

## ATTACHMENT A

### RESOLUTION NO. 2019-\_\_\_

#### RESOLUTION APPROVING A CONSTRUCTION CONTRACT WITH 53 CORPORATION, LLC FOR THE McMURDO GULCH – TERRAIN CHANNEL IMPROVEMENTS

**WHEREAS**, Castle Rock Water has determined that drainageway improvements are needed along McMurdo Gulch to address significant erosion, improve water quality and preserve open space; and

**WHEREAS**, the improvements include installation of grade control structures and bank protection within the Town owned open space as identified in the McMurdo Gulch Major Drainageway Master Plan, dated December 2006; and

**WHEREAS**, through a Subdivision Improvement Agreement (SIA), the developer (SLV Castle Oaks) is obligated to provide cash-in-lieu, in the amount of \$766,000 for design and construction of the improvements. The design and construction services cost totaled \$161,986, leaving a remaining balance of \$604,014 to be applied to this capital expenditure; and

**WHEREAS**, this project was approved by Town Council in the 2019 budget; and

**WHEREAS**, the Town of Castle Rock and 53 Corporation, LLC have agreed to the terms and conditions by which 53 Corporation will undertake construction of the McMurdo Gulch – Terrain Channel Improvements.

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

**Section 1. Approval.** The Construction Contract between the Town of Castle Rock and 53 Corporation, LLC in the form attached as *Exhibit 1* is hereby approved. The Mayor and other proper Town officials are hereby authorized to execute the Construction Contract by and on behalf of the Town of Castle Rock, Colorado.

**Section 2. Encumbrance and Authorization for Payment.** In order to meet the Town's financial obligation under the Construction Contract, the Town Council authorizes the expenditure and payment from expenditure account 212-4475-444.75-51, in an amount not to exceed \$687,959, plus a ten percent Town-managed contingency in the amount of \$68,796, for a total authorization in the amount not to exceed \$756,755, unless authorized in writing by the Town of Castle Rock.

**PASSED, APPROVED AND ADOPTED** this 3rd day of December, 2019, 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**

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Lisa Anderson, Town Clerk

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Jason Gray, Mayor

**Approved as to form:**

**Approved as to content:**

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Robert J. Slentz, Town Attorney

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Mark Marlowe, Director of Castle Rock Water