

**ORDINANCE NO. 14  
Series 2008**

June 17, 2008: Introduced as Council Bill 12, Series 2008 by Councilmember Scott Roswell, seconded by Councilmember Mark Griffin, and considered by the title only on first reading. Passed by a vote of 6 yes and 0 no.

July 1, 2008: Considered in full text on second reading. Passed by a vote of 4 yes and 0 no.

**A BILL FOR AN ORDINANCE  
OF THE CITY OF CHERRY HILLS VILLAGE,  
AUTHORIZING A SUPPLEMENTAL APPROPRIATION FOR THE SETTLEMENT  
AGREEMENT AND RELEASE WITH DAVIS PARTNERSHIP ARCHITECTS FOR  
FISCAL YEAR 2008**

**WHEREAS**, the City of Cherry Hills Village and Davis Partnership entered into a contract titled "Agreement for Professional Services, Cherry Hills Village Center – Architectural Services," on September 7, 2004 (the "contract"); and

**WHEREAS**, the contract called for a certain scope of work and services, in consideration for payment from the City to Davis in the amount of \$124,500.00, plus reimbursable expenses estimated at \$11,450.00, plus amounts to be added for professional engineering services provided by subcontractors estimated to be approximately \$57,000.00; and

**WHEREAS**, at its regular meeting on January 17, 2006, the City Council terminated the project; and

**WHEREAS**, a dispute has arisen between Davis and the City, with Davis claiming that additional work was authorized and performed, beyond the original scope of services, and with the City claiming that all work was performed within the original scope of the contract, without any authorization for additional work; and

**WHEREAS**, Davis asserted an amount due of \$303,712.62, while the City claimed the amount owed under the original contract was \$146,913.00; and

**WHEREAS**, the parties have reached a collective settlement concerning all claims whereby the City will make payment to Davis in the amount of \$170,000; and

**WHEREAS**, these funds were not budgeted for in the 2008 budget.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO, ORDAINS:**

Section 1. That the 2008 Budget and Appropriations be hereby supplemented by increasing the following funds and accounts, to-wit:

|  |              |    |
|--|--------------|----|
| <u>General Fund</u>                          |              |    |
| As determined on or before December 31, 2008 |              |    |
|  | From         | To |
| Village Center Improvements                  | \$150,000.00 |    |
| \$320,000.00                                 |              |    |

Section 2. The City Council hereby ratifies all expenditures heretofore and hereafter made pursuant to this supplemental appropriation ordinance.

ABF554

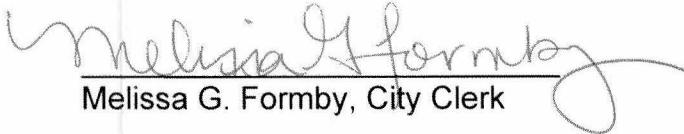
ORDINANCE 14, SERIES 2008  
 A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE AUTHORIZING A SUPPLEMENTAL APPROPRIATION FOR THE SETTLEMENT AGREEMENT AND RELEASE WITH DAVIS PARTNERSHIP ARCHITECTS FOR FISCAL YEAR 2008.  
 Copies of the Ordinances are on file at the office of the City Clerk and may be inspected during regular business hours.  
 Published in The Villager  
 Published: July 10, 2008  
 Legal # 1514

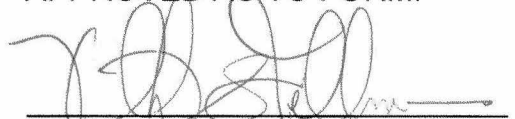
Adopted as Ordinance No. 14, Series 2008, by the City Council of the City of Cherry Hills Village, Colorado, on the 1<sup>st</sup> day of July, 2008.

  
 Michael J. Wozniak, Mayor

ATTEST:

APPROVED AS TO FORM:

  
 Melissa G. Formby, City Clerk

  
 Kenneth S. Fellman, City Attorney

Published in the Villager  
 Published 7/10/08  
 Legal # 1514