



Town of Johnstown

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE:	November 7, 2022
SUBJECT:	High Plains Boulevard Construction Time Extension Request
ACTION PROPOSED:	Consider Time Extension Request
ATTACHMENTS:	1. Letter from Oakwood Homes Development 2. Timeline of Events
PRESENTED BY:	Matt LeCerf, Town Manager

AGENDA ITEM DESCRIPTION:

The Town entered into a Subdivision Development Agreement (DA) with Clayton Properties Group II, LLC (Oakwood Homes) for Filing No. 12 in September 2021. The DA included obligations for completion of High Plains Boulevard interim improvements. These improvements were to be completed not later than October 31, 2022 to prevent a stop issuance of building permits. Due to supply chain issues for electrical equipment and materials, difficult conditions with regards to water table issue impacted by the Big Thompson River and 3rd party reviews with other governmental agencies and developers, the construction has yet to be completed.

For the sections within the Town limits (generally south of the Big Thompson Bridge to County Road 18), Oakwood is requesting an extension to complete these improvements by November 30, 2022. Most of this segment has been completed with the exception of the access points from the new roadway connecting to Thompson River Ranch Pkwy and the Big Thompson Bridge. To complete these segments, High Plains Boulevard will need to be shut down temporarily to complete the tie-ins into the subdivision and the bridge that crosses the Big Thompson.

Another, but new requirement as part of Filing 12, was an obligation to pave the unpaved section of High Plains Boulevard north of the bridge to the section of currently paved road north of LCR 20C. This objective has not been completed by October 31, 2022, as required. Oakwood is requesting an extension for this road segment to July 31, 2023. Plan sets were submitted to Larimer County in April 2022, and they are still awaiting approval from Larimer County.

The terms of the DA are somewhat conflicting. They authorize the Town Manager to provide extensions of time (assuming they are appropriate), but also calls for all improvements to be completed not later than October 31, 2022 or risk a stoppage of building permits. Given the influence of outside 3rd parties to these

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complex improvements. I am recommending these extensions be approved to help facilitate the completion of these improvements considering Oakwood has been acting in good faith to complete these improvements as diligently as possible. These extensions would not include stoppage of building permits.

Staff will continue to work with Oakwood to ensure these elements are completed based on these requested extensions.

UPDATE:

Since this item was discussed, Oakwood and their contractor have continued to work on the necessary construction. The Town authorized the requested road closures along High Plains Boulevard as requested. In general, road closures require a 7-day cure period to provide notice. The road was officially closed on October 20.

Also enclosed is an overview of the historical sequencing of these improvements. This timeline illustrates some of the impacts due to both surface conditions and outside influences including contractors and supply chain issues to provide a clearer understanding of the situation.

LEGAL ADVICE:

Not Applicable

FINANCIAL ADVICE:

NA

RECOMMENDED ACTION: Authorize the extension of time as requested. The next Town Council meeting that this issue would be up for discussion is December 5. It may be more appropriate to provide an extension until this meeting when, if desired, Council can receive an updated status at that time from Oakwood.

SUGGESTED MOTIONS:

For Approval: I move to approve the extension of times requested by Oakwood for the High Plains Boulevard improvements as detailed in the attached letter from Oakwood Homes.

For Denial: I move to deny the request for a time extension and direct the Town Manager to enforce the terms of the Filing No. 12 agreement inclusive of stoppage of all building permits.

Reviewed and Approved for Presentation,


Town Manager

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