

RESOLUTION NO. 2021-__

A RESOLUTION APPROVING THE FIRST AMENDMENT TO THE PARTICIPATION AGREEMENT FOR DESIGN OF STREAM RECLAMATION IMPROVEMENTS FOR MCMURDO GULCH BETWEEN THE TOWN OF CASTLE ROCK AND THE CHERRY CREEK BASIN WATER QUALITY AUTHORITY

WHEREAS, the Town of Castle Rock, Colorado (the "Town") and the Cherry Creek Basin Water Quality Authority (the "Authority") are parties to the Participation Agreement (the "Agreement") for Design of Stream Reclamation Improvements for the McMurdo Gulch Project (the "Project"), dated October 20, 2020; and

WHEREAS, the Authority recognizes that reclaiming streams tributary to Cherry Creek, like McMurdo Gulch, helps to preserve and protect water quality in Cherry Creek and in the Cherry Creek Reservoir by reducing the phosphorus loads and concentrations in both Cherry Creek and the Reservoir; and

WHEREAS, pursuant to the Agreement, the Authority contributed \$75,000.00 to the Town for the preparation of a preliminary and final design and construction documents for the reclamation of approximately 3,700 linear feet for the Project; and

WHEREAS, the Town anticipates awarding a contract for the construction of the Project before the end of 2021, with a construction completion date in 2022; and

WHEREAS, in its 2021 budget, the Authority budgeted \$540,000.00 for construction of the Project with the understanding that the Authority intended to contribute 25% of the Project cost, but that the Authority's total contribution to the Project would not exceed \$615,000.00; and

WHEREAS, to bring the Authority's contribution to the Project to \$615,000.00, the Authority now desires to contribute \$540,000.00 for construction of the Project; and

WHEREAS, the Parties desire to amend the Agreement to extend the design completion date and to provide for the Authority's contribution of \$540,000.00 for the construction of the Project.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK AS FOLLOWS:

Section 1. Approval. The Agreement between the Town and the Authority, in the form attached as *Exhibit 1*, is hereby approved. The Mayor and other proper Town officials are hereby authorized to execute the Agreement by and on behalf of the Town.

PASSED, APPROVED AND ADOPTED this 7th day of December, 2021 by the Town Council of the Town of Castle Rock, Colorado, on first and final reading by a vote of ___ for and ___ against.

ATTEST:

TOWN OF CASTLE ROCK

Lisa Anderson, Town Clerk

Jason Gray, Mayor

Approved as to form:

Approved as to content:

Michael J. Hyman, Town Attorney

Mark Marlowe, Director Castle Rock Water