

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THAT CERTAIN PURCHASE AND SALE AGREEMENT AND EXHIBITS ("PSA"), BY AND BETWEEN THE CITY AND THE CONSERVATION FUND ("TCF") ("OWNER" AND "SELLER"), FOR THE CITY'S PURCHASE AND ACQUISITION OF CERTAIN ADAMS COUNTY AGRICULTURAL REAL PROPERTY AND IMPROVEMENTS, COMPRISING APPROXIMATELY 63.69 ACRES MORE OR LESS, AND ALSO INCLUDING CERTAIN APPURTENANT WATER RIGHTS ("PROPERTY"), BEING GENERALLY LOCATED ALONG SABLE BOULEVARD BETWEEN 144TH AND 148TH AVENUES, AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE THE PSA, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEES TO TAKE SUCH ACTIONS AND EXECUTE SUCH DOCUMENTS AS ARE REASONABLY NECESSARY TO CARRY OUT AND SUCCESSFULLY CLOSE THE TRANSACTION FOR THE CITY.

RESOLUTION NO. 2017-69

WHEREAS, at the City Council's direction, the Director of Parks & Recreation and City Attorney's Office have negotiated the attached PSA with the Owner and Seller, for the City's purchase and acquisition of certain agricultural real property and improvements, including certain appurtenant water rights, generally located along Sable Boulevard south of Brighton and more particularly described in the PSA (the "Property"); and

WHEREAS, pursuant to the PSA, attached as **Exhibit A** and incorporated by reference, the City would acquire title to the Property from TCF, in exchange for the total Purchase Price of Three Million Four Hundred Seventy Eight Thousand Dollars (\$3,478,000.00), including all appurtenant water rights, for the purpose of preserving the Property in perpetuity for agricultural and open space purposes; and

WHEREAS, the City would fund the acquisition as follows: (i) \$1,492,000 provided by an Open Space Grant from Adams County, Colorado ("ADCO"); (ii) \$487,690 provided by an Open Space Grant from Great Outdoors Colorado ("GOCO"); and (iii) \$1,498,310 from City of Brighton Parks & Recreation Capital Improvement and Open Space Funds; and

WHEREAS, as a condition of receiving contributing Open Space Grants from ADCO and GOCO, the City would agree to preserve the Property in agriculture and open space, and in furtherance of such purposes the City would, at Closing, grant and convey a Conservation Easement on the Property, a copy of which is also attached with the PSA (the "Conservation Easement"); and

WHEREAS, the City Council finds and determines that the acquisition and preservation of the Property for such purposes is in the best interests of the City, would benefit the health, safety and welfare of the citizens of Brighton, and would protect and preserve the Property and Brighton's agricultural history and heritage, by removing the Property from urban development pressures and by preserving important agricultural lands, significant open spaces, and valuable natural resources; and

WHEREAS, the City Council further finds and determines that the terms and provisions of the attached PSA and Conservation Easement are fair and reasonable to the City, and that it is in the best interests of the City to enter into said PSA and Conservation Easement for the purposes of investigating, acquiring, preserving, protecting, improving and operating the Property as an historic agricultural and open area benefitting the citizens of Brighton and Adams County.

NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, that the attached PSA and Conservation Easement are hereby approved, and that the City Manager is authorized to execute the PSA for and on behalf of the City; and further, that the City Manager or his designees are hereby authorized and directed to undertake such further acts and execute such additional documents as are reasonably necessary to carry-out and perform the PSA, and to take such other reasonable actions as are needed to successfully close the transaction for the City.

RESOLVED THIS 11th DAY OF JULY 2017.

CITY OF BRIGHTON, COLORADO

Richard McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

APPROVED AS TO FORM:

Margaret R. Brubaker
City Attorney