

RESOLUTION NO. 2026-090

**A RESOLUTION APPROVING THE THIRD AMENDMENT TO THE
AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT
BETWEEN THE TOWN OF CASTLE ROCK AND DOUGLAS COUNTY
FOR THE HIGHWAY 85 WASTEWATER COLLECTION AND
TREATMENT SYSTEM**

WHEREAS, on May 22, 2024, the Town of Castle Rock, Colorado (the “Town”) and the Board of County Commissioners of the County of Douglas (the “County”) entered into an Amended and Restated Intergovernmental Agreement (the “IGA”) for the design, construction, and operation of the Highway 85 Wastewater Collection and Treatment System (the “Project”); and

WHEREAS, the IGA provides that the County shall commit \$14,000,000 of American Rescue Plan Act funding for the Project; and

WHEREAS, on July 15, 2025, based upon an updated engineering cost estimate, the Town and the County entered into a First Amendment to the IGA (the “First Amendment”) whereby the Town agreed to fund a potential shortfall of \$4,800,000, which shortfall will eventually be reimbursed from system development fees collected from customers connecting to the Project; and

WHEREAS, on January 20, 2026, the Town and the County entered into a Second Amendment to the IGA (the “Second Amendment”) whereby the Town agreed to fund up to an additional potential shortfall of \$984,296 over and above the amount accounted for in the First Amendment, for a total shortfall of \$5,784,296, which additional shortfall will eventually be reimbursed from system development fees collected from customers connecting to the Project; and

WHEREAS, there is not currently a sanitary sewer collection system in the Sedalia area to convey wastewater to the lift station and force main included in the Project; and

WHEREAS, the Town has developed a preliminary plan for the first phase of a gravity sanitary sewer collection system in Sedalia; and

WHEREAS, the County wishes to fund \$375,232 in design costs for the initial phase of such system; and

WHEREAS, the Town and the County further wish to clarify the deadlines applicable to the of American Rescue Plan Act funding for the Project; and

WHEREAS, the Town Council finds and determines that it is in the best interests of the Town and its residents to approve a Third Amendment to the IGA for the purpose of memorializing these changes.

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

Section 1. Approval. The Third Amendment to the Amended and Restated Intergovernmental Agreement for the design, construction, and operation of the Highway 85 Wastewater Collection and Treatment System between the Town and the County is hereby approved in substantially the same form as presented at tonight's meeting, with such technical changes, additions, modifications, deletions, or amendments as the Town Manager may approve upon consultation with the Town Attorney. The Mayor and other proper Town officials are hereby authorized to execute the Agreement and any technical amendments thereto by and on behalf of the Town.

PASSED, APPROVED AND ADOPTED this 18th day of August, 2026, 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 of Castle Rock Water