

**RESOLUTION NO. 2020-123**

**RESOLUTION APPROVING A CONSTRUCTION CONTRACT BETWEEN THE  
TOWN OF CASTLE ROCK AND 53 CORPORATION, LLC, FOR THE METZLER  
RANCH POND RETROFIT PROJECT**

**WHEREAS**, the Town of Castle Rock (the “Town”), acting by and through its enterprise, Castle Rock Water, has determined that stormwater drainage system improvements are needed within Reach 2 of Tributary D at the Metzler Ranch Pond to restore basin water quality and flood control volumes (the “Metzler Ranch Pond Retrofit Project”; and

**WHEREAS**, such improvements will upgrade the stormwater drainage facilities at Metzler Ranch Pond to meet current standards and reduce long-term operation and maintenance costs; and

**WHEREAS**, funding has previously been approved by the Town Council to build legacy stormwater infrastructure projects such as these improvements; and

**WHEREAS**, the Town and 53 Corporation, LLC have agreed to the terms and conditions by which 53 Corporation, LLC, will undertake construction of the Metzler Ranch Pond Retrofit 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 obligations under the Construction Contract, the Town Council authorizes the expenditure and payment of funds from expenditure account no. 212-4475-444.77-18 in an amount not to exceed \$772,736, plus a ten percent Town-managed contingency in the amount of \$77,274, for a total authorization in the amount not to exceed \$850,010, unless authorized in writing by the Town of Castle Rock.

**PASSED, APPROVED AND ADOPTED** this 15th day of December, 2020, 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, Castle Rock Water