

**CITY OF LEADVILLE, COLORADO
RESOLUTION NO. 11
Series of 2023**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LEADVILLE, COLORADO AUTHORIZING A FIRST AMENDMENT TO
SUBDIVISION IMPROVEMENT AGREEMENT BY AND BETWEEN
THE CITY OF LEADVILLE AND HIGH COUNTRY DEVELOPERS, LLC
CONCERNING LEADVILLE RAILYARD, FILING 1**

WHEREAS, the City of Leadville is authorized pursuant to Title 31, Article 23, C.R.S. and the City of Leadville Subdivision Regulations, codified at Chapter 16 of the Leadville Municipal Code, to regulate the subdivision of land; and

WHEREAS, the City Council previously conditionally approved an application for a combined preliminary plan and final plat in accordance with Section 16.20.020(C) of the Leadville Municipal Code (the "Final Plat") for property legally described in Exhibit A, attached hereto and incorporated herein (the "Property"); and

WHEREAS, a copy of the Final Plat is on file with the City Clerk and is incorporated into this Resolution by reference; and

WHEREAS, the Final Plat subdivides the Property into lots, blocks and tracts as depicted therein; and

WHEREAS, in conjunction with the Final Plat and pursuant to Section 16.36.010(A) of the Leadville Municipal Code, the City and the Owner/Developer, High Country Developers, LLC, a Colorado limited liability company ("Developer"), entered into a subdivision improvement agreement dated September 1, 2020 and recorded in the Lake County Clerk and Recorder's office on September 1, 2020 at Reception No. 378953 ("SIA"); and

WHEREAS, the City and Developer desire to amend the SIA to: (1) allow the Developer an extension of time in which to complete the public improvements required to be constructed under the SIA; (2) include a phasing plan and condition the issuance of certificates of occupancy for remaining lots on the completion of public improvements associated with each phase; and (3) incorporate an updated engineer's cost estimate and required deposit of escrow funds in the amount of One Hundred Forty Three Thousand Seven Hundred Thirty Six Dollars and Thirty Cents (\$143,736.30).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Leadville, Colorado as follows:

Section 1. The foregoing recitals are incorporated herein by reference as findings and determinations of City Council.

Section 2. The City Council hereby authorizes an amendment to the SIA between High Country Developers, LLC and the City to: (1) allow the Developer additional time in which to complete the public improvements required to be constructed under the SIA; (2) include a remaining phasing plan and condition the issuance of certificates of occupancy for lots on the completion of public improvements associated with each phase as described in **Exhibit B**, attached hereto and incorporated herein; and (3) incorporate an updated engineer's cost estimate and required deposit of escrow funds in the amount of One Hundred Forty Three Thousand Seven Hundred Thirty Six Dollars and Thirty Cents (\$143,736.30), to be memorialized in a first amendment to Subdivision Improvement Agreement ("First Amendment").

Section 3. The City Council further directs the City Attorney to prepare the First Amendment consistent with the terms of this Resolution, in consultation with the Director of Community Development and Planning, and authorizes the Mayor to execute the First Amendment when in final form and as approved by the City Administrative Services Director and the City Attorney. Following mutual execution of the First Amendment between the City and High Country Developers, LLC, the City shall cause the First Amendment to be recorded in the real property records of Lake County, Colorado.

Section 4. Effective Date. This Resolution shall take effect upon its adoption by the City Council.

ADOPTED the 6 day of June, 2023, by a vote of 7 in favor, 0 against, and 0 absent.



CITY OF LEADVILLE, COLORADO

By: Greg Labbe
Greg Labbe, Mayor

ATTEST:

Hannah Zeller
City Clerk

Exhibit A

Legal Description

LOTS 1-8, BLOCK 1;
LOTS 1-15, BLOCK 2;
LOTS 1-6, BLOCK 3;
LOTS 1-23, BLOCK 4;
LOTS 1-8, BLOCK 5;
LOTS 1-18, BLOCK 6;
TRACTS A-F,
LEADVILLE RAILYARD, FILING 1,
CITY OF LEADVILLE, LAKE COUNTY, STATE OF COLORADO

*BEING A PORTION OF LOT 1, LEADVILLE RAILYARD MINOR PLAT, LOCATED IN
THE NE ¼ OF SECTION 23, THE SW ¼ OF SECTION 13, AND SE 1.4 OF SECTION
14 AND THE NW ¼ OF SECTION 24, TOWNSHIP 9 SOUTH, RANGE 80 WEST OF THE
6TH PRINCIPAL MERIDIAN, CITY OF LEADVILLE,
LAKE COUNTY,
STATE OF COLORADO*

Exhibit B Remaining Phasing Plan

Remaining Phase 1A

Remaining Subdivision Improvements:

Asphalt wearing surface (92 tons-Block 1 alley paving)

Concrete sidewalks (402 sq. yds., 1,105 lineal ft.)

Street signage (5 signs)

Parks landscape and irrigation (McClary Park and Mineral Belt Green)

Landscaping (street trees, sod, etc.)

Remaining Certificates of Occupancy to be issued only upon completion of Phase 1A Subdivision Improvements:

Block 2: Lots 4, 5, 6, 7

Block 3: Lots 2, 3, 4, 5, 6

Block 5: Lots 1, 2, 3, 4, 5, 6, 7, 8

Block 6: Lot 8

Remaining Phase 1B

Remaining Subdivision Improvements:

Concrete sidewalks (649 sq. yds., 1,460 lineal ft.)

Parks landscape and irrigation (Matchstick Green)

Remaining Certificates of Occupancy to be issued only upon completion of Phase 1B Subdivision Improvements:

Block 1: Lots 1, 2, 3, 4, 5, 6, 7, 8

Block 2: Lots 1, 2, 3, 8, 9, 10, 11, 12, 13, 14, 15

Block 3: Lot 1

Block 4: Lots, 1, 2, 3, 7, 8, 14, 15, 19, 20

Phase IA Sidewalks

(To be paved Summer of 2023 starting now)

East Side Hemlock	125'	Borders Mineral Belt
West Side Hemlock	120'	
Grand Review	150'	Bordering Mineral Belt
South Side Lot 15 B4	90'	
West Side Silver Vault	110'	Lots 4, 5, 6 and 7 B2

1.

McClary Park remaining	200'	Lots 1 thru 8 B5 under construction
West side of Prospect	225'	Lots 3, 4, 5, 6 – applied for permit
<u>Matchstick Green</u>	<u>85'</u>	

1105' = 4,420 ft²

Phase IB- 2024

(Sidewalks that must wait for Construction of Planned Buildings)

	Lot 3 B2	155'	
2	Lot 14 B2	265'	Permit applied
	Lot 15 B2	135'	Jacks
	Lot 4 B2	70'	West Side
	Lot 1 & 2 B1	200'	Replat to be filed July, 2023
3	Lots 5,6,7,8 B1	140'	4-Plex in 2024
	Lots 3,4,5 B1	110'	Owned by former wife
1	Lots 1,2,3 B4	205'	Under construction
	<u>Lots 7, 9, 14,15,19, 20 B4</u>	<u>180'</u>	<u>Northcraft</u>

1460' = 72.1 yds³

Engineer's Estimates

Based on Actual Bids

Phase 1A 2023 Completion

Sidewalks

Sidewalks per attached list – 1105 lineal feet 4420 ft²

Concrete 55 yards³ @ \$216/yd \$11,880.00

Sales Tax 6.9% 819.72

Cost of Concrete Delivered with tax \$12,699.72

Cost of form, pour and finish \$13,193.70

Total Cost – Phase Sidewalks \$25,893.42
1A

Alley Paving – Block 1

250 lineal feet asphalt – 20' wide 3" thick on 6" CDOT base

92 tons asphalt @ \$99/ton \$ 9,108.00

Sales tax \$ 728.64

Hauling asphalt and paving per bid contract \$17,500.00

Total Cost of Alley Paving – Block 1 \$27,336.64

Irrigation – McClary Park and Mineral Belt Green

Irrigation equipment and supplies (Ferguson Quote) \$ 5,730.02

Equipment rental – trencher \$ 831.00

Installation labor and supervision \$11,200.00

Seed – blue grass 250# \$ 1,375.00

Total Cost – Irrigation \$19,136.00

Trees for Parks and Certain Tree Laws \$12,500.00

2023 Grand Total for Phase 1A \$84,866.06

Phase 1B

Paving Schedule – 2024

Sidewalks that must wait for construction of planned buildings

Sidewalks 1460 lineal feet per Schedule

72.1 yds ³ @ \$216/yd	\$15,573.60
<u>Sales Tax</u>	<u>1,074.58</u>
Total Concrete Cost plus tax	\$16,648.18
<u>Cost to form, pour & finish</u>	<u>\$17,520.00</u>
Total Concrete plus tax installed	\$34,168.18
Total Cost for Phase 1B Sidewalks	\$34,168.18

LEADVILLE RAILYARDS PHASE 1

LEADVILLE, COLORADO

DATE: July 14, 2020

Revised:

30-May-23

- Notes:
1. All work within CDOT right-of-way has been bonded separately, and is not included in this estimate.
 2. Sanitary sewer has been previously constructed and is not included in this estimate.
 3. Domestic water has been previously constructed and is not included in this estimate.

ITEM NO.	DESCRIPTION	QUANTITY	COMPLETED	REMAINING	UNITS	UNIT PRICE	Installation	COST	OWNERSHIP	MAINTENANCE
GRADING										
1	Final Street Grading	1	1	0	Lump Sum	\$ 10,000.00			Developer	Developer
2	Detention Pond Grading (+)	8935	8935	0	Cu.Yd.	\$ 3.50			Developer	Developer
							SubTotal	\$ -		
STREETS, ALLEYS & SIDEWALKS										
3	Asphalt Wearing Surface (3" Thk.) (+1)	1216.5	1124.5	92.0	Ton	\$ 106.92	\$ 190.22	\$ 27,336.64	City	City
4	Asphalt Wearing Surface (4" Thk. In 2 lifts) (+1)	340.0	340.0		Ton	\$ 132.00		\$ -	City	City
5	Class B Aggregate Base (6" Thk.) (+2)	4493.3	4493.3		Ton	\$ 6.50		\$ -	City	City
6	24" Concrete Curb & Gutter		6634.0		Lin.Ft.	\$ 20.00		\$ -	City	City
7	Concrete Sidewalks (4' Wide x 4" Thk.)	2093	1042		Sq.Yd.	\$ 45.00		\$ -	City	City
7-P1A	Concrete Sidewalks (4' Wide x 4" Thk.) *	2093		402.22	Sq.Yd.	\$ 25.83	\$ 31.50	\$ 23,060.68	City	City
7-P1B	Concrete Sidewalks (4' Wide x 4" Thk.) *	2093		648.89	Sq.Yd.	\$ 25.83	\$ 31.50	\$ 37,202.93	City	City
8	8' Pedestrian Pathway (Phase 1) along Hwy 24	846.0	846.0		Sq.Yd.	\$ 45.00		\$ -	City	City
9	Concrete A.D.A. Ramps	247.3	247.3		Sq.Yd.	\$ 85.00		\$ -	City	City
10	Asphalt Trail (3" Thk. x 10' Wide)	217.3	217.3		Sq.Yd.	\$ 42.00		\$ -	County	County
							SubTotal	\$ 87,600.25		
STORM SEWER										
A	Catch Basins Installed, CB-4, CB-5, CB-16 to CB-18	5	5		Each			\$ -	City	City
B	Junction Manhole Installed, JB-3 to JB 9	6	6		Each			\$ -	City	City
C	18" RCP Installed, ST-6	74.8	74.8		Lin.Ft.			\$ -	City	City
D	24" RCP Installed, ST-8, ST-24	455.7	455.7		Lin.Ft.			\$ -	City	City
E	24" HP Installed, ST-19, ST-22, ST-25, ST-26	467.4	467.4		Lin.Ft.			\$ -	City	City
F	30" HP Installed, ST-27, ST-28	501.5	501.5		Lin.Ft.			\$ -	City	City
G	Delivery of RCP Products	1	1		Lin.Ft.			\$ -	City	City
11	12" HP Storm Drain, ST-32 (+4)	35.4	35.4		Lin.Ft.	\$ 9.28	\$ 20.00	\$ -	City	City
12	15" HDPE Storm Drain, ST-33	8.2	8.2		Lin.Ft.	\$ 12.51	\$ 20.00	\$ -	City	City
13	18" HP Storm Drain, ST-30 (+4)	56	56		Lin.Ft.	\$ 18.69	\$ 20.00	\$ -	City	City
14	18" HP Storm Drain, ST-1, ST-4 (+4)	65.2	65.2		Lin.Ft.	\$ 18.69	\$ 20.00	\$ -	City	City
15	24" HP Storm Drain, ST-11, ST-14, ST-16 (+4)	129.7	129.7		Lin.Ft.	\$ 27.32	\$ 20.00	\$ -	City	City
16	24" HP Storm Drain, ST-10, ST-12, ST-13, ST 15, ST-17-18; ST-20-21	410	410		Lin.Ft.	\$ 35.80	\$ 25.00	\$ -	City	City
17	24" HDPE Storm Drain, ST-31	7.8	7.8		Lin.Ft.	\$ 25.53	\$ 20.00	\$ -	City	City
18	30" HP Storm Drain, ST-29 (+4)	3.1	3.1		Lin.Ft.	\$ 40.55	\$ 20.00	\$ -	City	City
19	15" Flared End Section, FES-7	1	1		Each	\$ 485.00	\$ 200.00	\$ -	City	City
20	24" Flared End Section, FES-2 & FES-4	2	2		Each	\$ 725.00	\$ 225.00	\$ -	City	City
21	30" Flared End Section, FES-6	1	1		Each	\$ 1,100.00	\$ 250.00	\$ -	City	City
22	Catch Basins CB-1, 2, 8-15	10	10		Each	\$ 2,225.00	\$ 2,225.00	\$ -	City	City
23	Grate Inlet; CB-7	1	1		Each	\$ 1,615.00	\$ 1,615.00	\$ -	City	City
24	Junction Manhole, JB-1 & JB-2	2	2		Each	\$ 1,512.00	\$ 1,512.00	\$ -	City	City
25	Outlet Structure, OS-1 (+1)	1	1		Each	\$ 1,540.00	\$ 1,540.00	\$ -	Developer	Developer
26	Outlet Structure, OS-2 (+1)	1	1		Each	\$ 2,016.00	\$ 2,016.00	\$ -	Developer	Developer
27	Pond #2 forebay, concrete	1	1		Each	\$ -	\$ 3,000.00	\$ -	Developer	Developer
28	Emergency Spillways, locally available soil riprap	2	2		Each	\$ -	\$ 500.00	\$ -	Developer	Developer
							SubTotal	\$ -		
MISCELLANEOUS IMPROVEMENTS										
29	Street Signage **	1	0.98	0.02	Lump Sum	\$ 10,000.00		\$ 25.00	City	City
30	Landscaping (Street Trees, Sod, Etc.) ***	1		1	Lump Sum	\$ 13,875.00		\$ 13,875.00	Developer	Developer
31	Parks landscape & Irrigation ****	1	0.3907	0.6093	Lump Sum	\$ 30,000.00		\$ 18,280.00	Developer	Developer
32	Conduit for Fiber Optic	1	1		Lump Sum	\$ 40,000.00		\$ -	Fiber	Fiber
							SubTotal	\$ 32,180.00		
							Total	\$ 119,780.25		
							Contingency, 20%	\$ 23,956.05		
							Total Cost	\$ 143,736.30		

Footnote Key / Comments

- Items which have been fully furnished, installed, and paid for
 - (+) Based on material being excavated on-site and crushed for base. The excavation will be largely covered under the cost of base production.
 - (+1) Based on Hard quote for materials and installation on-site
 - (+2) Based on on-site material being crushed. Hard Quote of \$6.00 / ton to produce CDOT base with site material
 - (+3) Based on casting structure on-site and installing with appropriate grates, frame, etc.
 - (+4) Based on utilization of HP pipe at all locations where pipe is not directly under pavement.
 - * Phase 1A sidewalks North of Grand Review Dr. and West of Alley west of Matchstick Green, along the east side of Prospect and west side of Silver Vault west of McClary Park were installed on 5/30/2023.
 - ** 4 of the missing 5 signs noted on the Plannign Review of 5/23 have been installed. 1 "Dead End Sign is on order and paid for, and will be installed upon receipt".
 - *** 20 - 10' ~ 12' Aspen trees are already purchased. Additional trees are on-order but not paid for as yet. Other plantings are to be determined, but would fall within allowance shown.
 - **** All topsoil is on-site, but not necessarily on the park areas or not fully spread. Grass seed and many trees have been purchased. Irrigation Equipment has been purchased.
- Estimate prepared by:



Chris Koehler, PE

5/30/2023
Date

Estimate approved by:

Date

Fwd: Railyard Phase 1 SIA

Recipients

----- Forwarded message -----

From: John Lichtenegger <john@railyardleadville.com>

Date: Fri, Aug 26, 2022 at 10:02 AM

Subject: Railyard Phase 1 SIA

To: Laurie Simonson <cityadmin@leadville-co.gov>, Greg Labbe <jmayor@leadville-co.gov>

Cc: Leigh Flanagan <leigh@railyardleadville.com>, Brent Lichtenegger <brentig67Z@gmail.com>

Laurie & Mayor,

I believe the SIA for Phase 1 provided a two year period within which to complete certain improvements which we are approaching. Most are completed or are under construction.

All paved streets were completed 2 years ago. Alleys have all been paved except for Lindsey's Lane. Most of the sidewalks in the residential parts are complete. We are pouring sidewalks in McClary Park today.

The SIA permits extensions on the dates for completion of all improvements. May this email serve as a formal request to extend the period for completion by one year.

I'll be glad to provide an itemized list of remaining items.

Thank you,

John

Sent from my iPhone

Sans Serif

Send