

RESOLUTION NO. 18-_____
TOWN OF ERIE, COLORADO

A RESOLUTION APPROVING THE THIRD AMENDMENT TO FIFTH INTERIM AGREEMENT BETWEEN MUNICIPAL SUBDISTRICT, NORTHERN COLORADO WATER CONSERVANCY DISTRICT WINDY GAP FIRING PROJECT AND THE TOWN OF ERIE FOR PARTICIPATION IN THE WINDY GAP FIRING PROJECT; AND AUTHORIZING THE PAYMENT OF \$600,000 AS THE TOWN'S PRO RATA SHARE OF THE PROJECT COST; AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICERS TO SIGN SAID AGREEMENT; AND SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, the Town of Erie, acting by and through its Erie Water Activity Enterprise ("Erie"), entered into an "Interim Agreement" with the Northern Colorado Water Conservancy District, acting by and through the Windy Gap Firing Project Water Activity Enterprise ("NCWCD") on July 23, 2002 to develop a water project for the purpose of developing a new reliable water source for the beneficial use of the Town of Erie and other entities, which will divide the costs among the participants; and

WHEREAS, in September of 2016, the City of Loveland executed an Amendment to the Fifth Interim Agreement which adjusted their storage capacity in the Project and which is considered the First Amendment to the Fifth Agreement.; and

WHEREAS, the Town of Erie Board of Trustees would like to approve the Third Amendment to the Fifth Interim Agreement which consists of all local, state and federal permits and approvals required for the Project; detailed engineering design including preparation of plans and specifications for contractor procurement; additional land acquisition; planning and implementation of required mitigation and enhancements measures; and related activities; and

WHEREAS, continuation and completion of the Windy Gap Firing Project on behalf of the participants will require continued funding from the participants.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO, AS FOLLOWS:

- Section 1.** The attached Third Amendment to the Fifth Interim Agreement between Erie and NCWCD, of Windy Gap Firing Project is hereby approved.
- Section 2.** The appropriate Town officers are hereby authorized and directed to sign said Agreement.
- Section 3.** Staff is authorized to expend the payments due under said Agreement.

ADOPTED AND APPROVED THIS 13TH DAY OF FEBRUARY, 2018, BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO.

TOWN OF ERIE
a Colorado Municipal Corporation

BY: _____
Tina Harris, Mayor

ATTEST:

BY: _____