

CITY OF CASTLE PINES

RESOLUTION NO. 18-37

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO
APPROVING AN AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT
WITH THE CANYONS METROPOLITAN DISTRICT NO. 7 FOR REIMBURSEMENT OF THE
DESIGN AND CONSTRUCTION OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS
FOR THE CANYONS DEVELOPMENT**

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

WHEREAS, the developers and owners of The Canyons desire to engage the UDFCD to design and construct the Project in order to be eligible for maintenance of the drainage and flood control improvement by UDFCD in the future; and

WHEREAS, the developers and owners of The Canyons, by and through the Canyons Metropolitan District No. 7 (“District No. 7”), have entered into an intergovernmental agreement with the City to fund one hundred percent (100%) of the costs of the Project with the City retaining and distributing the funds for the Project to UDFCD; and

WHEREAS, due to increased Project costs, the City and District No. 7 desire to amend their intergovernmental agreement to memorialize the increased estimated cost for the design and construction of the Project in the amount of One Million One Hundred Twenty-One Thousand Seventy-Seven Dollars and Two Cents (\$1,121,077.02), which shall be the total amount District No. 7 deposits with the City; and

WHEREAS, the City has agreed to participate in the Project, subject to District No. 7’s agreement to pay all Project costs as more fully set forth in the amended and restated intergovernmental agreement, substantially in the form as attached to hereto as Exhibit A, and approved as to form by the City Attorney (the “IGA”); and

WHEREAS, the City and District No. 7 have determined it to be in the best interests of their respective taxpayers, residents and property owners to enter into the attached amended and restated IGA.

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

Section 1. The City Council hereby: (a) approves the Amended and Restated IGA with District No. 7 for reimbursement of the full cost and expenses incurred in the design and construction of drainage and flood control improvements in The Canyons development; (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 to execute the Amended and Restated IGA when in final form.

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 27 day of November, 2018.



ATTEST:

DocuSigned by:
Tobi Basile
AD03A2802032400
Tobi Basile, City Clerk

DocuSigned by:
Tera Stave Radloff
0E0C0E0278DC478...
Tera Stave Radloff, Mayor

Approved as to form:
DocuSigned by:
Linda C. Michow
52410E9980FF444...
Linda C. Michow, City Attorney