

**RESOLUTION NO. 2018-**

**A RESOLUTION APPROVING THE FIRST AMENDMENT TO TOWN OF CASTLE ROCK SERVICES AGREEMENT BETWEEN THE TOWN OF CASTLE ROCK AND KIMLEYHORN AND ASSOCIATES, INC. FOR THE DESIGN OF THE PLUM CREEK PARKWAY WIDENING/ROUNDBOUT PROJECT**

**WHEREAS**, by Resolution No 2018-030, the Town Council approved a Services Agreement with Kimley-Horn Associates, Inc. ("Consultant") for the design and right of way acquisition for Plum Creek Widening/Roundabout Project ("Project"),

**WHEREAS**, the Town has determined to include the roundabout and sound wall elements into the Project scope,

**WHEREAS**, the parties have agreed to the terms and conditions by which Consultant will undertake the additional design and right of way acquisition for the added Project scope.

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

**Section 1. Approval.** The First Amendment to Town of Castle Rock Services Agreement (Plum Creek Parkway Widening/Roundabout Project Design) in the form attached as *Exhibit 1* is hereby approved. The Mayor and other proper Town officials are hereby authorized to execute the First Amendment 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 First Amendment, the Town Council authorizes the expenditure and payment from the 2018 appropriation account 135-3175-431-77.05, in an amount not to exceed \$120,035, with a total encumbrance for the services under the Services Agreement not to exceed \$565,550, unless authorized in writing by the Town of Castle Rock.

**PASSED, APPROVED AND ADOPTED** this 18<sup>th</sup> day of September, 2018 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

\_\_\_\_\_  
Jennifer Green, Mayor

**Approved as to form:**

**Approved as to content:**

\_\_\_\_\_  
Robert J. Slentz, Town Attorney

\_\_\_\_\_  
Robert Goebel, P.E. Director of Public Works

**FIRST AMENDMENT TO  
TOWN OF CASTLE ROCK  
SERVICES AGREEMENT  
(Plum Creek Parkway Widening/Roundabout Project Design)**

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**DATE:** \_\_\_\_\_, 2018.

**PARTIES:** **TOWN OF CASTLE ROCK**, a Colorado municipal corporation, 100 N. Wilcox Street, Castle Rock, Colorado 80104 (“Town”).

**KIMLEY-HORN AND ASSOCIATES, INC.**, a North Carolina corporation, 4582 South Ulster Street, Suite 1500, Denver, Colorado 80237 (“Consultant”).

**RECITALS:**

- A. Town and Consultant are parties to the Town of Castle Rock Services Agreement (Plum Creek Parkway Widening/Roundabout Design) dated April 3, 2018 (“Agreement”).
- B. The parties have determined that it is necessary and appropriate to amend the Agreement to include additional scope of services for additional right-of-way acquisition services and design elements for the roundabout and soundwall for the project, and to increase the contract sum for such additional design work.

**TERMS:**

**Section 1. Amendment.** The Agreement is amended to include the additional acquisition and design services as described in the attached *Exhibits 1-A* and *1-B*. Section 2 of the Agreement is amended to increase the amount paid to Consultant by an additional \$120,035. In no event shall the cumulative payment to Consultant exceed \$565,550, unless authorized in writing by Town.

**Section 2. Ratification.** Except to the extent expressly modified by this First Amendment, the Agreement is in full force and effect. To the extent of any inconsistency between this First Amendment and the Agreement, the terms and conditions of this First Amendment shall control.

**ATTEST:**

**TOWN OF CASTLE ROCK**

\_\_\_\_\_  
Lisa Anderson, Town Clerk

\_\_\_\_\_  
Jennifer Green, Mayor

**Approved as to form:**

**Approved as to content:**

\_\_\_\_\_  
Robert J. Slentz, Town Attorney

\_\_\_\_\_  
Robert Goebel, P.E., Director of Public Works

**CONSULTANT:**

**KIMLEY-HORN AND ASSOCIATES, INC.**

By: \_\_\_\_\_

Its: \_\_\_\_\_

*Paul D. Row*  
*Vice President*



August 21, 2018

Mr. Frank Main  
 Town of Castle Rock – Public Works Department  
 4175 N. Castleton Ct.  
 Castle Rock, CO 80109

Re: ***Plum Creek Parkway Widening and Plum Creek Parkway/Gilbert Street Roundabout  
 Additional Services for Design of the  
 Plum Creek Parkway and Eaton Street Roundabout***

Dear Mr. Main:

Kimley-Horn and Associates, Inc. ("Kimley-Horn") has prepared this additional services request letter to the Town of Castle Rock ("Town") to provide additional engineering services for the Plum Creek Parkway Widening and Plum Creek Parkway/Gilbert Roundabout improvements project. The following scope of services will be performed as requested by the Town.

## **Project Understanding**

As an enhancement to the Plum Creek Parkway project, a two-lane roundabout will be designed for the intersection of Plum Creek Parkway and Eaton Street.

## **Scope of Services**

### **TASK 1: ADDITIONAL DATA COLLECTION**

Kimley-Horn will subconsult with Aztec Consultants to perform a topographical survey of area of the proposed roundabout. The Kimley-Horn team will perform data collection that will consist of the following:

- Up to two days of additional topographic survey to include utility locates and property ownership information.
- Conduct a site visit and compile a photo log to review the existing site conditions of the Vistas at Plum Creek property access.
- Update Base Map to include additional survey and property information.

#### **Task 1 Assumptions:**

- Additional geotechnical investigation is not required
- Additional utility potholing is not required

#### **Task 1 Deliverables:**

- ROW and Topographic Survey Base Map
- Existing Conditions Photo Log
- Project Basemap Update

### **TASK 2: PRELIMINARY DESIGN PHASE**

Kimley-Horn will prepare preliminary design for the proposed improvements as follows.

#### **Preliminary Roundabout and Roadway Design**

Kimley-Horn will prepare a preliminary design for a two-lane roundabout at the intersection of Plum Creek Parkway and Eaton Street. The design will include modifications to the existing Vistas at Plum

Creek apartments parking lot. We have assumed that the private properties located on the north side of Plum Creek will not be affected.

A drainage analysis will be performed for the roundabout to identifying additional inlets that may be required. The analysis will be included in an update drainage memorandum for the project. Storm sewer will be designed to determine inlet locations to accommodate the roundabout

### **Preliminary Street Lighting Design/Utility Plan**

Kimley-Horn will prepare a photometric analysis to determine the locations of the proposed street lights. We have assumed that IREA will perform the electrical design of the street lights and will provide the street light data for use in preparing the photometric analysis.

The Utility plans will be updated to provide locations for proposed streetlights to be installed by IREA. Kimley-Horn will coordinate with IREA to determine proposed conduit locations to be shown on the plans.

Conduits will also be shown for future irrigation and electrical lines to the roundabout island, with landscaping to be designed by others.

### **Right-of-Way Plans and Legal Descriptions**

Kimley-Horn will subconsult with Aztec Consultant to update the right-of-way plans and legal descriptions for up to two (2) additional parcels. Services consist of the following:

1. Appraisal Staking Per Parcel
  - Stake proposed acquisition and easement parcels with hub and lath for a visual inspection of each parcel by authorities.
  - Stakes will be set at all corners and angle points and on line as necessary to have at least three stakes visible from any point on line.
  - Mark COGO point numbers on all stakes as depicted on the ROW Land Survey Plat.
2. Legal Descriptions (Each)
  - Prepare a legal description and exhibit signed and sealed by a Colorado Licensed Professional Land Surveyor for use in dedicating easements and/or ROW.
  - Provide 2 signed and sealed original prints and 1 pdf scan of the final legal descriptions.
3. Title Commitment Review (Each)
  - Review a current title commitment for parcels adjoining the project to identify and plot existing easements. These are for parcels being considered for ROW or easement acquisitions.
4. ROW Land Survey Plat
  - This assumes CDOT ROW plans are not required for this project.
  - Prepare and deposit a Land Survey Plat in the County Records for all parcels being acquired for Right-of-Way purposes.
  - Set ROW monuments after construction is complete.

After the preliminary construction plans are completed, Kimley-Horn will prepare a preliminary quantity estimate and OPCC for the roundabout construction to be included in the overall project estimate.

Following review by the Town, Kimley-Horn will attend a preliminary review meeting to review the plan comments and report comments. Comments will be addressed during the Final Design Phase.

### **Task 2 Deliverables:**

- Preliminary Roundabout Plans
- Preliminary Drainage Report revisions

- Right-of-Way Plan revisions
- Legal Descriptions with Exhibits (up to 2)

### **TASK 3: FINAL DESIGN PHASE**

Following the preliminary plan review, Kimley-Horn will prepare final construction plans for the proposed improvements. The final plans will address the preliminary comments generated from the design review and will include the remaining construction plan sheets to be included in the project submittal.

The final construction plans will consist of the following:

- Roundabout Plan and Profile
- Roundabout Spot Elevations and Grading Details
- Street lighting Plan
- Signage and Striping Plan
- Traffic Control Plans

Kimley-Horn will attend a 90% Review meeting to review the plan comments. Comments received during the meeting will be addressed and a final signed PS&E Package will be provided to the Town.

#### **Task 3 Deliverables:**

- Final Roundabout Construction Plans
- Additional Project Technical Specifications
- Final Drainage Report revisions
- Final Revised Opinion of Probable Construction Costs

### **TASK 4: PROJECT MANAGEMENT, MEETINGS & COORDINATION**

Kimley-Horn will coordinate with the Town, key stakeholders, the project team, and subconsultants. This task is intended to capture the effort for the meetings, conference calls, and coordination necessary for this project, with the assumed meetings detailed below.

#### **Task 4 Assumptions:**

- Attend up to two (2) progress meetings with the Town to coordinate the design.

### **TASK 5: LAND ACQUISITION SERVICES TASK**

Kimley-Horn will subconsult with Western States Land Services to assist the Town with property acquisitions for the affected parcels. These services consist of the following tasks:

1. **Meetings and General Coordination/Research**  
General coordination as required, including required meetings, meetings with other elements of Town staff, consulting attorney, project surveyor and consulting engineer.
2. **Preparation of Documentation**  
Incorporating legal descriptions, title work and appraisals/value findings we will prepare documentation, including offer letters and contracts for the proposed acquisitions based on a voluntary approach. We will consider property values to estimate the easement value and advise the Town if a third party appraisal is necessary. Western States proposes to use David Kilty, MAI, as a contract appraiser should those services be necessary. As stated below, if voluntary negotiations are not successful, we will use of the statutory acquisition process, which meets the requirements for condemnation proceedings should they become necessary.
3. **Negotiations**  
Using the documentation referenced above, we will present the Town's offer and negotiate in good faith with the subject property owners. The initial offer is planned to be on a voluntary basis. If negotiations are successful, then we will proceed towards closing. If, however, the initial

negotiations are problematic and we cannot reach an agreement with the property owner by that time, then we will proceed to follow statutory negotiations, including a Notice of Intent and Formal Offer which would allow the Town to proceed with condemnation if necessary. If practical, we will suggest the property owner consider a possession and use agreement to allow construction to proceed while negotiations are continued. Standard negotiation procedures, including logs will be adhered to

4. **Close Acquisitions**

Provided that negotiations are successful, we will work with the Town staff and Title Company in order to obtain clear title, obtain Town's approval of the executed contract/easements and effect exchanges of agreed-upon consideration with the necessary documentation. As part of our services, Western States will assist the title company where necessary to obtaining subordination releases from financial encumbrances on the property if any are required. Once acquisitions are complete a transmittal packet will be prepared of all necessary documentation and articles involved with each acquisition and in a form for submission to the Town of Castle Rock.

5. **Condemnation**

In the event voluntary negotiations are not successful and we reach impasse in our efforts to reach an agreement relative to the purchase and sale of the necessary property rights on the subject properties, Western States will provide to the Town a complete file history of all negotiations and documentation. Should the Town have an ordinance in place that allows for condemnation we will submit our files and the principal negotiator will be available to testify as to good faith negotiations relative to any possession hearings that may be necessary. Certain time and expenses involved with the statutory/condemnation process are above and beyond the cost estimate included herein.

Please note the above scope and associated fee estimates involved are based on typical services and timeframes associated with acquisitions. This also assume voluntary acquisition only, and in the event condemnation proceedings are necessary, or negotiations are prolonged due to difficulties with the property owner, then the costs associated with that additional time would need to be added.

## Fee

Kimley-Horn will provide the services described within the Scope of Services on a Time and Expense basis with a fee as itemized on the following pages. The proposed fees assume that the roundabout design will be prepared concurrently with the current Plum Creek Widening design services with a notice to proceed for these additional services of September 18<sup>th</sup>, 2018.

Direct reimbursable expenses as required for the project such as plan reproduction for deliverables and mileage will be billed at cost. An estimated fee for reimbursable expenses has been provided. If encountered with the project we have assumed all permitting, application, and similar project fees will be paid directly by the Town.

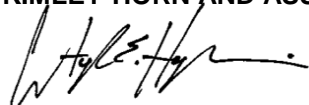
## Schedule

Kimley-Horn will require an additional approximately 30 days following the notice to proceed to incorporate the services described herein with the Plum Creek Widening design services, with a revised project completed date of January 11, 2019.

Kimley-Horn will perform the additional services herein to be billed in accordance with our current contract. We appreciate the opportunity to provide these additional services to you. Please contact me if you have any questions.

Sincerely,

**KIMLEY-HORN AND ASSOCIATES, INC.**

A handwritten signature in black ink, appearing to read "Chris Hopkins", written over the company name.

Christopher Hopkins, P.E.  
Associate



***Plum Creek Parkway - Final Design Fee for RAB @ Eaton***

PREPARED BY: KIMLEY-HORN

PREPARED FOR: FRANK MAIN (TOWN OF CASTLE ROCK)

DATE: 8/21/2018

		Kimley-Horn and Associates, Inc.									TOTALS
Item	Task	Project Principal	Senior Prof. III	Senior Prof. I	Professional	Analyst II	Analyst I	Senior Admin.	Subconsultant		
		Rate	\$ 215.00	\$ 190.00	\$ 155.00	\$ 135.00	\$ 110.00	\$ 100.00	\$ 100.00		
		Hours	-	24	37	98	42	41	-		
		Estimated Total	\$ -	\$ 4,560.00	\$ 5,735.00	\$ 13,230.00	\$ 4,620.00	\$ 4,100.00	\$ -		
		Estimated Total by Firm	\$32,245.00								
Task 1											
1.1	Survey and Right-of-Way Mapping									-	
	Topographic Survey								3,200	-	
	ROW and Ownership Map								600	-	
1.2	Site Visit and Field Conditions Assessment					2	4				
1.3	Update to Survey Base Maps					2	2	3			
	Task Subtotal Hours	-	-	-	-	2	6	3	-	-	
	Task Subtotal Fee	\$ -	\$ -	\$ -	\$ -	\$ 270.00	\$ 660.00	\$ 300.00	\$ -	\$ 3,800.00	
Task 2											
2.1	Preliminary Roundabout and Roadway Design		2	30	60	24	20			112.0	
2.2	Street Lighting Photometric Analysis		10		10	10	16			44.0	
2.3	Preliminary Roundabout Plans					10	10			36.0	
2.4	Preliminary QA/QC Review			5		5	3			13.0	
2.5	Right-of-Way Plans and Legal Descriptions (Aztec)									-	
	Appraisal Staking (up to 2 parcels)					1				800	
	Legal Descriptions (up to 2 parcels)					2				800	
	Title Commitment Review (up to 2 parcels)									600	
	ROW Land Survey Plat		1		2					3.0	
2.6	Preliminary Quantities and Opinion of Probable Construction Cost		1		2	5	5			13.0	
	Task Subtotal Hours	-	14	35	92	42	41	-		224.0	
	Task Subtotal Fee	\$ -	\$ 2,660.00	\$ 5,425.00	\$ 12,420.00	\$ 4,620.00	\$ 4,100.00	\$ -	\$ 2,660.00	\$ 31,885.00	
Task 3											
Final Design Phase											
3.1	Final Roundabout Design		2	4	40	20				66.0	
3.2	Final Lighting Plans		2		5	4	2			13.0	
3.3	Final Construction Plans									-	
	Roundabout Plan and Profile			3	12	27	15			57.0	
	Roundabout Spot Elevations and Grading Details		2		10	16				28.0	
	Street Lighting Plans		5			16				21.0	
	Signing and Striping				5	8	4			17.0	
	Traffic Control Plans		2		10	10	10			32.0	
3.4	Final Engineers Opinion of Probable Construction Cost					5	2			7.0	
3.5	Additional Project Specifications		2			2	2			6.0	
3.6	Address Comments and Prepare Final 100%, PS&E Package		3			6	15	6		30.0	
	Task Subtotal Hours	-	18	7	90	123	39	-		277.0	
	Task Subtotal Fee	\$ -	\$ 3,420.00	\$ 1,085.00	\$ 12,150.00	\$ 13,530.00	\$ 3,900.00	\$ -	\$ -	\$ 34,085.00	

[illegible]



August 21, 2018

Mr. Frank Main  
Town of Castle Rock – Public Works Department  
4175 N. Castleton Ct.  
Castle Rock, CO 80109

Re: ***Plum Creek Parkway Widening and Plum Creek Parkway/Gilbert Street Roundabout  
Additional Services for Design of a Noise Fence for Plum Creek Parkway***

Dear Mr. Main:

Kimley-Horn and Associates, Inc. (“Kimley-Horn”) has prepared this additional services request letter to the Town of Castle Rock (“Town”) to provide additional engineering services for the Plum Creek Parkway Widening and Plum Creek Parkway/Gilbert Roundabout improvements project. The following scope of services will be performed as requested by the Town.

## **Project Understanding**

As an enhancement to the project, approximately 5000 linear feet of sound fence will be designed along portions of Plum Creek Parkway. The noise fence will be located at the exact location as the existing privacy fences along the private properties, and will replace the existing fences. Survey and easements will not be obtained on the private properties. Rather, the Town will require the contractor to obtain a right of entry agreement from each property owner to allow access for the construction.

It is understood that the Town will select either an 8-foot or 10-foot fence height and that a noise analysis will not be conducted to determine the expected noise mitigation that may result from installation of the fence.

## **Scope of Services**

### **TASK 1: PRELIMINARY DESIGN PHASE**

Kimley-Horn will review the locations of existing private fences to be replaced with the proposed noise fence. We will also review the existing right-of-way to confirm existing fences are located at the property lines. A horizontal alignment will be design along the property lines for the proposed fence.

It is assumed that the fence layout will consist of horizontal alignment only and that vertical design is not required.

Kimley-Horn will perform structural calculation to design the fence in general conformance with CDOT’s standard details for noise fence.

#### **Task 1 Deliverables:**

- Noise Fence Layout

#### **Task 1 Assumptions:**

- Kimley-Horn will not obtain additional survey or property information
- Kimley-Horn will not coordinate with private property owners
- Kimley-Horn will not prepare or obtain right of entry agreements
- Kimley-Horn will not conduct a noise analysis to determine the height of noise fence required to mitigate noise

## **TASK 2: FINAL NOISE FENCE CONSTRUCTION PLANS**

Following the preliminary plan review, Kimley-Horn will prepare final construction plans for the proposed noise fence. The final plans will address the preliminary comments generated from the design review and will include the remaining construction plan sheets to be included in the project submittal.

The final construction plans will consist of the following:

- Noise Fence Plan and Profile
- Noise Fence Structural Details

Kimley-Horn will also update the project technical specifications and Opinion of Probable Construction Cost to include the noise fence.

Kimley-Horn will attend a 90% Review meeting to review the plan comments. Comments received during the meeting will be addressed and a final signed PS&E Package will be provided to the Town.

### **Task 2 Deliverables:**

- Final Noise Fence Construction Plans
- Noise Fence Technical Specifications
- Update to Opinion of Probable Construction Cost

## **TASK 3: PROJECT MANAGEMENT, MEETINGS & COORDINATION**

Kimley-Horn will coordinate with the Town, key stakeholders, the project team, and subconsultants. This task is intended to capture the effort for the meetings, conference calls, and coordination necessary for this project, with the assumed meetings detailed below.

### **Task 3 Assumptions:**

- Attend up to one (1) progress meetings with the Town to coordinate the design.

## **Fee**

Kimley-Horn will provide the services described within the Scope of Services on a Time and Expense basis with a fee as itemized on the following pages. The proposed fees assume that the design will be prepared concurrently with the current Plum Creek Widening design services with a notice to proceed for these additional services of September 18<sup>th</sup>, 2018.

Direct reimbursable expenses as required for the project such as plan reproduction for deliverables and mileage will be billed at cost. An estimated fee for reimbursable expenses has been provided. If encountered with the project we have assumed all permitting, application, and similar project fees will be paid directly by the Town.

## **Schedule**

Kimley-Horn will require an additional approximately 30 days following the notice to proceed to incorporate the services described herein with the Plum Creek Widening design services, with a revised project completed date of January 11, 2019.

Kimley-Horn will perform the additional services herein to be billed in accordance with our current contract. We appreciate the opportunity to provide these additional services to you. Please contact me if you have any questions.

Sincerely,  
**KIMLEY-HORN AND ASSOCIATES, INC.**

A handwritten signature in black ink, appearing to read 'C. Hopkins', with a stylized flourish at the end.

Christopher Hopkins, P.E.  
Associate

**Plum Creek Parkway - Final Design Fee for Noise Fence of Plum Creek Pkwy**

**PREPARED BY: KIMLEY-HORN**

**PREPARED FOR: FRANK MAIN (TOWN OF CASTLE ROCK)**

DATE: 8/21/2018

Kimley-Horn and Associates, Inc.										TOTALS	
Item	Task	Project Principal	Senior Prof. III	Senior Prof. I	Professional	Analyst II	Analyst I	Senior Admin.	Subconsultant		
		Rate	\$ 215.00	\$ 190.00	\$ 155.00	\$ 135.00	\$ 110.00	\$ 100.00	\$ 100.00		
		Hours	-	-	-	-	-	-			
		Estimated Total	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			
Estimated Total by Firm										\$0.00	
Task 1 Preliminary Design Phase											
1.1	Noise Fence Design			2						-	
	Horizontal Fence Layout				8	16				26.0	
	Structural Detailing		8			16	24			48.0	
		Task Subtotal Hours	8	2	-	24	40	-		74.0	
		Task Subtotal Fee	\$ 1,720.00	\$ 1,520.00	\$ 1,240.00	\$ 1,080.00	\$ 880.00	\$ 800.00	\$ 800.00	\$ 8,040.00	
Task 2 Final Noise Fence Construction Plans											
2.1	Noise Fence Plan			4		8		24		36.0	
2.2	Noise Fence Structural Details		4	4		8	8			24.0	
2.3	Technical Specifications					4				4.0	
2.4	Opinion of Probable Construction Cost					2	2.0			2.0	
		Task Subtotal Hours	4	8	-	22	8	24	-	66.0	
		Task Subtotal Fee	\$ 860.00	\$ 1,720.00	\$ -	\$ 4,730.00	\$ 1,720.00	\$ 5,160.00	\$ -	\$ 14,190.00	
Task 3 Project Management, Meetings and Coordination											
3.1	Progress and Review Meetings			5		5	5			15.0	
		Task Subtotal Hours	-	5	-	5	5	-		15.0	
		Task Subtotal Fee	\$ -	\$ 1,075.00	\$ -	\$ 1,075.00	\$ 1,075.00	\$ -	\$ -	\$ 3,225.00	
Total Labor Fee with Subconsultants										\$25,455.00	
Total Proposed Fee										\$25,455.00	