



Board Summary Report

File #: 22-588

Agenda Date: 10/25/2022

Agenda #: 6.e.

To: Board of County Commissioners

Through: Bryan Weimer, Director, Public Works and Development

Prepared By:
Jim Katzer, Transportation Division Manager, Public Works and Development

Subject:
Arapahoe County Intergovernmental Agreement with the Town of Foxfield for Maintenance of Arapahoe Road within Foxfield

Purpose and Request:

Staff requests the Board of County Commissioners (BOCC) to approve the Intergovernmental Agreement (IGA) with the Town of Foxfield (Foxfield) regarding the maintenance and collection of Highway User Tax Fund (HUTF) for the portion of Arapahoe Road within the limits of Foxfield, and to support the Director of Public Works and Development to execute the IGA on behalf of the County.

Background and Discussion: On August 2, 1994 the County passed Resolution No. 1052-94 that supported the incorporation of the Town of Foxfield with the understanding that the stretch of Arapahoe Road to be located within the proposed Town of Foxfield would have the following conditions: Arapahoe Road function as a major arterial County control access to Arapahoe Road Foxfield will provide land for improvements along Arapahoe Road for improvements that were detailed in the County Comprehensive Plan. The resolution also recommended that future IGAs be formed between the County and Foxfield to provide government services for Foxfield, including on Arapahoe Road.

Since the passing of the resolution, the County has made the improvements along Arapahoe Road per the Comprehensive Plan and the Road is currently functioning as a major arterial. The improvements included widening to 6 lanes with transitions to the four-lane section of Arapahoe Road on the eastern limits of this stretch of Arapahoe Road, and enhanced intersection improvements at Buckley and Waco. The County has also performed routine maintenance activities as it relates to asset management and traffic operations. The County continues to manage Arapahoe Road and has planned improvements to be construct in 2022/2023, the extension of the east bound left turn lane extension at Buckley Road. IGA negotiations began in 2006, but stalled as Foxfield and the County could not come to a resolution. Recently, Public Works and Development has taken up the task to form an IGA with Foxfield per the resolution in an effort to provide government services along Arapahoe Road and to memorialize the County's agreements in maintaining the stretch of Arapahoe Road where it runs through the incorporated Foxfield. Over the last year, the County has successfully negotiated terms with Foxfield.

The proposed IGA with the Town of Foxfield addresses the following items:

- Authorizes the County to maintain Arapahoe Road within Foxfield's limits
- County will continue to control access

- HUTF funding will be claimed by the County
- County will perform general maintenance activities as defined by the IGA
- Foxfield agrees to proportionally share SB21-260 fees with the County
- Separate IGAs will be formed for capital improvement projects
- Separate IGAs can be signed by the County

Currently, the County has maintained Arapahoe Road but has not received any financial support from Foxfield. Resolution 1052-94 gives the County the right to control access to Arapahoe Road and to maintain the road as an arterial. This stretch of Arapahoe Road has an area of pavement located in unincorporated Arapahoe County of 2.21 lanes and 11.96 lane miles located within Foxfield. The IGA will allow the County to claim the Arapahoe Road lane-miles being maintained by the County within Foxfield for HUTF funding purposes. Although the amount will not cover all the costs of these activities, it is better than the current situation. The IGA also ensures the County receiving a proportionate share of HUTF increases as a result of SB21-260.

Alternatives: There are several alternatives to signing the IGA with Foxfield.:

1. County continues current operations and assumes responsibility of maintenance activities, capital improvements, and monitoring traffic operations without any financial contributions from Foxfield. This alternative is not financially responsible and limits Road and Bridge from doing maintenance work in other areas of the County.
2. County stops maintaining the portion of Arapahoe Road that is located within Foxfield. This may put traveling public at risk as Foxfield is not in a financial position to backfill the services the County currently provides. This could damage the County's relationship with Foxfield as it was Foxfield's opinion during negotiations that the County has an obligation to maintain Arapahoe Road per the Resolution 1052-94; and will also impact the users of Arapahoe Road

Fiscal Impact: The fiscal impact of signing this IGA with Foxfield will have a positive financial impact on the Road and Bridge Division. Over the next 10 years, Road and Bridge estimates the cost to perform maintenance on the 11.96 lane miles within Foxfield will cost the County \$1.69 million. The HUTF revenue during this same period of time is estimated to be \$250,000 for Foxfield's portion of Arapahoe Road. This does not include any increases from SB21-260. The proposed IGA will allow the County to offset some of the maintenance costs with the collection of HUFT money.

Alignment with Strategic Plan:

- Be fiscally sustainable
- Provide essential and mandated service
- Be community focused

Concurrence: The County Attorney's Office concurs with PWD's recommendation.