

RESOLUTION NO. 2019-125

**RESOLUTION APPROVING A CONSTRUCTION CONTRACT
WITH 53 CORPORATION, LLC FOR THE INDUSTRIAL TRIBUTARY
STABILIZATION PROJECT**

WHEREAS, Castle Rock Water has determined that drainageway improvements are needed along Industrial Tributary to address severe erosion, improve water quality and preserve open space; and

WHEREAS, the improvements include the installation of grade control structures within Town owned open space east of Philip S. Miller Park as identified in the Omni, Industrial and Westfield Watershed Master Plan; 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 Industrial Tributary Stabilization Project.

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 212-4475-444.75-57, in an amount not to exceed \$1,353,533, plus a ten percent Town-managed contingency in the amount of \$135,353, for a total authorization in the amount not to exceed \$1,488,886, 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

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