

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THAT CERTAIN PURCHASE AND SALE TRANSACTION BY AND BETWEEN THE WATER ACTIVITY ENTERPRISE OF THE CITY OF BRIGHTON (“ENTERPRISE”), AND THE JOE A. EVANOFF AND LORIE A. EVANOFF CHARITABLE REMAINDER TRUST DATED DECEMBER 6, 2013 (“SELLER”), FOR THE ACQUISITION OF CERTAIN ADAMS COUNTY REAL PROPERTY AND IMPROVEMENTS, COMPRISING APPROXIMATELY 11.0 ACRES MORE OR LESS, AND LOCATED AT 11880 PEORIA STREET (“PROPERTY”); APPROVING A SUPPLEMENTAL BUDGET APPROPRIATION IN THE AMOUNT OF THE PURCHASE PRICE (\$700,000.00); AND AUTHORIZING AND DIRECTING THE CITY MANAGER OR HIS DESIGNEES TO TAKE SUCH ACTIONS AND EXECUTE SUCH DOCUMENTS AS ARE REASONABLY NECESSARY TO CARRY OUT AND COMPLETE THE TRANSACTION.

RESOLUTION NO. 2017-106

WHEREAS, at the City Council’s direction, the Director of Utilities and City Attorney’s Office negotiated an agreement with the Seller for the purchase and acquisition of the Property by the Enterprise, which Property is more particularly described in the attached **Exhibit A**; and

WHEREAS, in the transaction, the Enterprise would acquire title to the Property for municipal purposes, including utility and related agricultural and/or open space purposes, in exchange for the total Purchase Price of Seven Hundred Thousand Dollars (\$700,000.00), to be funded by and through the City’s Utilities and Storm Drainage Fund(s); and

WHEREAS, the City Council finds and determines that the acquisition and preservation of the Property for municipal utility purposes is in the best interests of the City and the Enterprise, would benefit the health, safety and welfare of the citizens of Brighton, and would serve to protect and preserve the City’s needs and requirements for public utility infrastructure; and

WHEREAS, the City Council further finds and determines that the terms and provisions of attached **Exhibit A** are fair and reasonable, that it is in the best interests of the City for the Enterprise to pursue and complete the acquisition of the Property according to such terms, following the due diligence phase, and that the necessary funds should be budgeted and appropriated to such purposes.

NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING FOR ITS WATER ACTIVITY ENTERPRISE: that the attached **Exhibit A** is hereby approved; that a supplemental budget appropriation in the amount of \$700,000.00 is hereby approved, transferring \$700,000.00 from Storm Drainage Impact Fees within the Storm Drainage Fund and authorizing its expenditure in account number 53-35-8980-72010, Project 93133 for this transaction; and that the City Manager or his designees are hereby authorized and directed to undertake such acts and execute such documents as are reasonably necessary to carry-out and complete the transaction for the Enterprise.

RESOLVED THIS 19th DAY OF SEPTEMBER 2017.

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

APPROVED AS TO FORM:

Margaret R. Brubaker
City Attorney