

ATTACHMENT A

RESOLUTION NO. 2019-__

RESOLUTION APPROVING A CONSTRUCTION CONTRACT WITH 53 CORPORATION, LLC FOR THE McMURDO GULCH STREAM RECLAMATION PRIORITY 1 PROJECT

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 Town owned open space and designated easements as identified in the McMurdo Gulch Major Drainageway Master Plan, dated December 2006; and

WHEREAS, Castle Rock Water, through a consulting engineering firm, conducted a McMurdo Gulch 2016 Reach Assessment, and report dated January 31, 2017, which identified the improvements as areas along the channel experiencing significant erosion and head-cutting; and

WHEREAS, the improvements were approved under the current budget by Council; and

WHEREAS, the Town has entered into a Participation Agreement with the Cherry Creek Basin Water Quality Authority under which the Authority has contributed \$386,000 for construction of the Priority 1 Improvements; 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 Stream Reclamation Project Priority 1 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 \$1,054,973, plus a ten percent Town-managed contingency in the amount of \$105,497, for a total authorization in the amount not to exceed \$1,160,470, 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