

**RESOLUTION OF THE
TOWN OF GARDEN CITY BOARD OF TRUSTEES**

RESOLUTION #12-2022

**A RESOLUTION APPROVING WAIVER AND RELEASE
AGREEMENTS WITH THE CITY OF EVANS AND FSY PARTNERSHIP
FOR 28TH STREET REPAIRS BETWEEN 8TH AND 9TH AVENUE**

WHEREAS, the Board of Trustees of the Town of Garden City (the “Town”) pursuant to C.R.S. § 31-15-103, has the power to pass resolutions; and

WHEREAS, the North Half of 28th Street, lying between 8th Avenue and 9th Avenue (“28th Street”), falls within the Town limits; and

WHEREAS, the South Half of 28th Street falls within the limits of the City of Evans; and

WHEREAS, FSY Partnership owns an interest in the South Half of 28th Street; and

WHEREAS, 28th Street has fallen into disrepair and needs certain repairs and improvements performed to allow 28th Street to continue being used (the “Repairs”); and

WHEREAS, the Town has obtained an estimate for the Repairs totaling \$86,157.50; and

WHEREAS, the Town has included the costs of the Repairs in its 2022 budget; and

WHEREAS, in exchange for performing the Repairs without financial contribution from either the City of Evans or FSY Partnership, the Town desires to obtain a Waiver and Release Agreement from each prior to commencing the Repairs; and

WHEREAS, the City of Evans has agreed to the terms of a Waiver and Release Agreement, subject to approval by its City Council, a copy of which is attached hereto as Exhibit A; and

WHEREAS, FSY Partnership has agreed to the terms of a Waiver and Release Agreement, a copy of which is attached hereto as Exhibit B; and

WHEREAS, the Board of Trustees is familiar with the Waiver and Release Agreements and finds it to be in the best interest of the Town, its residents, and the general public to enter into the Waiver and Release Agreements.

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

Section 1 - Approval. The Waiver and Release Agreements are approved in substantially the same form attached hereto as Exhibits A and B, with such modifications and additions as the Town Administrator, in consultation with Legal Counsel, determines to be necessary and

appropriate to protect the interests of the Town or effectuate the purposes set forth herein and not otherwise inconsistent with this resolution.

Section 2 – Effective Date. This resolution shall become effective immediately upon adoption.

RESOLVED AND APPROVED this 3rd day of May, 2022.

TOWN OF GARDEN CITY

By: _____
Fil Archuleta, Mayor

ATTEST:

By: _____
Town Clerk

APPROVED AS TO FORM:

James Godbold, Town Attorney