



## Board Summary Report

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**File #:** 25-048

**Agenda Date:** 1/28/2025

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**To:** Board of County Commissioners

**Through:** Bryan Weimer, Director, Public Works and Development Department

**Prepared By:**

Ceila Rethamel, Engineering Services Division Manager, Public Works and Development Department

**Subject:**

Settlement Agreement for Reimbursement of Damage to County Road 129

**Purpose and Request:**

The Public Works and Development (PWD) staff requests that the Board of County Commissioners adopt a resolution to approve and accept a settlement agreement for payment of road repairs to be completed by the Road & Bridge Division from Western Midstream for damages caused by their Mitchell Project. Staff also requests that the Board authorize the Director of Public Works and Development to sign the agreement and further authorizes the payment to be returned to Fund 16, account # 1645110140-54367. PWD recommends that the Board approve and accept this settlement agreement for payment of services to be rendered.

**Background and Discussion:** Western Midstream completed remediation of the Mitchell Compressor Station which is located along County Road 129. The remediation involved removal of impacted soils that were then hauled to an off-site remediation site (Denver Arapahoe Disposal Site) and restoration of the site for agricultural operations. The route for hauling the impacted soils waste from their site was along County Road 129 south to County Road 30/ Quincy Avenue west to Gun Club Rd. The same route was used to import clean fill material which resulted in damage to both travel lanes. This hauling was completed between January and June 2024 and resulted in damage to County Road 129. The estimated damage includes about 337 square yards of sub-grade repair with a Geo-Fabric, 1,671 feet of saw cutting, and 1,749 square yards of 7-inch asphalt patching.

Staff and Western Midstream came to a compromise where the County's Road & Bridge Division will manage the repair contract, provide inspections, testing, cover any additional cost to complete the project, and manage the repair warranty period. Western Midstream paying the pre-determined set amount of \$230,880 This settlement agreement is the product of those discussions.

**Alternatives:** PWD staff sees no viable alternative to signing the settlement agreement with Western Midstream to restore County Road 129.

**Fiscal Impact:** This would be revenue paid to the County for damages sustained on a county road.

**Alignment with Strategic Plan:**

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

**Concurrence:** PWD staff has reviewed this settlement agreement with the County Attorney's office.

**Resolution:** Attached is a copy of the draft resolution.