

**TOWN OF MILLIKEN
RESOLUTION NO. 16-09**

**A RESOLUTION APPROVING A COST SHARING AGREEMENT WITH LOT
HOLDING INVESTMENTS, LLC, AND DELEGATING AUTHORITY TO THE TOWN
ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE TOWN**

WHEREAS, the Town of Milliken is a statutory town organized under the laws of the State of Colorado; and

WHEREAS, the Town has commenced the East Side Water Loop and Sanitary Sewer Project as more particularly described in RFP 01-2016 (the "Project"); and

WHEREAS, a notice of award has been provided to Layne Heavy Civil, Inc. (the "Contractor") to undertake and complete the Project for the Town; and

WHEREAS, Lot Holding Investments, LLC ("LHI") has requested that the Contractor undertake certain improvements in the vicinity of the Project for the benefit of LHI including the installation of water services to residential lots, the installation of sanitary sewer services to residential lots and other similar improvements (collectively, the "LHI Improvements"); and

WHEREAS, the LHI Improvements are more particularly described in that certain Cost Sharing Agreement by and between the Town and LHI, a copy of which is attached hereto as **Exhibit A** and incorporated by reference (the "Agreement"); and

WHEREAS, the Agreement establishes a cost sharing arrangement by which the Town will contract with and pay the Contractor for the Project, and LHI will advance funds to the Town sufficient to permit the Town to authorize the Contractor to install the LHI Improvements, in accordance with the terms and conditions of the Agreement; and

WHEREAS, the Board of Trustees desires to approve the Agreement and delegate authority to the Town Administrator to execute the Agreement on behalf of the Town of Milliken.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF MILLIKEN, COLORADO, that:

Section 1. The Board of Trustees of the Town of Milliken: (a) approves the Agreement in substantially the form attached hereto as **Exhibit A**; (b) authorizes the Town Administrator and the Town Attorney to negotiate non-material changes to the Agreement in order to finalize same prior to execution by the Town Administrator; (c) authorizes the Town Administrator to execute the Agreement on behalf on the Town when in final form.

Section 2. This Resolution shall take effect immediately.

ADOPTED AND APPROVED this 11th day of May, 2016.



Mayor

ATTEST:



Cheryl L. Powell, Town Clerk

Exhibit A
Cost Sharing Agreement
(attached)