

RESOLUTION NO. 2013 - 47

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF RIO BLANCO COUNTY, COLORADO APPROVING A CONTRACT WITH THE STATE OF COLORADO FOR THE USE AND BENEFIT OF THE COLORADO DEPARTMENT OF TRANSPORTATION RELATED TO FEDERAL FUNDING OF CONSTRUCTION OF THE COUNTY ROAD 5 MP 18.9 TO MP 19.6 WILDLIFE FENCING**

**WHEREAS**, Federal funds have been made available pursuant to Title 1, Subtitle A Section 1108 of the "Transportation Equity Act for the 21<sup>st</sup> Century" of 1998 (TEA-21) and/or the "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy of Users" (SAFETEA-LU) of 2005, and to applicable provisions of Title 23 of the United States Code and implementing regulations at Title 23 of the Code of Federal Regulations as may be amended, (hereinafter collectively referred to as the "Federal Provisions") and such funds have been and are expected to continue to be allocated for a transportation project requested by the County as "Local Agency" and eligible under the Surface Transportation Improvement Program that has been proposed by the State of Colorado (State) and approved by the Federal Highway Administration ("FHWA"); and

**WHEREAS**, pursuant to C.R.S. Section 43-1-223 and applicable portions of the Federal Provisions, the State through the Colorado Department of Transportation (CDOT) is responsible for the general administration and supervision of performance of projects in the Program, including the administration of Federal Funds for a project performed by a local agency under a contract with the State, and the contract is to be executed under the authority of C.R.S. Sections 29-1-203, 43-1-110, 43-1-116, 43-2-101(4)(c) and 43-2-14; and

**WHEREAS**, the safety and protection of the motoring citizens in Rio Blanco County continues to be of utmost importance to the County; and

**WHEREAS**, the County has identified this project within its capital improvement plan; and

**WHEREAS**, County has budgeted and appropriated for the agency match an amount, not to exceed 20% of the total project or \$50,000.00, for construction of the County Road 5 MP 18.9 to MP 19.6 Wildlife Fence Project number TAP C490-005(19382) ; and

**NOW THEREFORE, BE IT RESOLVED:**

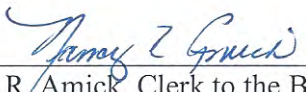
1. The Agreement between the County and the State providing the terms and conditions under which a \$200,000.00, Federal grant is being made available to the County, is hereby approved and accepted and Shawn J. Bolton as Chairman of the Board of County Commissioners of Rio Blanco County, Colorado is hereby authorized to execute the contract on behalf of the County.

2. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The Board of County Commissioners of Rio Blanco County, Colorado, declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase, or portion herein, despite the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions would be declared invalid or unconstitutional.

DULY MOVED, SECONDED, AND PASSED ON A VOTE OF 3 FOR AND 0 AGAINST, THIS 14<sup>th</sup> DAY OF OCTOBER, 2013.

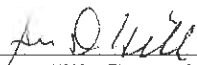
**BOARD OF COUNTY COMMISSIONERS  
OF RIO BLANCO COUNTY, COLORADO**


ATTEST:

  
\_\_\_\_\_  
Nancy R. Amick, Clerk to the Board

  
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Shawn J. Bolton, Chairman



  
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Jon D. Hill, Commissioner

  
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Jeffrey D. Eskelson, Commissioner