

RESOLUTION NO. 09-81

INTRODUCED BY:

Councilperson Dooley

Councilperson Coppola

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF CASTLE PINES NORTH
APPROVING A REIMBURSEMENT AND LICENSE AGREEMENT
WITH THE CASTLE PINES PARKS AUTHORITY AND R.I. MANAGEMENT OF
TULSA, INC., AND APPROVING A PUBLIC WORKS GENERAL SERVICES
AGREEMENT WITH HOGAN ACTION SERVICES, INC.
FOR THE LAGAE PARK SITE**

WHEREAS, pursuant to Section 31-15-101, C.R.S., the City Council of the City of Castle Pines North has the authority to enter into contracts; and

WHEREAS, the City Council previously discussed the Reimbursement and License Agreement by and between the City, the Castle Pines Parks Authority (the "Parks Authority") and R.I. Management of Tulsa, Inc. ("R.I. Management") (the "Reimbursement Agreement") at the August 13, 2009 Council meeting; and

WHEREAS, the Reimbursement Agreement has been executed by the Parks Authority and R.I. Management; and

WHEREAS, a copy of the Reimbursement Agreement is attached hereto as **Exhibit 1**; and

WHEREAS, the Reimbursement Agreement provides that the Parks Authority desires to fund certain grading activities at the Lagae Park Site which will result in mitigation of erosion and improve visual sightlines within the Park; and

WHEREAS, the Reimbursement Agreement contemplates that the Parks Authority will advance funds to the City in an amount sufficient to ensure that the grading work is timely completed; and

WHEREAS, Paragraph 1 of the Reimbursement Agreement requires the City to enter into a not to exceed contract with Hogan Action Services, Inc. ("Hogan") or other grading contractor acceptable to the City to complete the grading work at the Lagae Park Site; and

WHEREAS, the grading work at the Lagae Park Site has been publicly bid; and

WHEREAS, Hogan was the entity that was chosen to undertake the grading work at the Lagae Park Site as a result of such public bid process; and

WHEREAS, the City desires to enter into that certain Public Works General Services Agreement with Hogan (the "Grading Contract"), a copy of which is attached hereto as **Exhibit 2**; and

WHEREAS, the Reimbursement Agreement provides that the Parks Authority will reimburse the City for its legal, engineering and administrative costs incurred in conjunction with the Reimbursement Agreement up to twenty five thousand dollars (\$25,000.00),

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

Section 1. The City Council hereby approves the Reimbursement Agreement with the Parks Authority and R.I. Management, in the form attached hereto as **Exhibit 1**.

Section 2. The City Council hereby approves the Grading Contract with Hogan, in the form attached hereto as **Exhibit 2**, with the following conditions:

- (a) That the "Initial Advance" of \$258,713.07 required by Paragraph 1 of the Reimbursement Agreement be received by the City from the Parks Authority prior to the Public Works Director allowing Hogan to commence the grading activities described with particularity in the Grading Contract.
- (b) That the City procures a title insurance policy on the "Security Properties," as that term is defined in the Reimbursement Agreement, with an effective date not later than the date of this Resolution.

Section 3. Upon approval of this Resolution, the Mayor is authorized to sign the Reimbursement Agreement and the Grading Contract on behalf of the City.

Section 4. The Deputy City Clerk is instructed to record a fully executed copy of the Reimbursement Agreement in the real property records of Douglas County, Colorado.

Section 5. City Staff is directed to separately track all City legal, engineering and administrative costs related to the Reimbursement Agreement in order that the City may be reimbursed for said costs by the Parks Authority in accordance with the applicable provisions of the Reimbursement Agreement.

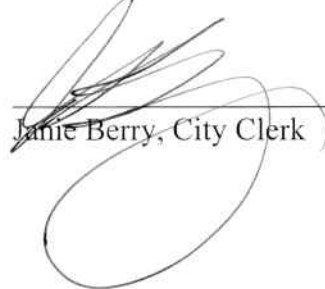
Section 6. The title insurance policy discussed in Section 2(b) above and required by Paragraph 10.D. of the Reimbursement Agreement shall be issued by Land Title at an approximate cost of \$684.00 to the City. The title insurance policy shall be issued substantially in accordance with the commitment attached hereto as **Exhibit 3**.

Section 7. This Resolution shall be effective immediately upon adoption.

INTRODUCED, READ AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH the 22nd day of October, 2009.


Maureen A. Shul, Mayor

ATTEST:


Jamie Berry, City Clerk

APPROVED AS TO FORM:


Linda C. Michow, City Attorney

Attachments:

- Exhibit 1 Reimbursement Agreement**
- Exhibit 2 Grading Contract**
- Exhibit 3 Title Commitment**