

RESOLUTION NO. 19

SERIES 2020

A RESOLUTION APPROVING AN AMENDMENT TO INTERGOVERNMENTAL AGREEMENT REGARDING TRANSFER OF McCAIN PROPERTY WITH SUMMIT SCHOOL DISTRICT RE-1

WHEREAS, the Town and Summit School District RE-1 ("**School District**") entered into that Intergovernmental Agreement Regarding Transfer of McCain Property dated June 13, 2019 ("**Agreement**"); and

WHEREAS, Section C3 of the Agreement provides that the Agreement may be amended in writing and signed by the Town and the School District; and

WHEREAS, the Town and the School District desire to amend the Agreement; and

WHEREAS, a proposed Amendment to Intergovernmental Agreement Regarding Transfer of McCain Property has been prepared, a copy of which is marked **Exhibit "A"**, attached hereto, and incorporated herein by reference; and

WHEREAS, the Town Council has reviewed the proposed Amendment to Intergovernmental Agreement Regarding Transfer of McCain Property, and finds and determines that it would be in the best interest of the Town to enter into such agreement; and

WHEREAS, Rule 6.1(b) of the Council Procedures and Rules of Order provides that a resolution may be used to approve an agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. The Amendment to Intergovernmental Agreement Regarding Transfer of McCain Property with Summit School District RE-1 (**Exhibit "A"** hereto) is approved; and the Town Manager is authorized, empowered, and directed to execute such agreement for and on behalf of the Town of Breckenridge.

Section 2. Minor changes to or amendments of the approved agreement may be made by the Town Manager if the Town Attorney certifies in writing that the proposed changes or amendments do not substantially affect the consideration to be received or paid by the Town pursuant to the approved agreement, or the essential elements of the approved agreement.

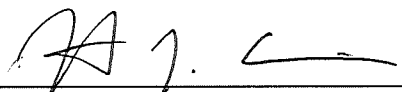
Section 3. This resolution is effective upon adoption.

RESOLUTION APPROVED AND ADOPTED THIS 14th DAY OF JULY, 2020

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By: 
Eric S. Mamula, Mayor

ATTEST:


Helen Cospolich, CMC,
Town Clerk

Amendment To Intergovernmental Agreement Regarding Transfer of McCain Property

This Amendment to Intergovernmental Agreement Regarding Transfer of McCain Property (this "Amendment") is dated June 18, 2020, 2020 (the "Effective Date") and is between the Summit School District RE-1 ("District"), a Colorado public school district and political subdivision of the state, and the Town of Breckenridge ("Town"), a Colorado municipal corporation. District and Town are referred to individually in this Agreement by name or as a "Party," and collectively as the "Parties."

WHEREAS, the Parties entered into that Intergovernmental Agreement Regarding Transfer of McCain Property dated June 13, 2019 ("Agreement"); and

WHEREAS, Section C3 of the Agreement provides that the Agreement may be amended in writing and signed by the Parties; and

WHEREAS, the Parties desire to amend the Agreement as hereafter set forth.

NOW, THEREFORE, the Parties agree as follows:

1. Section 2.1 of the Agreement is amended so as to read in its entirety as follows:

2.1 The Town expects to begin delivery of the fill to the McCain Property in May 2019, and to conclude the delivery of fill to the property on or before December 31, 2026. In order to confirm that the Town is providing "clean fill" to the McCain Property, beginning January 1, 2019, the Town certifies, warrants and represents that any and all fill material used on the McCain Property by or at the direction of the Town shall be certified clean fill that has been tested by a third-party at the Town's sole cost. For the purposes of this Agreement, the term "clean fill" shall mean fill material that is below the Residential or Unrestricted Use values as set forth in the current Colorado Soil Evaluations Values Table, available from the Colorado Department of Public Health and Environment.

2. Section 4.1 of the Agreement is amended so as to read in its entirety as follows:

4.1 The Town shall complete the street and utilities infrastructure prior to or in conjunction with the District's construction of a new building on the McCain Property, and no later than December 31, 2026; provided, however, the District acknowledges that gas and electric service to the McCain Property cannot be provided until detailed construction plans are

AMENDMENT TO INTERGOVERNMENTAL AGREEMENT REGARDING TRANSFER
OF MCCAIN PROPERTY

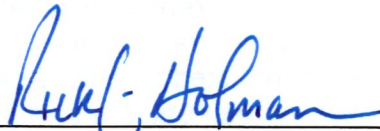
completed by the District and submitted to and approved by Xcel Energy. Xcel Energy cannot design gas or electric infrastructure for the McCain Property until utility loads for the District's new facilities are determined. At the time of the execution of this Agreement, the lead time required to obtain Xcel Energy approval is approximately twelve months. The Town shall not be in default of this Agreement if it is unable to complete the street and utilities infrastructure by the deadline provided above in this Section 4.1 because final approval from Xcel Energy has not been obtained in time to meet such deadline. In such event, the Town shall complete the street and utilities infrastructure improvements to the McCain Property with due diligence after final approval from Xcel Energy has been obtained.

3. All capitalized terms used in this Amendment shall have the same meaning as provided in the Agreement.

4. Except as expressly amended by this Amendment the Agreement shall remain in full force and effect.

5. In accordance with Section 29-1-203(1), C.R.S., this Amendment shall not become effective unless and until it has been approved by the governing bodies of both the Town and the County, or by such persons as has the power to approve this Amendment on behalf of the Town and the County.

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation


By: 
Rick G. Holman, Town Manager

ATTEST:

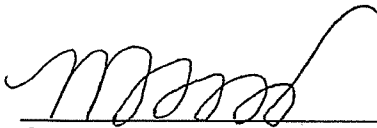

Helen Cospolich, CMC,
Town Clerk

AMENDMENT TO INTERGOVERNMENTAL AGREEMENT REGARDING TRANSFER
OF McCAIN PROPERTY

SUMMIT SCHOOL DISTRICT RE-1

By: 
Kerry Buhler, Superintendent

ATTEST:


Secretary, Board of Education

600-314\Amendment to IGA (04-10-20)

AMENDMENT TO INTERGOVERNMENTAL AGREEMENT REGARDING TRANSFER
OF McCAIN PROPERTY