



# Town of Johnstown

## TOWN COUNCIL CONSENT AGENDA COMMUNICATIONS

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**AGENDA DATE:** October 3, 2022

**SUBJECT:** Water & Sewer Service Agreement – Ledge Rock Center Commercial Phase I (In-Building), with Ledge Rock Center, LLC

**ATTACHMENTS:** 1. Water & Sewer Service Agreement

**PRESENTED BY:** Kim Meyer, Planning and Development Director

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### ITEM DESCRIPTION:

The Developer, Ledge Rock Center, LLC, has received approvals for the Ledge Rock Center Outline Development Plan, and is in development review for several associated development projects, which include approximately 850,000 SF of commercial uses at build out. For consideration is a Water and Sewer Service Agreement between the Town and the Developer for Phase I of the project, which will include up to 385,000 SF on approximately 48 acres.

Due to the status of this commercial/retail project as an economic development project for Johnstown, the Developer is requesting that the Town accept cash-in-lieu for the in-building water needs associated with Phase I of the project and create a Ledge Rock Center Water Bank, setting aside up to 3.6 shares (28.8 annual AF) from the Town's water portfolio surplus to be available for purchase at a subsequent date. The purchase price for the water will be determined at the time of sale based on current fair market value. The irrigation water for landscaped areas will be accommodated under a separate water agreement with the Ledge Rock Center Commercial Metropolitan District, who will own the common areas and maintain the landscaping. The District similarly desires to pay cash-in-lieu for the irrigation water.

Prior to the issuance of a building permit, the Developer will be required to provide a preliminary water demand analysis for each commercial building, based upon the anticipated or known use/user. Upon acceptance of that analysis by the Town, the Town will provide written authorization to use water from the Ledge Rock Center Water Bank, in the form attached to the Agreement, and the Developer will then be required to pay for the water. Developer shall have one year from the permit issuance for construction to be completed and obtain a Certificate of Occupancy.

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This Agreement does not require purchase of water from the Ledge Rock Center Water Bank. The Ledge Rock Center Water Bank will terminate as of December 31, 2025, unless extended prior to that date, and any water still remaining will be available for Town use.

**LEGAL ADVICE:**

The agreement was prepared by the Town Attorney.

**FINANCIAL ADVICE :**

N/A

**RECOMMENDED ACTION:**

Approve the Water & Sewer Service Agreement for Ledge Rock Center Commercial Phase I, with Ledge Rock Center, LLC

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*Reviewed and Approved for Presentation,*



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Town Manager

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