RESOLUTION NO. 17- 155

THE BOARD OF COUNTY COMMISSIONERS OF PUEBLO COUNTY, COLORADO

APPROVING A SETTLEMENT AGREEMENT WITH MARTIN MARRIETTA MATERIALS, INC.

WHEREAS; by Resolution No. 12-295, dated December 4, 2012, the Board of County Commissioners accepted the bid and approved the Agreement between Martin Marietta Materials, Inc., and Pueblo County for overlay with hot mix asphalt the DOT Road beginning at the end of the concrete roadway, paving east to the Pueblo Chemical Depot Access as part of the Federal Aid Project No. DAR C020-26 known as the Defense Access Road Project Phase 4 (the "DAR Project"); and

WHEREAS, the completed DAR Project did not meet the technical specifications of the Colorado Department of Transportation ("CDOT") and CDOT called for imposition of disincentives which caused an overpayment by Pueblo County to Martin Marietta Materials, Inc.; and

WHEREAS, by Resolution No. 14-168, dated June 11, 2014, the Board of County Commissioners accepted the bid and approved the Agreement between Martin Marietta Materials, Inc., and Pueblo County for the Roundabout Project at N. Purcell Blvd. and E. Plateville Blvd. in Pueblo West, Colorado; and

WHEREAS, the Roundabout Project did not meet contract specifications and needed repair; and

WHEREAS, Pueblo County has negotiated a Settlement Agreement and Mutual Release with Martin Marietta Materials, Inc., that fully resolves the DAR Project and the Roundabout Project; and

WHEREAS, the Settlement Agreement and Mutual Release in this matter has been approved by the County Attorney's Office and is recommended by the Engineering and Public Works Department.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pueblo County, Colorado, that:

1. The Settlement Agreement and Mutual Release between Pueblo County and Martin Marietta Materials, Inc., the terms and conditions of which are incorporated herein by this reference, is hereby approved and the Chair of the Board of County Commissioners is authorized to execute said Agreement on behalf of Pueblo County.

2. The officers, employees and agents of the County are hereby authorized to take all action necessary or appropriate to effectuate the provisions of this Resolution in accordance with Colorado law.

RESOLUTION NO. 17-155 (CONTINUED)

PASSED AND ADOPTED this 21st day of June 2017, in Pueblo Colorado.

THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COLORADO

By: _____
Terry A. Hart, Chairman

ATTEST:

By: _____
Gilbert Ortiz, County Clerk