

**RESOLUTION NO. 2019-\_\_**

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

**WHEREAS**, the Town and the Cherry Creek Basin Water Quality Authority (“Authority”) are parties to the June 16, 2018 Participation Agreement for the Design of Stream Reclamation Improvements for McMurdo Gulch (“Participation Agreement”); and

**WHEREAS**, per the Participation Agreement, the Authority agreed to contribute \$34,000.00 to the Town for the preparation of preliminary and final design and construction documents for the reclamation of approximately 2,000 linear feet of McMurdo Gulch (“Project”); and

**WHEREAS**, design of the Project is well under way, but may not be completed by the Town by the July 31, 2019 completion date set forth in the Participation Agreement; and

**WHEREAS**, the Town anticipates awarding a contract for the construction of the Project before the end of 2019, with a construction completion date in the summer of 2020; and

**WHEREAS**, the Town has requested that the Authority contribute \$386,000.00 of funds previously budgeted by the Authority for construction of this Project for 2019; and

**WHEREAS**, in 2019, the Authority budgeted \$386,000.00 for construction of the Project with the understanding that the Authority would contribute 25 percent of the Total Project Cost (i.e. the cost of design and construction), but that the Authority’s total contribution toward the Total Project Cost would not exceed \$420,000.00; and

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

**WHEREAS**, to bring the Authority’s contribution to the Total Project Cost to \$420,000.00, the Authority now desires to contribute \$386,000.00 for construction of the Project; and

**WHEREAS**, the Parties desire to amend the Participation Agreement to extend the design completion date and to provide for the Authority’s contribution of \$386,000.00 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 First Amendment to the Participation Agreement between the Town of Castle Rock and the Cherry Creek Basin Water Quality Authority in the form attached as ***Exhibit 1*** is hereby approved. The Mayor and other proper Town officials are hereby authorized to execute the Amendment to the Agreement by and on behalf of the Town of Castle Rock, Colorado.

**PASSED, APPROVED AND ADOPTED** this 4th day of June, 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**

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

\_\_\_\_\_  
Jason Gray, Mayor

**Approved as to form:**

**Approved as to content:**

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

\_\_\_\_\_  
Mark Marlowe, Director of Castle Rock Water