

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, APPROVING THE *WATER STORAGE AND LEASE AGREEMENT* BETWEEN THE CITY OF BRIGHTON AND THE FARMER’S RESERVOIR AND IRRIGATION COMPANY (FRICO) FOR THE PROVISION OF FULLY CONSUMABLE WATER TO THE CITY OF BRIGHTON IN EXCHANGE FOR THE TEMPORARY USE OF WATER STORAGE CAPACITY BY FRICO, AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY AND TO UNDERTAKE SUCH TASKS AS MAY BE REQUIRED TO IMPLEMENT THE PROVISIONS OF THE AGREEMENT ON BEHALF OF THE CITY.

RESOLUTION NO. 2018-58

WHEREAS, Brighton seeks to acquire fully consumable water that can be stored in Ken Mitchell Lakes and Ergers Pond for use in its municipal system; and

WHEREAS, FRICO anticipates having fully consumable water available for lease and delivery to Brighton; and

WHEREAS, FRICO desires to lease storage space in Ken Mitchell Lakes and to obtain the right to use the water stored in Ken Mitchell Lakes and/or Ergers Pond as described in this Agreement; and

WHEREAS, In exchange for FRICO’s lease of fully consumable water supplied to Brighton, Brighton is willing to lease FRICO storage space in Ken Mitchell Lakes Cell 3; and

WHEREAS, the City Council finds and determines that the terms of the Water Storage and Lease Agreement are reasonable and that the Water Storage and Lease Agreement is beneficial to both parties and is in the best interest of the City.

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

- 1.** The *Water Storage and Lease Agreement* between the City of Brighton and the Farmer’s Reservoir and Irrigation Company for the provision of fully consumable water to the City in exchange for the temporary use of water storage capacity by FRICO, a copy of which is attached hereto, is hereby approved.
- 2.** The City Manager is hereby authorized to execute said Agreement for and on behalf of the City of Brighton and to undertake such tasks as may be required to implement the terms of said Agreement.

RESOLVED THIS 1st DAY OF May, 2018.

CITY OF BRIGHTON, COLORADO

Kenneth J. Kreutzer, Mayor

Attest:

Approved as to Form:

Natalie Hoel, City Clerk

Margaret R. Brubaker, Esq.
City Attorney