

RESOLUTION NO. 2021-41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE FIRST AMENDMENT TO THE FIRST AMENDED AND RESTATED BEEBE DRAW WASTEWATER SERVICE AGREEMENT; AND AUTHORIZING THE MAYOR TO EXECUTE SAID AMENDMENT

WHEREAS, the City of Brighton, Colorado (“City”), the Town of Lochbuie (“Lochbuie”) (collectively the “Parties”) previously entered into an Intergovernmental Agreement, dated January 17, 1991 (the “Brighton/Lochbuie IGA”) for the purpose of developing, constructing, installing, operating, maintaining and using wastewater treatment facilities capable of serving development in a portion of Beebe Draw known as the Beebe Draw Service Area; and

WHEREAS, the Parties and Bromley Park Metropolitan District Nos. 2-4 previously entered into the Beebe Draw Wastewater Service Agreement dated November 4, 1997 (the “1997 IGA”), which amended and restated the Brighton/Lochbuie IGA; and

WHEREAS, the Parties and South Beebe Draw Metropolitan District (formerly Bromley Park Metropolitan District No. 1) (“SBDMD”) previously entered into that First Amended and Restated Beebe Draw Wastewater Service Agreement (“2009 WSA” or “Agreement”) dated August 14, 2009, which amended and restated the 1997 IGA; and

WHEREAS, the Parties now desire to amend certain sections of the 2009 WSA as set forth in the First Amendment to the Agreement (“Amendment”).

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

Section 1. The Amendment to the Agreement is hereby approved.

Section 2. The Mayor and the City Clerk are hereby authorized to execute and deliver such Amendment on behalf of the City in substantially the form presented at this meeting, with such technical additions, deletions, and variations as the City Attorney may deem necessary or appropriate and not inconsistent with this Resolution.

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 All resolutions or parts of resolutions of the City in direct conflict herewith are hereby rescinded.

RESOLVED AND PASSED THIS 1<sup>st</sup> DAY OF June, 2021.

CITY OF BRIGHTON, COLORADO

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GREGORY MILLS, Mayor

ATTEST:

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NATALIE HOEL, City Clerk

APPROVED AS TO FORM:

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LENA MCCLELLAND, Acting City Attorney