

ORDINANCE NO. 2373

INTRODUCED BY: Blackhurst

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO (THE "CITY"), APPROVING A WATER LEASE AGREEMENT ("LEASE") FOR CITY-OWNED WATER AND WATER RIGHTS TO JIM MCCLAY OF MCCLAY FARMS (THE "LESSEE"), SETTING FORTH THE TERMS OF SAID LEASE; AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID WATER LEASE ON BEHALF OF THE CITY

WHEREAS, pursuant to Section 17.3 of the Brighton City Charter, City Council may not *"...mortgage or encumber public utilities or permanent public buildings or real or personal property except by ordinance or majority vote of the electors at the option of the Council;"* and

WHEREAS, the City is the owner of the water and water rights represented by seventy (70) shares of capital stock in the Lupton Meadows Ditch Company ("Lupton Meadows") as evidenced by Stock Certificate No. 764 ("Lupton Meadows Shares"); and

WHEREAS, Lessee desires to lease the use of the water rights represented by the Lupton Meadows Shares in such amounts and upon such terms as the shares may be entitled and the City desires to lease such water to Lessee for irrigation on Lessee's lands; and

WHEREAS, Lessee, in exchange for leased water shares, has agreed to reimburse the City for Lupton Meadows assessments on the Lupton Meadows shares; and

WHEREAS, to that end, the City has negotiated and presents to the City Council for approval of an Water Lease with the Lessee; and

WHEREAS, the City Council finds and determines that the terms of said Water Lease are reasonable, and that it is in the best interest of the City to enter into said Water Lease; and

WHEREAS, any renewals of the Water Lease are subject to the terms and conditions of the Water Lease.

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

Section 1. The Water Lease by and between the City and Lessee is hereby approved.

Section 2. The City Manager is hereby authorized to execute such Water Lease and undertake such actions as may be necessary to finalize and enforce said Lease, and any extensions thereof, on behalf of the City.

INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED THIS

7th DAY OF September, 2021.

PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED BY
TITLE ONLY THIS 21st DAY OF September, 2021.

CITY OF BRIGHTON, COLORADO

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

APPROVED AS TO FORM:

ALICIA CALDERÓN, City Attorney

Published in the *Brighton Standard Blade*

First Publication: September 15, 2021

Final Publication: September 29, 2021