



## Legislation Details (With Text)

**File #:** 20-268      **Version:** 1      **Name:**  
**Type:** Study Session Item      **Status:** Agenda Ready  
**File created:** 6/5/2020      **In control:** Town Council  
**On agenda:** 6/11/2020      **Final action:** 6/11/2020  
**Title:** Discussion of an Infrastructure Improvement Agreement with Mountain Shadows Resort ("Resort") providing for payment by the Resort of the Town's design and construction costs for a new median and deceleration lane on Lincoln Drive to allow left-turn access for westbound traffic into the Resort's westernmost driveway  
15 Minutes

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Agreement, 2. Left Turn Plan Exhibit, 3. Presentation - Mountain Shadows Left Turn Lane

Date	Ver.	Action By	Action	Result
6/11/2020	1	Town Council	Received and Filed	
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**TO:** Mayor and Town Council

**FROM:** Jill Keimach, Town Manager  
Andrew Miller, Town Attorney  
Debby Robberson, Assistant Town Attorney  
Jeremy Knapp, Community Development Director

**DATE:** June 11, 2020

**CONTACT:**

**AGENDA TITLE:**

Discussion of an Infrastructure Improvement Agreement with Mountain Shadows Resort ("Resort") providing for payment by the Resort of the Town's design and construction costs for a new median and deceleration lane on Lincoln Drive to allow left-turn access for westbound traffic into the Resort's westernmost driveway.

**BACKGROUND:**

The Town has a planned capital improvement project, the Lincoln Drive Median Improvements Project (LDMI Project), to modify, add and remove medians on Lincoln Drive to improve safety, traffic operations, and landscaping. The LDMI Project encompasses medians from the Town's western boundary to Mockingbird Lane. The LDMI Project was previously presented at the 11/21/19 and 2/27/20 Town Council Work Study meetings, and the construction contract was presented at the 5/28/20 Work Study meeting.

A troublesome traffic pattern has developed over the years on Lincoln Drive adjacent to the Resort.

Westbound vehicles desiring to enter the Resort often drive past the current main entrance at Mountain Shadows Private Drive and make a U-turn on Lincoln Drive just west of the Resort to “backtrack” and enter the Resort.

To improve Resort guest access and traffic movements on this portion of Lincoln Drive, the Resort previously applied for, and the Planning Commission approved, a minor amendment to the Resort’s 2013 SUP. This minor amendment allows revised access to the Resort from Lincoln drive (left-turn access for westbound traffic via a median break and deceleration lane), but it does not otherwise change any conditions or entitlements of the Resort’s 2013 SUP. Nor does the proposed Infrastructure Improvement Agreement modify any of the entitlements for the Resort property.

The Resort requested that the Town include a revised access to allow left-turn access for westbound traffic in the LDMI Project. Under the proposed Infrastructure Improvement Agreement (“Agreement”), if the Town Council approves a construction contract for the LDMI Project, the Town will design and construct the median configuration and deceleration lane (“Left Turn Plan”) as part of the LDMI Project, and the Resort will pay the costs associated with the design and construction. The Agreement requires the Resort to deposit funds to cover the estimated design and construction costs of the Left Turn Plan prior to the start of construction, and such funds will be available to the Town to draw upon. If actual costs to construct the left Turn Plan exceed the estimated costs, the Resort is obligated to pay the additional amount needed. If the estimate is more than the actual cost, the Town is obligated to refund any amounts not used for the Resort’s portion of the LDMI Project.

In the event the Town does not move forward with the LDMI Project, the Resort has the option to independently construct the revised access. The Resort is obligated to pay the Town for the design costs prior to obtaining a permit for the construction and the construction must occur before the Town resurfaces Lincoln Drive (mill and overlay), which is currently planned for the summer of 2021.

The current status of the LDMI Project is that the design work is 90% completed pursuant to a previously approved contract with Kimley Horn, and the Town Council will review construction costs and options for the LDMI Project at its Work Study meeting on 6/11/20. Council consideration of a construction contract for the LDMI Project is currently planned for the Council meeting on 6/25/20. If the construction contract is approved, staff anticipates construction would begin on the LDMI Project as soon as possible (mid to late July).

### **NEXT STEPS**

It is recommended that the Council review the Infrastructure Improvement Agreement between the Town and MTS Resort Owner, LLC and provide feedback on any changes or concerns.

### **ATTACHMENTS:**

Infrastructure Improvement Agreement for Mountain Shadows Resort