

**FIRST AMENDMENT  
TO REIMBURSEMENT AGREEMENT**

This First Amendment made and entered into this 4<sup>th</sup> day of June, 2008 by and between the City of Loveland, Colorado a home rule municipality hereinafter called the "City" and the City of Loveland Department of Water and Power, hereinafter called the "Developer".

WHEREAS, the parties on February 27, 2007, entered into a Reimbursement Agreement, concerning the Boyd Lake-Rocky Mountain Ave Loop Waterline Phase 2; and

WHEREAS, the parties desire to amend the agreement to include the actual final costs for the waterline, show the current property owners adjacent to the waterline and determine the actual total amount of reimbursement owed to the Developer by these property owners,

NOW, THEREFORE, in consideration of mutual covenants and obligations as set forth herein, the parties agree as follows:

The final cost for the waterline is five hundred thirty four thousand seven hundred twenty two dollars and 04 cents (\$534,722.04). As per the original agreement (Exhibit A), adjacent property owners shall reimburse the City or cause the City to be reimbursed for the final eligible costs as defined in Exhibit B, attached hereto and incorporated herein by reference. Payment calculations are set forth in Exhibit C, attached hereto and incorporated herein by reference.

All other terms and conditions set forth in the original Agreement shall remain binding.

Exhibits attached to the Agreement are:

- Exhibit A - Copy of Original Agreement
- Exhibit B - Final Cost Summary
- Exhibit C - Amended Payment Calculations

## REIMBURSEMENT AGREEMENT

THIS AGREEMENT, made and entered into this 27<sup>th</sup> day of February, 2007, by and between the CITY OF LOVELAND, COLORADO, a municipal corporation, hereinafter called the "City" and the City of Loveland Department of Water and Power hereinafter called the "Developer",

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WHEREAS, the Developer finds it necessary and desirable to provide for the installation of certain water improvements ("Improvements") which are the subjects of this Agreement and are known as the **Boyd Lake-Rocky Mountain Ave Loop Waterline Phase 2**; and

WHEREAS, the City has adopted the Water and Sewer Line Extension Policy ("Policy"), attached hereto as Exhibit A, which sets forth the City's policy concerning the extension of water and sewer facilities to the Developer's property;

NOW THEREFORE, in consideration of the mutual covenants contained herein, it is agreed as follows:

#### 1. REFUNDING

It is agreed that the Developer shall have an opportunity to recoup from subsequent future development along the line of the Improvements a portion of the actual costs of the Improvements. The Improvements are shown on attached Exhibit B and described as but not limited to:

- a) 6,290 L.F. of twenty four-inch (24") water line and appurtenances.
- b) Engineering and design costs.
- c) Construction management.
- d) Easements
- e) Traffic control.
- f) Street repairs.

For the purpose of providing an opportunity for reimbursement to the Developer, the City agrees, subject to the provisions contained in this Agreement, to collect certain sums of money as set forth herein, in addition to all other fees and sums collected by the City, from those persons who commence subsequent future development along the line of the Improvements as set forth in section 1.3.3.1 of the Policy.

The properties along the line of the Improvements which are subject to this Agreement are located in the NW quarter of Section 9, Township 5 North and Range 68 West, SE and NE quarter of Section 8, Township 5 North and Range 68 West of the 6<sup>th</sup> P.M., SW quarter of Section 4, Township 5 North and Range 68 West, NW and NE quarter of Section 4, Township 5 North and Range 68 West, City of Loveland, County of Larimer and State of Colorado and can be seen in Exhibit B.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

APPROVED AS TO FORM:

CITY OF LOVELAND, COLORADO

*Summit Clites*  
City Attorney *1/2/08*

*[Signature]*  
Acting City Manager

ATTEST:



DEVELOPER:

City of Loveland  
Department of Water and Power  
200 N Wilson Avenue  
Loveland, CO 80537

*Jessica H. Andrews*  
City Clerk

*[Signature]* 6/9/08  
acting Director of Water and Power

Any portions, lots, or pieces of property that result from the splitting, subdividing or replatting of any of the above described properties are subject to this Agreement.

Each property shall also pay a proportionate cost for intersections, open space, street rights of way and other areas that would normally be a development cost.

At the time that a water or sewer service line or extension, which serves all or any of the above described properties, is installed, regardless of whether or not the service or line extension is connected to the Improvements, the City shall collect from the person(s) installing said water or sewer service line or extension, the following described fee(s):

- a) Reimbursement for the cost of the 8" portion of the 24" water line. These costs are determined by subtracting the eligible oversize cost from the actual cost of the 24" water line. The actual cost, the eligible oversize cost and the cost of the 8" portion are shown in Exhibit D. During the development of this project, the City identified 7 properties that could ultimately benefit from the construction of the water lines. These properties are shown in Exhibit B. The determination of eligible reimbursement costs are shown in Exhibit D. Exhibit E describes the obligated properties, lists the current owners and shows the current estimated reimbursement due from each property.
- b) The sum of money, as calculated above, shall be increased or decreased to reflect fluctuations in the construction cost index (20 city average) as published in the most recent issue of the Engineering News Record (ENR). The base cost index shall be the index in effect at the time the construction quote or bid is obtained: the October 2006, ENR Index.
- c) The fee shall be collected by the City, and shall be payable to the Developer as reimbursement for the costs of installing the Improvements.

**Summary of Exhibits:**

Exhibit A	City of Loveland Water and Sewer Line Extension Policy
Exhibit B	Construction Plan Extract and Conceptual Site Plan
Exhibit C	Construction Bid (Low Bidder) and Other Associated Costs
Exhibit D	Cost Analysis
Exhibit E	Cost Allocation, Obligated Properties and List of Current Property Owners

**2. TERM, EFFECT AND INTEGRATION**

It is expressly understood and agreed that the terms of this Agreement shall be binding upon and inure to the benefit of the heirs, successors, representatives, and assigns of the parties hereto; and that the reimbursement provisions of this Agreement shall be in force and effect only for a period of twenty (20) years from the date first above written or until maximum reimbursement is made.

This Agreement constitutes the entire Agreement of the parties, and may be altered, amended or revised only by written agreement of the parties hereto.

APPROVED AS TO FORM:

**THE CITY OF LOVELAND**  
A Municipal Corporation

Sharon L. Clegg  
City Attorney *Asst.*

Don F. Williams  
City Manager

ATTEST:



Jeanne M. Weaver  
City Clerk *Deputy*

**DEVELOPER:**

City of Loveland  
Department of Water and Power  
200 North Wilson Avenue  
Loveland, Colorado 80537

Robert M. Mullinif  
Water and Power Director

ATTEST (if a corporation)

[SEAL]

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Corporate Secretary

### Exhibit B

#### Final Eligible Items and Cost for Oversizing to 24" DIP Water Main

Item	Description	Estimated Quantity	Unit	Unit Price	Item Total
1	24" DIP Class 250 (Unrestrained)	4,528	LF	68.00	307,904.00
2	24" DIP Class250 (Restrained)	1,742	LF	96.00	167,232.00
3	Air Release Valve	2	EA	4,904.06	9,808.12
4	24" Butterfly Valve	6	EA	5,800.00	34,800.00
5	24" DIP Tie-in (Boyd Lake Ave.) South end	1	LS	6,500.00	6,500.00
6	24" DIP Tie-in (Boyd Lake Ave.) North end	1	LS	6,000.00	6,000.00
7	24" DIP Cathodic Protection System	1	LS	38,000.00	38,000.00
8	Water Service Connection "A"	1	LS	8,900.00	8,900.00
9	Water Service Connection "B"	1	LS	870.00	870.00
10	Water Service Connection "C"	1	LS	6,100.00	6,100.00
11	Water Service Connection "D"	1	LS	13,000.00	13,000.00
12	Delete 3 Fittings	1	LS	-3,365.87	-3,365.87
13	Add fitting to Fire Hydrant Stub-out	1	LS	793.50	793.50
14	PVC Megalug Addition	12	EA	91.70	1,100.40
	<b>Total</b>				<b>597,642.15</b>

The City pays 84% of the eligible costs for oversized to a 24" water main.

$\$597,642.15 \times .84 = \$502,019.41$ .  $\$597,642.15 - \$502,019.41 = \$95,622.74$  (Cost of 8" Portion)

#### Final Eligible Items for Reimbursement for the 24" DIP Waterline from Low Bid

Item	Description	Estimated Quantity	Unit	Unit Price	Unit Total
1	8" Portion of Main	1	LS	95,622.74	95,622.74
2	General Conditions	1	LS	10,000.00	10,000.00
3	Mobilization/Demobilization	1	LS	9,000.00	9,000.00
4	Clearing and Grubbing	1	LS	1,200.00	1,200.00
5	Trench Stabilization Material	100	CY	1.00	100.00
6	Blowoff	2	EA	9,600.00	19,200.00
7	Fire Hydrant	5	EA	5,600.00	28,000.00
8	Asphalt Demo, Disposal & Replacement	1	LS	90,933.39	90,933.39
9	Class 6 Road Base	1	LS	33,615.18	33,615.18
10	Site Restoration	1	LS	1,500.00	1,500.00
11	Revegetation	1	LS	7,000.00	7,000.00
12	Erosion Control/Silt Fence	1	LS	23,000.00	23,000.00
13	Traffic Control/Regulation	1	LS	18,000.00	18,000.00
14	Pipe Testing and Disinfection	1	LS	3,200.00	3,200.00
15	12-inch PVC Stub	2	EA	5,100.00	10,200.00
16	Irrigation Canal Demo	1	LS	2,100.00	2,100.00
17	RCP Flanged End Demo and Replacement	1	LS	307.02	307.02
18	Engineering/Design/SDC	1	LS	134,887.38	134,887.38
19	Construction Management	1	LS	25,884.00	25,884.00
20	Soil Testing Services	1	LS	16,493.99	16,493.99
21	Easement Acquisition	1	LS	1,300.00	1,300.00
22	Easement research	1	LS	3,078.84	3,078.84
23	Fed Ex	1	LS	99.50	99.50
	<b>Total</b>				<b>534,722.04</b>

Cost per foot due as reimbursement is  $\$534,722.04 \div 6,270$  lf = **\\$85.28 per lf.**

**Exhibit C**

Parcel Number	Parcel Location	Current Parcel Owner	LF of Property Adjacent to 24" Water Line	Current Reimbursement Cost
1	NW quarter of Section 9, Township 5 North and Range 68W of the 6 <sup>th</sup> PM, City of Loveland, County of Larimer and State of Colorado	Centerra Residential, LLC 2725 Rocky Mountain Ave., Suite 200 Loveland, CO 80538	1,110 LF at 50%	\$47,330.40
2	SE and NE quarter of Section 8, Township 5 North and Range 68W of the 6 <sup>th</sup> PM, City of Loveland, County of Larimer and State of Colorado	Lakeview Holdings, LLC 650 S Cherry St, Suite 435 Denver, CO 80246	1,537 LF at 50%	\$65,537.68
3	NW quarter of Section 9, Township 5 North and Range 68W of the 6 <sup>th</sup> PM, City of Loveland, County of Larimer and State of Colorado	Centerra Residential, LLC 2725 Rocky Mountain Ave., Suite 200 Loveland, CO 80538	427 LF at 50% 435 LF at 100%	\$55,304.08
4	NW quarter of Section 9, Township 5 North and Range 68W of the 6 <sup>th</sup> PM, City of Loveland, County of Larimer and State of Colorado	Centerra Residential, LLC 2725 Rocky Mountain Ave., Suite 200 Loveland, CO 80538	335 LF at 100%	\$28,568.80
5	SW quarter of Section 4, Township 5 North and Range 68W of the 6 <sup>th</sup> PM, City of Loveland, County of Larimer and State of Colorado	Centerra Residential, LLC 2725 Rocky Mountain Ave., Suite 200 Loveland, CO 80538	435 LF at 100%	\$37,096.80
6	SW quarter of Section 4, Township 5 North and Range 68W of the 6 <sup>th</sup> PM, City of Loveland, County of Larimer and State of Colorado	Centerra Residential, LLC 2725 Rocky Mountain Ave., Suite 200 Loveland, CO 80538	705 LF at 100%	\$60,122.40
7	SW quarter of Section 4, Township 5 North and Range 68W of the 6 <sup>th</sup> PM, City of Loveland, County of Larimer and State of Colorado	Greeley and Loveland Irrigation Co 808 23rd Ave Greeley, CO 80631	1495 LF at 100%	\$127,493.60
8	NW quarter of Section 4, Township 5 North and Range 68W of the 6 <sup>th</sup> PM, City of Loveland, County of Larimer and State of Colorado	Cloverleaf Kennel Club P.O. Box 88 Loveland, CO 80539	350 LF at 100%	\$29,848.00
9	NW and NE quarter of Section 4, Township 5 North and Range 68W of the 6 <sup>th</sup> PM, City of Loveland, County of Larimer and State of Colorado	Centerra Properties West, LLC 2725 Rocky Mountain Ave., Suite 200 Loveland, CO 80538	978 LF at 100%	\$83,403.84

Note: The property information was taken from the Larimer County web site on June 4, 2008

