

CITY OF CASTLE PINES

RESOLUTION NO. 18-36

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO
APPROVING A FIRST AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT
WITH THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT FOR THE DESIGN AND
CONSTRUCTION OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR THE
CANYONS**

WHEREAS, Part 2 of Article 1 of Title 29 of the Colorado Revised Statutes, as amended, authorizes and enables governmental entities within the State of Colorado to enter into cooperative agreements or contracts with one another to provide such functions, services or facilities lawfully authorized to each of them; and

WHEREAS, the City of Castle Pines (“City”) and the Urban Drainage and Flood Control District, a special district organized under Title 32 of the Colorado Revised Statutes (“UDFCD” or “District”), previously entered into an intergovernmental agreement to facilitate the design and construction of drainage and flood control improvements (the “Project”) for the Canyons development within the City’s boundaries (“IGA”); and

WHEREAS, the developers and owners of the Canyons have agreed, through a separate funding agreement with the City, to fully fund the design and construction of the Project in order to be eligible for maintenance of the drainage and flood control improvement by UDFCD in the future; and

WHEREAS, since execution of the IGA, the estimated cost for the design of the Project has increased from Four Hundred Thirteen Thousand Seven Hundred Eighty-Five Dollars and Two Cents (\$413,785.02) to One Million One Hundred Twenty One Thousand Seventy-Seven Dollars and Two Cents (\$1,121,077.02), which necessitates an amendment to the IGA; and

WHEREAS, the execution of the attached first amendment to the IGA between the City and UDFCD shall be contingent upon the execution of an amended Canyons Funding Agreement by the City and the Canyons and the deposit of the total funding amount from the Canyons into an account with the City; and

WHEREAS, it is in the best interests of the City to execute an amended intergovernmental agreement with the UDFCD to facilitate the Project.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CASTLE PINES, COLORADO, THAT:

Section 1. The City Council hereby: (a) approves the First Amendment to an IGA with the District for the design and construction of drainage and flood control improvements in the Canyons development in substantially the same form as attached hereto as **Exhibit A**, and approved as to form by the City Attorney (the “IGA”), contingent upon the execution of a separate Canyons Funding Agreement by and between the City and the owners and developers of the Canyons and receipt of funds from the responsible owners and developers; (b) authorizes the City Attorney to finalize and to make such changes as may be needed to correct any nonmaterial errors or language or to negotiate such changes to the IGA as may be appropriate and that do not increase the obligations of the City; and (c) authorizes the Mayor or

City Manager to execute the IGA when in final form and only after execution of the Canyons Funding Agreement and the City's actual receipt of all funds necessary for the Project.

Section 2. Effective Date. This Resolution shall take effect upon its approval by the City Council.

INTRODUCED, READ AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO by a vote of 6 in favor, 0 against and 1 absent this 27th day of November, 2018.

DocuSigned by:

Tera Stave Radloff

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Tera Stave Radloff, Mayor

ATTEST:

DocuSigned by:

Tobi Basile

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Tobi Basile, City Clerk

Approved as to form:

DocuSigned by:

Linda C. Michow

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Linda C. Michow, City Attorney

