

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, AUTHORIZING THE PURCHASE OF THREE AND 79/100 (3.79) SHARES OF BURLINGTON DITCH, RESERVOIR AND LAND COMPANY (“BURLINGTON SHARES”) AND THREE AND 79/100 (3.79) SHARES OF BRIGHTON LATERAL DITCH COMPANY (“LATERAL SHARES”) FROM ORCHARD CHURCH (SELLER) FOR THE TOTAL NOT TO EXCEED SUM OF NINETY FOUR THOUSAND, SEVEN HUNDRED AND FIFTY DOLLARS (\$94,750.00); APPROVING A SUPPLEMENTAL APPROPRIATION FROM THE WATER ENTERPRISE FUND IN THE AMOUNT OF NINETY FOUR THOUSAND, SEVEN HUNDRED AND FIFTY DOLLARS; AND AUTHORIZING THE ACTING CITY MANAGER TO UNDERTAKE SUCH TASKS AND EXECUTE SUCH DOCUMENTS AS MAY BE REQUIRED TO CONSUMMATE THE PURCHASE ON BEHALF OF THE CITY.

RESOLUTION NO.: 2017-100

WHEREAS, Orchard Church advertised an invitation for the purchase of three and 79/100 shares of Burlington Ditch, Reservoir and Land Company and three and 79/100 shares of Brighton Lateral Ditch Company; and

WHEREAS, the Shares are more particularly described as:

Burlington Ditch, Reservoir and Land Company:

Certificate 3994, issued May 9th, 2017: 3.79 shares;

Brighton Lateral Ditch Company:

Certificate 424, issued May 9th, 2017: 3.79 shares; and

WHEREAS, the City of Brighton is vigilant about securing usable water resources, and, therefore, reviewed the Shares for consistency with the City’s long-range Water Resources Plan and submitted a timely bid for the purchase of the Shares; and

WHEREAS, the City’s bid of Ninety Four Thousand, Seven Hundred and Fifty Dollars (\$94,750.00) was the successful bid; and

WHEREAS, the City and Orchard Church entered into a Contract for Purchase of Water Rights dated August 17, 2017 which confirms the shares to be purchased by the City and the purchase price, and sets forth other requirements and conditions for the closing thereof; and

WHEREAS, Orchard Church will transfer the Shares to the City via a Quit Claim Deed (Water Rights) which has been reviewed and approved as to form by the City’s water engineer and special water legal counsel; and

WHEREAS, the City finds and determines that the purchase price is fair and reasonable and that the purchase of the Shares serves the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, AS FOLLOWS:

1. The purchase by the City of three and 79/100 shares of Burlington Ditch, Reservoir and Land Company and three and 79/100 shares of Brighton Lateral Ditch Company from Orchard Church for the not to exceed sum of Ninety Four Thousand, Seven Hundred and Fifty Dollars (\$94,750.00) is hereby approved.

2. That the Acting City Manager is authorized to undertake such tasks and execute such documents as may be required to consummate the purchase on behalf of the City.

3. That the 2017 Budget is hereby amended and appropriated for the fiscal year beginning January 1, 2017 and ending December 31, 2017, in account number 50-35-7910-72003, Project 97800 as follows:

Water Enterprise Fund:

Revenues:

Fund Balance—Restricted for Water Acquisition \$94,750.00

Expenditures:

Water Acquisition \$94,750.00

ADOPTED this 5th day of September, 2017.

CITY OF BRIGHTON, COLORADO

By: _____
Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

APPROVED AS TO FROM:

Margaret R. Brubaker, City Attorney