

**TOWN OF LYONS, COLORADO  
RESOLUTION 2021-60**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO  
RATIFYING THE FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT  
WITH WESTERN STATES LAND SERVICES, LLC FOR A RIGHT-OF-WAY CONSULTANT  
FOR FEMA FUNDED PROJECT - 2<sup>nd</sup> AVENUE BRIDGE REPLACEMENT**

**WHEREAS**, the Town of Lyons (the "Town") has the authority to enter into contracts for any lawful municipal purpose pursuant to C.R.S. § 31-15-101; and

**WHEREAS**, the Town has secured funding from the Federal Emergency Management Agency ("FEMA") for the 2<sup>nd</sup> Avenue Bridge Replacement Project due to damages caused by flooding in September 2013; and

**WHEREAS**, expenses for this project are now eligible for reimbursement from the Department of Housing and Urban Development Community Development Block Grant - Disaster Recovery ("CBDG-DR") administered by the Boulder County Collaborative under the Intergovernmental Agreement between the Town of Lyons and the City of Longmont (INF-00010); and

**WHEREAS**, the Town and Western States Land Services, LLC (Contractor) entered into that certain Professional Services Agreement executed December 15, 2020 ("Original Agreement"), as approved by Resolution 2020-182, for Contractor to provide services for the 2<sup>nd</sup> Avenue Bridge Replacement Project as specified in the Contract Documents ("Project"), for a not-to-exceed cost of **FOURTEEN THOUSAND NINE HUNDRED SEVENTY-FIVE DOLLARS AND NO CENTS (\$14,975.00)**; and

**WHEREAS**, Sections 1.3 and 10.12 of the Agreement require that any amendment to the Agreement be in writing and signed by the Parties; and

**WHEREAS**, Section 4.1 of the Original Agreement requires that both parties mutually agree in writing to extend the term of the Original Agreement; and

**WHEREAS**, the Town's Purchasing Policy allows the Town Administrator to execute professional service agreements that incur less than or equal to a \$10,000 increase to the contract price and/or for term extensions; and

**WHEREAS**, the Contractor and the Town Administrator have executed an amendment to the Original Agreement on June 14, 2021 in order to extend the term of the Original Agreement until April 30, 2021 at no increase to the total not-to-exceed amount of **FOURTEEN THOUSAND NINE HUNDRED SEVENTY-FIVE DOLLARS AND NO CENTS (\$14,975.00)**; ("**First Amendment**"); and

**WHEREAS**, the Town Board of Trustees desires to ratify the First Amendment in substantially the form attached hereto as **Exhibit 1** for the purpose of entering the Original Agreement into the permanent Town record;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, COLORADO:**

**Section 1.** The above recitals are hereby incorporated by reference

**Section 2.** The Town Board of Trustees hereby:

- (a) Ratifies the First Amendment in substantially the form attached as in **Exhibit 1.**
- (b) Authorizes the Town Administrator and the Town Attorney, in consultation with the Mayor, to make such changes as may be necessary to correct any non-material errors or language in this amendment that does not increase the obligations of the Town.

Section 3. This Resolution shall take effect immediately upon adoption.

**ADOPTED this 21<sup>st</sup> day of June 2021.**

TOWN OF LYONS

By: \_\_\_\_\_  
Nicholas Angelo, Mayor

ATTEST:

\_\_\_\_\_  
Dolores M Vasquez, CMC, Town Clerk

**Exhibit 1:**  
**Western States Land Services – Amendment 1**