



Board Summary Report

File #: 21-749

Agenda Date: 10/26/2021

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To: Board of County Commissioners

Through: Ron Carl, County Attorney

Prepared By:

John Christofferson, Deputy County Attorney

Subject:

Approval of Litigation Settlement Agreement - Cherry Creek Water & Sanitation District v. Board of County Commissioners of the County of Arapahoe, *et al*

Purpose and Request:

Adoption of resolution authorizing the Chair of the Board of County Commissioners to sign a settlement agreement that has been negotiated in the litigation of v. Board of County Commissioners of the County of Arapahoe, *et al.*, 21CV030385 (Arapahoe County District Court), a review of which was previously provided to the Board in executive session.

Background and Discussion: [Click or tap here to enter text.](#)

The Cherry Creek Water & Sanitation District litigation regards a claim by the District that the contractor for the County on the 2019 Cherry Creek Trail Improvements Project damaged the District's water main. The District filed this litigation against the County and four other defendants. A settlement agreement among all parties resolving the litigation has been reached.

Alternatives: Allow the case to continue to trial or continue to negotiate a different resolution.

Fiscal Impact: This has been previously discussed with the Board. This settlement agreement will reduce future costs.

Alignment with Strategic Plan:

- Be fiscally sustainable
- Provide essential and mandated service
- Be community focused

Concurrence: The County Attorney has endorsed the proposed agreement.

Resolution: Attach a copy of the draft resolution.