

**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:

General Fund

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

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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
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Legal # 1514

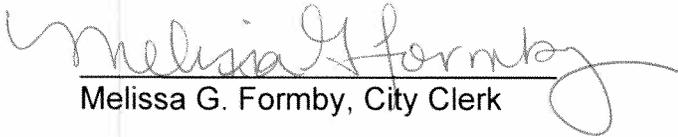
Adopted as Ordinance No. 14, Series 2008, by the City Council of the City of Cherry Hills Village, Colorado, on the 1st day of July, 2008.



Michael J. Wozniak, Mayor

ATTEST:

APPROVED AS TO FORM:



Melissa G. Formby, City Clerk



Kenneth S. Fellman, City Attorney

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