

RESOLUTION NO. 2018-131

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE FIRST AMENDMENT TO THE CONSTRUCTION AND OPERATIONS AGREEMENT BETWEEN THE CITY OF BRIGHTON AND BRIGHTON CROSSING METROPOLITAN DISTRICT NO. 4 FOR THE CONSTRUCTION AND OPERATION OF THE PARKING LOT SERVING THE BRIGHTON CROSSING VENTURE RECREATION FACILITY AND THE CITY OF BRIGHTON VENTURE PARK AND AUTHORIZING THE CITY MANAGER TO SIGN THE SAME ON BEHALF OF THE CITY

WHEREAS, in 2004, the City of Brighton, Colorado (“City”), and Brighton Crossing Metropolitan District No. 4 (the “District”) executed a Construction and Operations Agreement (“Agreement”) to construct and operate a parking lot for the benefit of the Beach Club Aquatic Facility (“Beach Club”) and for future use by the City for a community park; and

WHEREAS, the District is replacing the Beach Club with a new Venture Recreation Facility which will require expansion of the parking lot; and

WHEREAS, the City and District have worked together to provide for the construction, operation, and maintenance of the parking lot, and now desire to amend the Agreement in order to expand the parking lot; and

WHEREAS, the City and the District are authorized by the provisions of Article XIV, Section 18, of the Colorado Constitution and Section 29-201, *et seq.*, of the Colorado Revised Statutes to enter into contracts with other local governments for the performance of functions which they are authorized by law to perform on their own.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AS FOLLOWS:

Section 1. The First Amendment to the Construction and Operations Agreement between the City and the District is hereby approved.

Section 2. The City Manager and City Clerk are authorized to execute and sign the Amendment, and any and all additional documentation, on behalf of the City.

Section 3. All resolutions or parts of resolutions of the City in direct conflict herewith are hereby rescinded.

RESOLVED AND PASSED THIS 4th DAY OF DECEMBER, 2018.

CITY OF BRIGHTON, COLORADO

KENNETH J. KREUTZER, Mayor

ATTEST:

NATALIE HOEL, City Clerk

APPROVED AS TO FORM:

JACK D. BAJOREK, City Attorney