

RESOLUTION NO. R - 019 - 118

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO

A RESOLUTION APPROVING THE FIRST AMENDMENT TO THE
INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF PARKER AND THE
BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DOUGLAS,
STATE OF COLORADO, REGARDING COST SHARING FOR
THE DRANSFELDT ROAD EXTENSION

WHEREAS, the Board of County Commissioners of the County of Douglas (the "County") and the Town of Parker (the "Town"), desire to execute the **First Amendment** to the intergovernmental agreement concerning funding for the Dransfeldt Road Extension; and

WHEREAS, the County is willing to enter into such amendment with the Town in accordance with the terms and conditions set forth in the **First Amendment** to the intergovernmental agreement attached hereto; and

WHEREAS, governmental entities are authorized to enter into intergovernmental agreements pursuant to the provisions of Article XIV, Section 18(2)(a) of the Colorado Constitution, and section 29-1-203, C.R.S.; now, therefore,

BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DOUGLAS, STATE OF COLORADO, that the **First Amendment** to the intergovernmental agreement between the Board of County Commissioners of the County of Douglas and the Town of Parker, a copy of which is attached hereto and incorporated herein, is hereby approved, and the Chair of the Board is authorized to execute the agreement on behalf of Douglas County.

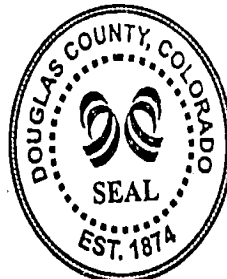
PASSED AND ADOPTED this 22nd day of October, 2019, in Castle Rock, Douglas County, Colorado.

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO

BY: Roger A. Partridge

ROGER A. PARTRIDGE, Chair

ATTEST:



Emily Wrenn

~~EMILY WRENN~~, Clerk to the Board
Kristin Randlett

**FIRST AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT BETWEEN
THE TOWN OF PARKER AND THE BOARD OF COUNTY COMMISSIONERS OF
THE COUNTY OF DOUGLAS, STATE OF COLORADO, REGARDING COST
SHARING FOR THE DRANSFELDT ROAD EXTENSION**

THIS FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT ("First Amendment") is made and entered into this 22nd day of October, 2019, by and between the Town of Parker, Colorado, a Colorado home rule municipality (the "Town"), and the Board of County Commissioners of Douglas County, State of Colorado, (the "County"), hereinafter collectively referred to as the "Parties."

RECITALS

WHEREAS, the Parties entered into the Intergovernmental Agreement (the "Agreement") concerning advancing the conceptual / preliminary design of the Dransfeldt Road extension improvements between Twenty-Mile Road and Motsenbocker Road, (the Project"); and

WHEREAS, the Parties now desire to modify the original Agreement by allowing the Town to use engineers previously contracted with the Town, allocate responsibility for assessing impacts for the Project, and allow additional time for completion; and

WHEREAS, the Parties desire to amend the Agreement in accordance with the terms and conditions stated in this **First Amendment**.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, the sufficiency of which are mutually acknowledged, the Parties hereto agree to this First Amendment to Agreement, which includes modifications to the following Sections:

Section 1. Section 1 of the Agreement titled, "Consultant Selection Process and Contracting for Project", is amended by the addition of the following language to the end of Section 1:

The County also would support the Town's decision to retain one or more of its existing consultants, as a Qualified Engineer, in order to continue to provide professionals services for some or all of the tasks associated with completing the preliminary design. Project expenses incurred by consultants retained by the Town are eligible Project expenditures (but only those expenses incurred after the date of execution of the First Amendment).

Section 4. Section 4 of the Agreement, titled "Town Contribution and Responsibilities", is amended by the addition of the following language to the end of Section 4:

The Town agrees to assess the impacts of the Project, specifically including evaluating this project's impacts to the Cherry Creek Floodplain and Floodway for a minimum of 1,000feet upstream and a minimum of 1,000 feet downstream of the proposed bridge; and extending on the north (downstream) to the existing Xcel Energy / PSCO east-west overhead transmission lines; and these limits shall be used when submitting a Conditional Letter of Map Revision (COLMR) to the Federal Emergency Management Agency (FEMA) specifically for the proposed Dransfeldt Road extension project.

Section 5. Section 5 of the Agreement, titled "Time of Performance", is replaced in its entirety with the following:

The Parties acknowledge and agree that the Project shall be substantially completed on or before **December 31, 2020**.

Section 10. Section 10 of the Agreement, titled "Additional Documents", is amended by the addition of the following language to the end of the Section:

The Town and the County acknowledge and agree that the Agreement has been modified to include the additional information and provisions identified in the First Amendment.

The remainder of the Agreement shall be unchanged and in full force and effect.

IN WITNESS WHEREOF, this First Amendment is executed by the Parties hereto as of the date first written above.

TOWN OF PARKER, COLORADO

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

Attachment: Res-w-IGA-attached-1st-amend-oct-22-2019 (5766 : First Amendment to IGA w/Town of Parker re: Cost Sharing for Dransfeldt Rd.

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY

Roger A. Partridge, Chair

ATTEST:

APPROVED AS TO CONTENT:

Emily Wrenn,
Clerk to the Board

Douglas J. DeBord,
County Manager

APPROVED AS TO FORM:

APPROVED AS TO FISCAL CONTENT:

Chris Pratt,
Senior Assistant County Attorney

Andrew Copland,
Director of Finance

Attachment: Res-w-IGA-attached-1st-amend-oct-22-2019 (5766 : First Amendment to IGA w/Town of Parker re: Cost Sharing for Dransfeldt Rd.