



Town of Johnstown

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: June 6, 2022

SUBJECT: Operations and Maintenance Intergovernmental Agreement for Ledge Rock Center Commercial

ACTION PROPOSED: Consider Operations and Maintenance Intergovernmental Agreement for Ledge Rock Center Commercial

ATTACHMENTS: 1. Operations and Maintenance Intergovernmental Agreement for Ledge Rock Center Commercial

PRESENTED BY: Avi Rocklin, Town Attorney
MaryAnn McGeady, Special Counsel
Matt LeCerf, Town Manager

AGENDA ITEM DESCRIPTION: For consideration is the Operations and Maintenance Intergovernmental Agreement between the Town and Ledge Rock Center Commercial Metropolitan District (“District”). The Service Plan for the District and the Development and Reimbursement Agreement, Ledge Rock Center Commercial, Johnstown, Colorado dated January 3, 2022 contemplate that the Town and District enter into an Operations and Maintenance Intergovernmental Agreement (“O & M Agreement”), setting forth the District’s ongoing obligations regarding the public improvements at the Ledge Center commercial development. The material terms of the proposed O& M Agreement are as follows:

- The District shall operate and maintain the public improvements (streets, parking lots, walkways, art, landscaping, etc.) in a first class condition to a level equivalent to the initial installation plans and specifications.
- The Town retains the right to inspect the public improvements and to determine, at its discretion, whether the improvements are being properly operated and maintained.
- If the Town determines that the improvements are not being properly operated and maintained, the Town may provide notice to the District to correct the deficiencies. If the District does not timely correct the deficiencies, the Town may undertake the corrective work and submit an invoice to the District.
- If the District is not able to pay the invoice, the District is required to impose a mill levy sufficient to reimburse the Town for its expenses along with statutory interest.
- The District is required to provide an annual maintenance report to the Town by April 1 of each year, containing the dates of inspections of the public improvements during the prior year, the remedial actions undertaken during the prior year and the public improvements requiring repair

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during the current year and the schedule to complete the work. The annual maintenance report must also contain the District's reserve plan for future maintenance and repair obligations.

LEGAL ADVICE:

The Town Attorney and the Town's Special Counsel, MaryAnn McGeady, prepared the Operations and Maintenance Intergovernmental Agreement for Ledge Rock Center Commercial.

FINANCIAL ADVICE:

N/A

RECOMMENDED ACTION: Approve the Operations and Maintenance Intergovernmental Agreement for Ledge Rock Center Commercial.

SUGGESTED MOTIONS:

For Approval: I move to approve the Operations and Maintenance Intergovernmental Agreement for Ledge Rock Center Commercial and authorize the Mayor to execute both agreements.

For Denial: I move to deny approval of the Operations and Maintenance Intergovernmental Agreement for Ledge Rock Center Commercial.

Reviewed and Approved for Presentation,



Town Manager