

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO APPROVING THE ALLOCATION OF FOUR HUNDRED FIFTY FOUR THOUSAND THIRTY EIGHT DOLLARS (\$454,038) FROM THE UNDERGROUNDING FUND AS PROVIDED IN THE FRANCHISE AGREEMENT WITH UNITED POWER; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTATION FOR SUCH ALLOCATION; AND AUTHORIZING THE EXPENDITURE OF SAID FUNDS FOR THE SOUTHERN STREET, TOWER ROAD AND CARMICHAEL PARK LIGHTING PROJECTS IN 2015.

RESOLUTION NO. 2015-64

WHEREAS, the City of Brighton Municipal Code Section 5.80, and Ordinance 2031, and the Franchise Agreement between the City and United Power, indicate that United Power must allocate one and one-half percent of the preceding year's gross revenues obtained from electric utility operations within the City for the purpose of undergrounding its overhead distribution facilities in the City (the "Undergrounding Funds"), at the expense of United Power; and

WHEREAS, the City Council for the City of Brighton has reviewed the use of Four Hundred Fifty Four Thousand Thirty Eight Dollars (\$454,038) of the Undergrounding Funds allocated by United Power as part of the Franchise Agreement for the Southern Street, Tower Road, and Carmichael Park Project (installation of lights on Southern Street between Telluride Street and 45th Avenue, and Tower Road between Bromley Lane and Bridge Street, and undergrounding of lights on Southern Street adjacent to Carmichael Park); and

WHEREAS, the City Council has further determined that funds are available for the Project; and

WHEREAS, the Undergrounding Fund balance as of the end of 2014 was \$1,216,813; and

WHEREAS, the pending commitments from United Power total \$1,350,000 thus providing an available allocation for projects in 2015 of approximately \$2,566,813; and

WHEREAS, approximately \$450,000 will be allocated to the Undergrounding Fund each year based on historical allocations from United Power; and

WHEREAS, the City Council finds that use of the Undergrounding Funds for the Southern Street, Tower Road, and Carmichael Park Project is appropriate and will contribute to the safety of the roadways and enhance aesthetics for citizens who visit Carmichael Park.

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Brighton, as follows:

1. Allocation from the United Power Undergrounding Fund in the amount of Four Hundred Fifty Four Thousand Thirty Eight Dollars (\$454,038) is hereby approved for the Southern Street, Tower Road, and Carmichael Park Undergrounding Project
2. The City Manager is hereby authorized to execute the necessary documents to move forward with the Southern Street, Tower Road, and Carmichael Park Undergrounding Project as provided in the Franchise Agreement.

Adopted this 2nd day of June, 2015.

THE CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

Approved as to form:

Margaret Brubaker, Esq, City Attorney