

# Mayor and Council Communication

**DATE:** 01/12/21

**M&C FILE NUMBER:** M&C 21-0009

**LOG NAME:** 06CHAPEL CREEK PHASE 3

**SUBJECT**

(CD 3) Authorize an Amendment to City Secretary Contract Number 51610, a Community Facilities Agreement with D. R. Horton - Texas, Ltd to Add City Participation in the Amount of \$418,164.12, for Oversizing for the Arterial Construction of the Northern Two Lanes of Amber Ridge Drive Between Wind Star Way and Academy Drive for Future Anticipated Growth in the West Side of Fort Worth and to Serve the Chapel Creek Development; Authorize the Use of Funds within the Transportation Impact Fee Capital Fund in the Amount of \$418,164.12 for the Chapel Creek Development, Adopt Appropriation Ordinances, and Amend the FY2021-2025 Capital Improvement Program

**RECOMMENDATION:**

It is recommended that the City Council:

1. Authorize execution of an Amendment to City Secretary Contract Number 51610, a Community Facilities Agreement with D. R. Horton - Texas, Ltd, to add City participation in the amount of \$418,164.12 for oversizing Amber Ridge Drive to construct the northern two lanes between Wind Star Way and Academy Drive for future anticipated growth in the west side of Fort Worth and to serve the Chapel Creek Development (City Project Number 101317);
2. Adopt the attached Appropriation Ordinance adjusting receipts and appropriations in the Transportation Impact Fee Cap Fund by increasing receipts and appropriations in the CFA Chapel Creek Phase 3 project (City Project No. 101317) in the amount of \$418,164.12 and decreasing receipts in the Revenue - Service Area S - Transportation Impact Fee Fund (City Project No.UN9922) by the same amount; and
3. Amend the FY2021-2025 Capital Improvement Program.

**DISCUSSION:**

The purpose of this Mayor and Council Communication (M&C) is to reimburse D.R. Horton - Texas, Ltd (Developer) for the construction of the northern two lanes of Amber Ridge Drive between Wind Star Way and Academy Drive that was constructed with Chapel Creek Phase 3 (City Project Number 101317), located generally east of Chapel Creek Boulevard, south of Westpoint, north of Interstate Highway (IH-20), and west of Alameda Street. The development was required to construct the southern two lanes of Amber Ridge Drive to serve the site and satisfy rough proportionality requirements. In addition to the construction of the southern two lanes, the Development constructed the northern two lanes to complete the full section of Amber Ridge between Chapel Creek and Academy Drive.

The City desires to reimburse the Developer for building the northern two lanes of Amber Ridge Drive to serve the anticipated future development in the surrounding area. The project is complete and the roadway improvements have been accepted by the City for maintenance.

In accordance with Chapter 212, Subchapter C of the Texas Local Government Code, the City's participation in the contract is exempt from competitive bidding requirements because the contract is for oversizing public improvements being constructed by the developer, the developer executed a performance bond to cover the total project cost, including all of the City's cost participation, and the City's cost participation is in accordance with the City's CFA Unit Price Ordinance.

The City's cost participation in the construction of the roadway construction is \$418,164.12, as shown in the table below:

<b>A.Construction</b>	<b>Developer</b>	<b>City Cost</b>	<b>Total Cost</b>
1. Paving Improvements	\$1,196,313.00	\$284,328.78	\$1,480,641.78
2. Storm Water Improvements	\$871,264.43	\$9,567.57	\$880,832.00
<b>Total Construction Cost</b>	<b>\$2,067,577.43</b>	<b>\$293,896.35</b>	<b>\$2,361,473.78</b>
<b>B. Other Costs</b>			
1. ROW Acquisition	\$0.00	\$65,488.50	\$65,588.50
2. Engineering, Survey, Material Testing	\$0.00	\$58,779.27	\$58,779.27
<b>Total Project Cost</b>	<b>\$2,067,577.43</b>	<b>\$418,164.12</b>	<b>\$2,485,841.55</b>

This project is located within the Transportation Impact Fee Service Area S and was identified as impact fee eligible in the most recent Transportation Impact Fee Study. The Transportation Impact fee funding provides the City participation in the Developer project. Any residual funds remaining after project closure are to be returned to the Revenue - Service Area S - Transportation Impact Fees project (City Project No.UN9922).

The reimbursement of the participation is a lump-sum amount and is less than the City's CFA Unit Price Ordinance and is based on the actual quantities from the Notice of Final Completion Package, commonly referred to as the Green Sheet Package. The work is completed and reimbursement can occur upon approval of this M&C.

Transportation Impact Fee Funding for this project was not included in the FY2021-2025 Capital Improvement Program. The action of this M&C will amend the FY2021-2025 Capital Improvement Program as approved in connection with Ordinance No. 24446-09-2020.

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**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that funds are currently available in the Revenue - SA S - Transp Imp Fees within the Transportation Impact Fee Capital Fund and upon approval of the above recommendations and adoption of the attached appropriation ordinances, funds will be available in the Trans Impact Fee Capital Legacy Fund and the Transportation Impact Fee Cap Fund for the CFA-Chapel Creek Phase 5 project to support the approval of the above recommendations and execution of the community facilities agreement. Prior to an expenditure being incurred, the Development Services Department has the responsibility of verifying the availability of funds.

**Submitted for City Manager's Office by:** Dana Burghdoff 8018

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