S90°00'00"W, 671.53 feet along the Northerly Line of said NE1/4 of Section 33; thence S00°00'00"E, 30.00 feet along the Northerly Extension of the Easterly Line of Lot 8, Block 1, Amended, Oberon Acres, to the POINT OF BEGINNING;

Thence continuing S00°00'00"E, 130.00 feet along said Northerly Extension of the Easterly Line of Lot 8 to the Southeasterly Corner of Lot 7, Block 1, Amended, Oberon Acres, and a non-tangent point of curve to the left;

Thence 204.20 feet along the arc of said curve, said curve having a radius of 130.00 feet, a central angle of 90°00'00", and being subtended by a chord bearing N45°00'00"W, a distance of 183.85 feet, to a Northerly Corner of said Lot 7;

Thence N90°00'00"E, 130.00 feet along the Easterly Extension of the Northerly Line of said Lot 7 to the intersection with said Northerly Extension of the Easterly Line of Lot 8, Block 1, Amended, Oberon Acres, and the POINT OF BEGINNING.

Area = 3,627 square feet (0.083 acres), more or less.

NOTICE: According to Colorado law you **must** commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

COLORADO REGISTERED PETER D. STEGER 25379 PROFESSIONAL LAND SURVEYOR

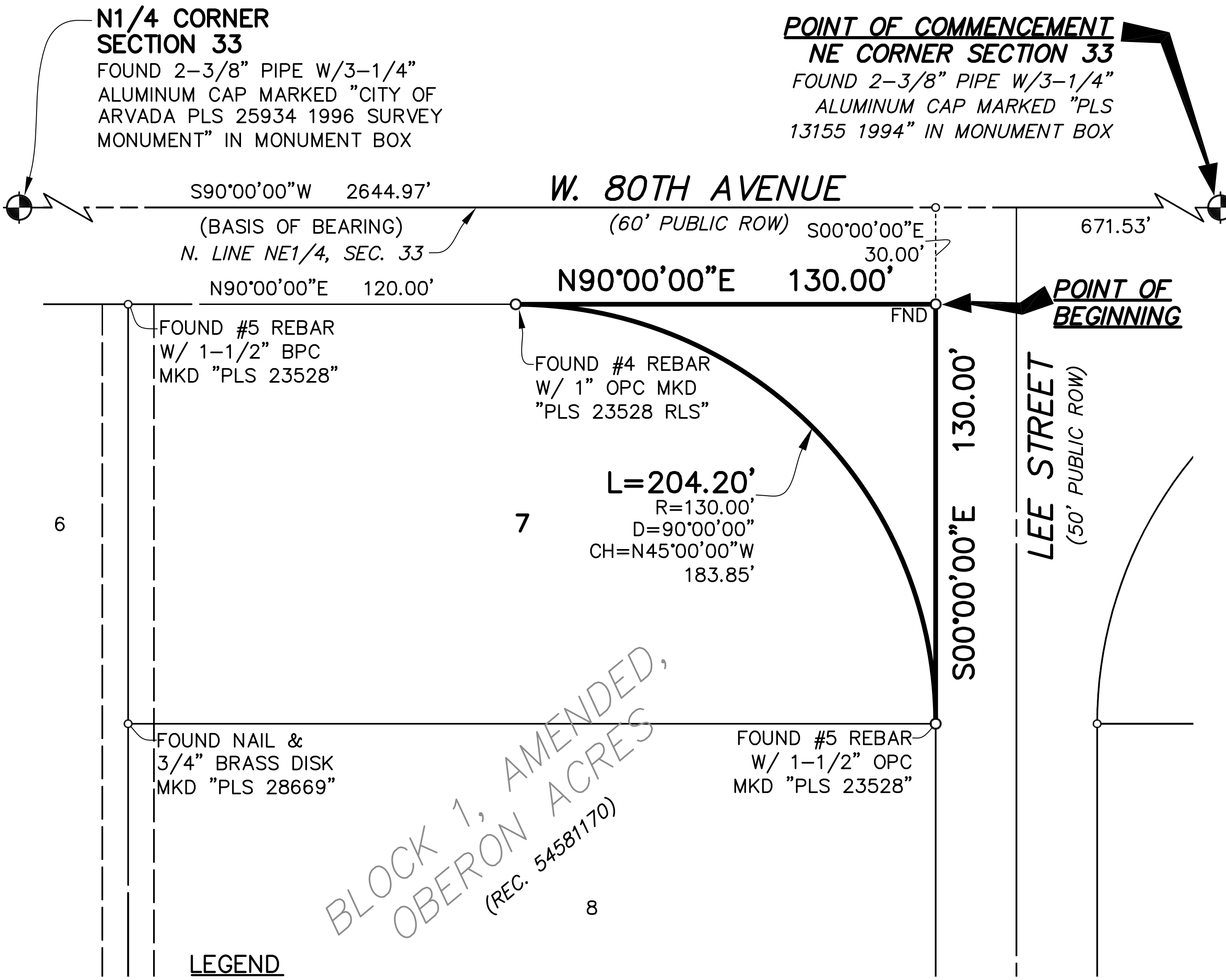
Peter D. Steger
Colorado Professional Land
Surveyor No. 25379
1500 Kansas Ave #2-E, Longmont, CO 80501

Date: 1-28-25

File: Legal_a.docx Project: 1907-0

NOTE
THIS EXHIBIT MAP IS INTENDED ONLY AS AN AID TO FOLLOW THE ATTACHED LEGAL DESCRIPTION AND DOES NOT REPRESENT A LAND SURVEY PLAT ACCORDING TO COLORADO STATUTES.

EXHIBIT MAP
SCALE: 1"=50'
DATE: 1-28-25
DWG: 19070-E_ROW.DWG



LEGEND

BPC = BLUE PLASTIC CAP
FND = FOUND #5 REBAR W/ 2" ALUMINUM CAP MARKED "CIVILARTS PLS 25379"
MKD = MARKED
NFS = NOT FOUND OR SET
OPC = ORANGE PLASTIC CAP
ROW = RIGHT-OF-WAY
SEC = SECTION

EXHIBIT MAP OF RIGHT-OF-WAY VACATION

CIVILARTS
ENGINEERING PLANNING SURVEYING
1500 Kansas Ave, Suite 2-E
Longmont, CO 80501
P 303.682.1131
F 303.682.1149

City of Arvada
Community and Economic Development Department
PUBLIC HEARING STAFF REPORT

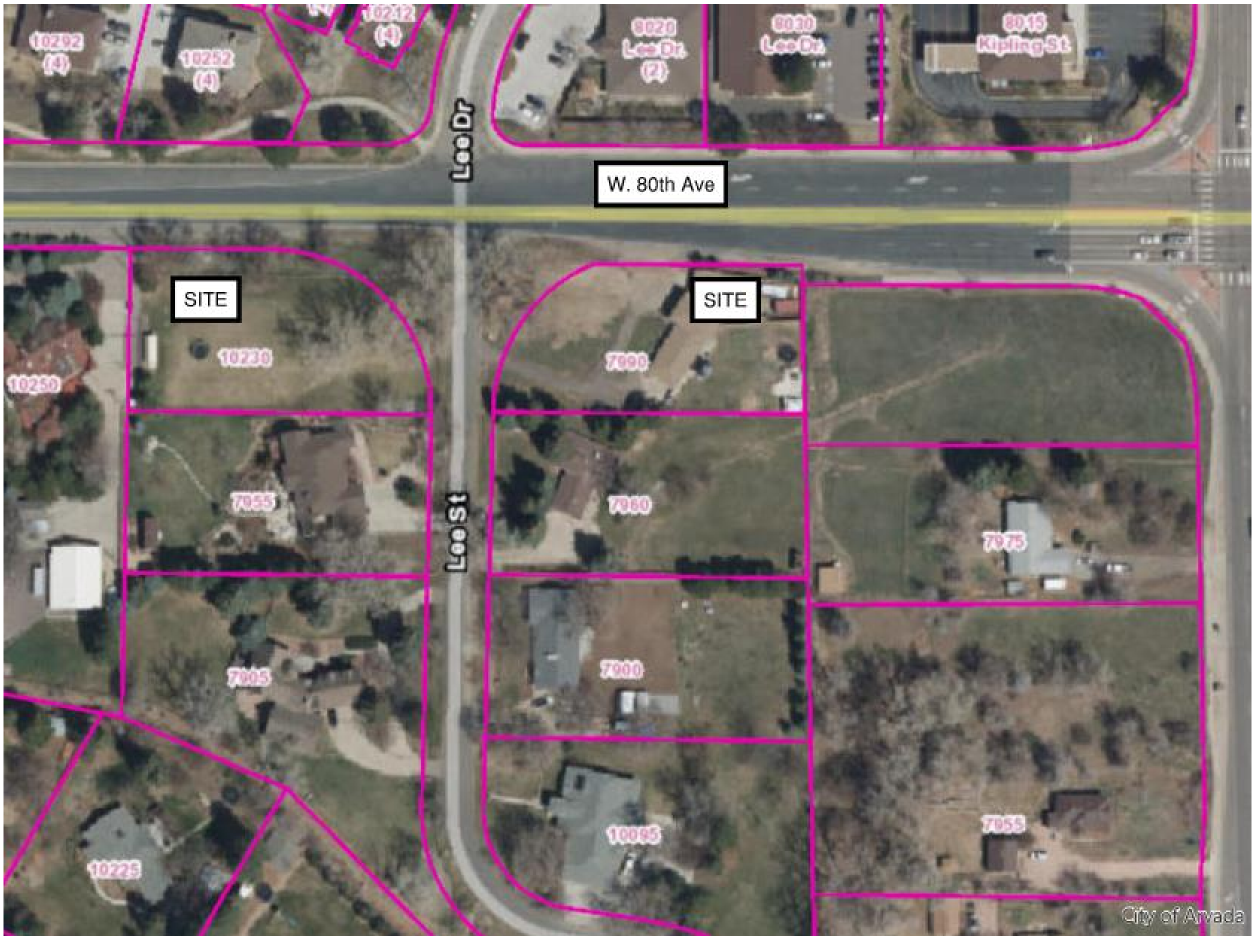
W. 80th Avenue and Lee Street Vacation
Vacation of Two Portions of the 80th Avenue and Lee Street Right-of-Way
DA2024-0088

NATURE OF REQUEST

Andralee and Brett Bunch (owners of 10230 W. 80th Avenue) and Julie and Richard Sharpless (owners of 7990 Lee Street) are requesting approval of a vacation of two portions of the 80th Avenue and Lee Street right-of-way adjacent to their respective properties.

LOCATION AND HISTORY

The subject properties are both located at the south intersection of W. 80th Avenue and Lee Street. The Bunch lot (10230 W. 80th Avenue) is currently undeveloped, however, the owners plan to construct a new single-family home on the lot. The Sharpless lot (7990 Lee Street) contains one existing single-family home.



NEIGHBORHOOD MEETING

Division 8-2-3-4 of the Land Development Code establishes that purpose of a neighborhood meeting is to inform City residents of pending development proposals rather than a proposed vacation of right-of-way and was therefore not required.

PUBLIC NOTIFICATION

Division 8-2-4 of the Land Development Code requires public notification for all public hearings as follows:

Written Notice: At least 15 days prior to all public hearings, written notice must be mailed to all property owners within 1,000 feet of the subject property and to all homeowners associations and neighborhood associations with a known interest in the subject property. The applicant will provide an affidavit of mailing verifying this requirement has been met prior to the public hearing.

Posted Notice: At least 15 days prior to all public hearings, signs notifying the public of the hearing must be posted on the subject property. The applicant will provide a posting log verifying that this requirement has been met prior to the public hearing.

Published Notice: At least 15 days prior to all public hearings, notice of the hearing must be published in a newspaper of general circulation in the City. The required notice has been published.

SEVERED MINERAL RIGHTS

The notice required pursuant to Colorado Revised Statute 24-65.5-103 is not applicable to the right-of-way vacation request.

DEVELOPMENT REVIEW TIMELINE

The review of the vacation required two reviews within 17 weeks. There were delays in resubmittals by the applicant.

ALIGNMENT WITH CITY COUNCIL STRATEGIC PLAN

The project is consistent with the City Council Strategic Plan principles for the Community and Economic Development work system.

ZONING AND LAND USE

The subject properties are currently zoned RN-12.5 (Residential Neighborhood) and are approximately .66 acres (Bunch lot) and .61 acres (Sharpless lot) in size.

Surrounding properties are zoned and utilized as follows:

Direction	Zoning	Actual Use
North (across W. 80th Ave)	R24 (Residential 24) and MX-S (Mixed Use – Suburban)	Multifamily Residential
South	RN-12.5	Single-Family Residential
East	MX-N (Mixed Use – Neighborhood)	Undeveloped Land
West	RN-12.5	Single-Family Residential

VACATION ANALYSIS

The applicants have requested to vacate two portions of right-of-way at 80th Avenue and Lee Street adjacent to their properties. The right-of-way was dedicated by the Oberon Acres and Block 1, Amended, Oberson Acres subdivisions in 1954. Both were approved by the Jefferson County Planning Commission as the land had not been annexed into the City at that time. Both portions along the radii of the corners of the road are not used for street improvements and have been deemed a surplus by City staff.

Compliance with the Comprehensive Plan
The properties are designated as Suburban Residential on the Future Land Use Map. W 80th Avenue is designated as an arterial and Lee Street is designated as a local street.

LAND DEVELOPMENT CODE APPROVAL CRITERIA

It is the responsibility of the applicant to justify the requested land use application.

Staff performed an analysis of the proposal, based on the approval criteria listed in Chapter 8 of the Land Development Code, and presents the following findings:

Div. 8-3-9-1 Vacation of Rights-of-Way Approval Criteria	Finding	Rationale
1. The vacation is consistent with the Comprehensive Plan and with any other City-adopted transportation plan or streets/roadway plan.	Complies	The vacation of the two portions of right-of-way is consistent with the Comprehensive Plan and transportation element of the plan.
2. The land to be vacated is no longer necessary for the public use and convenience or the public right-of-way or public vehicular access easement has become useless, inconvenient, or burdensome to the City.	Complies	The surplus of right-of-way at the radii of both corners is not necessary for the public use.
3. The vacation will not create any landlocked properties.	Complies	The vacation will not result in creating any landlocked properties.
4. The vacation will not restrict access to any lot, tract, or parcel so that the resulting access is unreasonable or economically prohibitive.	Complies	The vacation will not restrict access to any lot, tract, or parcel.
5. The vacation will not reduce the quality of public services or the provision of necessary emergency services to any lot, tract, or parcel.	Complies	The vacation will not have any negative impact on emergency services of quality of public services.

STAFF RECOMMENDATION

Based upon project analysis and review of the Land Development Code approval criteria, staff recommends approval of the project.

CITY OF ARVADA

REPORT TO CITY COUNCIL RESOLUTION	AGENDA ITEM 9.A.

TO: THE HONORABLE CITY COUNCIL DATE: April 1, 2025

SUBJECT: Ratification and Approval of CP2025-0001 a Resolution by the Planning Commission for the City of Arvada, Colorado, Adopting the 2014 Arvada Comprehensive Plan as Arvada's Three Mile Plan Pursuant to Section 31-12-105(1)(E), C.R.S., as Amended (Presenter: Rob Smetana, Manager of City Planning and Development)

Report in Brief

PRESENTER: Rob Smetana, Manager of City Planning and Development

The purpose of this resolution is to comply with Section 31-12-105(1)(e), C.R.S. of the Colorado Municipal Annexation Act, which requires that the City's Three Mile Plan regarding future annexations be updated at least once annually.

The City has used the Arvada Comprehensive Plan as Arvada's Three Mile Plan for purposes of compliance with Section 31-12-105(1)(e). That section generally requires:

1. That no annexation have the effect of extending a municipal boundary more than three miles in any one year; and

2. That, as a precondition to final adoption of an annexation ordinance within the three-mile area outside present city boundaries, the municipality has in place a plan for that area, in the nature of a comprehensive or master plan. The plan must be updated at least annually.

The Arvada Team recommends that City Council ratify CP2025-0001 a Resolution by the Planning Commission for the City of Arvada, Colorado, Adopting the 2014 Arvada Comprehensive Plan as Arvada's Three Mile Plan Pursuant to Section 31-12-105(1)(E), C.R.S., as Amended.

Financial Impact

There is no fiscal impact to the city.

Background

The Three Mile Plan is intended to provide guidance on land use decisions in the planned area; to promote well-ordered development compatible with the indigenous character of the area; and to encourage the simplification of governmental structure and efficient provision of services through discouragement of special district creation. To that end, the plan must generally describe items such as proposed streets, other public ways, open spaces, utilities and proposed land uses within the three-mile area.

All plans require an annual update in order to comply with the statute. Accordingly, Arvada's Three Mile Plan must be reviewed (and updated where necessary) to ensure such conformance. The 2014 Comprehensive Plan, as amended in association the new Land Development Code adopted in May of 2020, addresses proposed land uses and other statutorily prescribed matters with respect to land within the three-mile area; consequently, it should be adopted as the City's Three Mile Plan.

SUBJECT: Ratification and Approval of CP2025-0001 a Resolution by the Planning Commission for the City of Arvada, Colorado, Adopting the 2014 Arvada Comprehensive Plan as Arvada's Three Mile Plan Pursuant to Section 31-12-105(1)(E), C.R.S., as Amended (Presenter: Rob Smetana, Manager of City Planning and Development)	ITEM: 9.A.

Discussion

The City has routinely adopted a resolution annually, either at the end of a year or at the beginning of a year.

During the previous year, the City did not annex any property more than three miles from the previous City boundary. Additionally, the City does have a plan in place for future annexations within the 2014 Comprehensive Plan, which includes the City's Planning Boundary on the Future Land Use map.

Public Contact

Posting of the City Council Agenda.

Commission Recommendation

On February 18, 2025, the Planning Commission held a public hearing and voted 6 to 0 (1 Absent) to approve the ratification and approval of the Three Mile Plan.

Strategic Alignment

The proposed action aligns with the Community and Economic Development Priority Area of the City Council Strategic Plan.

Alternative Courses of Action

N/A

Recommendation for Action

The Arvada Team recommends that City Council ratify CP2025-0001 a Resolution by the Planning Commission for the City of Arvada, Colorado, Adopting the 2014 Arvada Comprehensive Plan as Arvada's Three Mile Plan Pursuant to Section 31-12-105(1)(E), C.R.S., as Amended

Suggested Motion:

I move that CP2025-0001, a Resolution by the Planning Commission for the City of Arvada, Colorado, Adopting the 2014 Arvada Comprehensive Plan as Arvada's Three Mile Plan Pursuant to Section 31-12-105(1)(E), C.R.S., as Amended, be ratified and approved.

This motion is based on the findings of fact adopted by Planning Commission.

This motion is based on the following findings of fact for denial: (Recite approval criteria you believe the evidence fails to satisfy and your reasons).

Prepared by:
Dixielee Rodriguez, Administrative Specialist

Reviewed by:

Approved by:

Josie Suk, Development Systems and Administrative Manager	3/3/2025
Rob Smetana, Planning Manager	3/11/2025
Jessica Garner, Director of Community and Economic Development	3/11/2025
Gail Walker, Legal Specialist-Contracts	3/12/2025
Emily Grogg, Senior Assistant City Attorney	3/12/2025
Rachel Morris, City Attorney	3/18/2025
Linda Haley, Acting City Manager	3/19/2025

Enclosure, exhibits & attachments required to support the report

RESOLUTION NO. CP2025-0001

A RESOLUTION BY THE PLANNING COMMISSION FOR THE CITY OF ARVADA, COLORADO ADOPTING THE 2014 ARVADA COMPREHENSIVE PLAN AS ARVADA'S THREE MILE PLAN PURSUANT TO SECTION 31-12-105(1)(E), C.R.S., AS AMENDED

WHEREAS, Section 31-12-105(1)(e), C.R.S., as amended, of the Colorado Municipal Annexation Act provides that no annexation by a municipality shall have the effect of extending a municipal boundary more than three miles in any one year; and

WHEREAS, Section 31-12-105(1)(e), C.R.S., as amended, further provides that the municipality shall have in place a plan for the three-mile area outside present municipal boundaries prior to any annexation and that such plan be updated at least annually; and

WHEREAS, the Planning Commission adopted, to the extent applicable, the 2014 Comprehensive Plan as the City's Three Mile Plan in accordance with the Municipal Annexation Act, which action was ratified by the Arvada City Council on October 6, 2014.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF ARVADA, COLORADO:

That, to the extent applicable, the 2014 Comprehensive Plan is hereby adopted as the City's Three Mile Plan pursuant to Section 31-12-105(1)(e), C.R.S., as amended.

APPROVED AND ADOPTED this ______ day of __________, 2025.

CITY OF ARVADA PLANNING COMMISSION

____
Michael Griffith, Chairman

ATTEST:

____
Brandon Figliolino, Secretary

RATIFIED AND APPROVED this ______ day of _______, 2025.

____
Lauren Simpson, Mayor

ATTEST:

____
City Clerk

APPROVED AS TO FORM
Rachel A. Morris, City Attorney

By:______________________________________

RESOLUTION NO. CP2025-0001

A RESOLUTION BY THE PLANNING COMMISSION FOR THE CITY OF ARVADA, COLORADO ADOPTING THE 2014 ARVADA COMPREHENSIVE PLAN AS ARVADA'S THREE MILE PLAN PURSUANT TO SECTION 31-12-105(1)(E), C.R.S., AS AMENDED

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APPROVED AND ADOPTED this ______ day of __________, 2025.

CITY OF ARVADA PLANNING COMMISSION

____

Michael Griffith, Chairman

ATTEST:

____

Brandon Figliolino, Secretary

RATIFIED AND APPROVED this ______ day of _______, 2025.

____

Lauren Simpson, Mayor

ATTEST:

____

City Clerk

APPROVED AS TO FORM:

Rachel A. Morris, City Attorney

____

City of Arvada Community and Economic Development Department

STAFF REPORT

Three Mile Plan
Comprehensive Plan Amendment
CP2025-0001

NATURE OF REQUEST

The purpose of this resolution is to comply with Section 31-12-105(1)(e), C.R.S. of the Colorado Municipal Annexation Act, which requires that the City's Three Mile Plan regarding future annexations be updated at least once annually.

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Planning Commission Meeting
February 18, 2025

PUBLIC HEARINGS
REQUEST TO SPEAK OR REQUEST TO HAVE NAME ENTERED INTO RECORD

If you intend to participate in public comment as part of a public hearing, by filling out this form you agree to participate in the oath or affirmation administered by the Chair or other presiding officer for that public hearing, and otherwise solemnly affirm that any testimony you give during those proceedings will be the truth, the whole truth and nothing but the truth.

Notice of Disclosure: Comments submitted on this form become part of the public record and subject to disclosure under the Colorado Open Records Act, (CORA) C.R.S. § 24-72-201 to 206.

PLEASE PRINT:

Name : JON GIRAND

Address - CITY ONLY: 11970 W. 67th Ave Arvada

AGENDA ITEMS SPEAKING ON: Comprehensive Plan

Please check appropriate boxes:

I will be representing a group: ______________________

1. I wish to speak ☐
   i. I am for the Issue ☐
   ii. I am against the Issue ☑

2. I don't wish to speak but enter my name in the record ☐
   i. I am for the Issue ☐
   ii. I am against the Issue ☐

CITY OF ARVADA

REPORT FROM CITY COUNCIL	AGENDA ITEM 12.A.

DATE: April 1, 2025

SUBJECT: Council Committee Reports

Report in Brief

City Council members are appointed to various committees and boards as set out on the attached listing. As meetings are held, individual council members will report back to the full City Council any relevant discussions and issues that occurred.

Prepared by:
Chris Koch, CCO Admin

Lauren Simpson	Arvada City Attorney Committee Arvada Municipal Court/Judicial Committee Arvada Urban Renewal Authority Arvada Visitors Center Committee *Metro Mayors' Caucus Urban Drainage and Flood Control District West Connect Coalition E-470 Authority (Alternate)
Randy Moorman	Arvada Audit Committee Arvada Center for the Arts and Humanities Arvada Sustainability Committee CML Policy Committee Jefferson Parkway Public Highway Authority Northwest Parkway Authority (Alternate)
Shawna Ambrose	Adams County Regional Economic Partnership (ACREP) Arvada Audit Committee Bond Oversight Committee Jefferson County R-1 Schools Coordinating Committee Arvada Visitors Center Committee (Alternate) Housing Advisory Committee Olde Town Business Improvement (BID) (Alternate)
Sharon Davis	Apex Coordinating Committee Arvada Municipal Court/Judicial Committee

	CML Policy Committee Denver Regional Council of Governments (DRCOG) Jefferson Economic Development Council (JDEC) E-470 Authority (Alternate) Jeffco Transportation Action & Advisory Group (JEFFTAAG) Jefferson County Community Corrections Board
Bob Fifer	Arvada City Attorney Committee Arvada Fire Protection District Coordinating Committee Arvada Transportation Committee Jefferson Parkway Public Highway Authority Smart City Advisory Committee Northwest Parkway Authority (Alternate)
John Marriott	Arvada Economic Development Association Board Bond Oversight Committee Olde Town Business Improvement (BID)
Brad Rupert	Adams County Regional Economic Partnership (ACREP) (Alternate) Arvada Chamber of Commerce Government Affairs Committee Arvada Fire Protection District Coordinating Committee Denver Regional Council of Governments (DRCOG) (Alternate) Jeffco Transportation Action & Advisory Group (JEFFTAAG) Jefferson County Community Corrections Board (Alternate) Smart City Advisory Committee Jefferson County R-1 Schools Coordinating Committee West Connect Coalition (Alternate)

*asterisked committees are not appointed by Council

CITY OF ARVADA

REPORT TO CITY COUNCIL	AGENDA ITEM 13.A.

TO: THE HONORABLE CITY COUNCIL DATE: April 1, 2025

SUBJECT: Review of Future Workshops and Presentations

Report in Brief

The City Manager's Office maintains a list of upcoming workshops and presentations to be scheduled for City Council meetings. During City Manager Reports, at the end of City Council business meetings, Interim City Manager, Linda Haley, will review with City Council the tentative schedule and make any adjustments necessary.

Prepared by:
Chris Koch, CCO Admin

Reviewed by:

Approved by:

Rachel Morris, City Attorney 3/12/2025
Linda Haley, Acting City Manager 3/12/2025

Enclosure, exhibits & attachments required to support the report

2025 CITY COUNCIL WORKSHOPS, STUDY SESSIONS, PRESENTATIONS AND RETREATS (TENTATIVE)

WORKSHOPS	Date	Lead
Municipal Court Update	**Apr 8**	
Legislative Update @ Business Meeting	**April 15**	CED
W. 64th Avenue Sub-Area Planning Workshop @Business Meeting	**April 15**	CED
Paid Parking	**April 22**	PW
Waste Hauling Program Workshop #2 A review of direction provided in March and discussion of initial scenarios.	**April 22**	PW
Enterprise Project Updates and Financial Strategies Workshop (#1)	**May 13**	PW
Waste Hauling Program Workshop #3 **A final discussion about proposed fee scenarios discussed in April, and direction for which scenario to bring back for final adoption in June.**	**May 13**	PW
	May 27	
Budget Presentation – 10-Year Models	**June 10**	
Budget Presentation – 10-Year CIP	**June 10**	
No Meeting – CML Conference	**June 24**	
Utilities Rate / Fee Process (#2) @Business Meeting	**July 1**	PW
Micromobility The Shared Micromobility workshop will provide a comprehensive status update on the program which has been operational since January 2022. It will highlight key metrics, including usage trends and operational changes, to inform a discussion of future plans for the program.	**July 8**	PW
Transportation System Plan	**July 8**	PW
No Meeting – Appointee Evaluations	**Jul 22**	
Utilities Rate / Fee Scenarios (#3)	**Aug 12**	PW
Boards and Commissions	**Aug 26**	
Final Rates / Fees (#4)	**Sept 9**	PW
Certified Local Government (CLG) Discussion and Consideration (Tentative)	**Sept 23**	CED
Budget Workshop	**Sept 23**	Fin
Budget Workshop	**Oct 14**	Fin
	Oct 28	
	Dec 9	
PRESENTATIONS		
Arvada Arts and Culture Commission Presentation	**May 6**	VCN
STUDY SESSIONS		
Transportation System Plan @4:00	**May 20**	PW
BID and Chamber funding	**TBD**	
City Expenditures	**TBD**	Finance
WORKSHOP TBD's		
Building Code Update	**TBD**	CED
Climate Action and Sustainability Plan Update @Business Meeting The City team and consultants will be providing an update on the draft Climate Action and Sustainability Plan. We will be seeking input from the Council on direction and priorities to include in the final plan we intend to bring forward for adoption in January.	**TBD**	Utilities
Stormwater 101	**TBD**	Utilities
Stormwater Master Plan	**TBD**	Utilities

New Water Tank @ Gross Reservoir (4th quarter)	**TBD**	CMO
Right of Way Acquisition	**TBD**	PW
Water Infrastructure for Fire Protection	**TBD**	Utilities
Smart Meters Update	**TBD**	Utilities
Capital Campaign Update and Strategy Discussion	**TBD**	CMO/Fin
Community Engagement	**TBD**	CMO
Fleet Electrification	**TBD**	Utilities
Pre-Sentencing/One Small Step	**TBD**	Courts
Financial Scenarios for Street Maintenance Deficit/Options for Increasing Maintenance Funds Engage City Council in a discussion around the current street maintenance needs and how the City might fund them. This will include revenue enhancements, future allocations and expenditure realignments.	**TBD**	PW/Fin/ CMO
Fiber Master Plan The Fiber Master Plan which is also called Arvada Fiber Optic Network (AFON), was first presented to City Council 4/10/2017. City Councils had set a strategic goal to build a fiber network to enable high speed/real-time connectivity to city facilities and assets in order to enhance city operations. This workshop is intended to brief City Council as to the progress of the AFON build out. Updates are intended to cover conduit installation progress, fiber installation progress, current co-locate opportunities, IGA member updates, and connections to current assets (city buildings, traffic, signals, utilities, radio, etc.).	**TBD**	PW
Problem Properties	**TBD**	P.D.
Activation of Historical Assets	**TBD**	VCN
Customer Service Philosophy	**TBD**	CMO
Ask Arvada Update	**TBD**	CMO
COUNCIL JOINT MEETINGS/DINNERS:		
Denver Water Board Apex Board AURA Board Arvada Center Board–Per Coop Agreement - Annually after October 1 of each year Jefferson Parkway Meeting with Jeffco and Broomfield Council Annual Retreat		