

RESOLUTION NO. 2022-41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING A SETTLEMENT AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

WHEREAS, City Council passed Resolution # 2021-52 approving the expenditure of funds not to exceed thirteen million four hundred five thousand dollars (\$13,405,000) for the acquisition of groundwater rights, water storage rights, and/or surface water rights and authorized the city manager to execute the offer, earnest money escrow, and purchase and sale documents on July 20, 2021; and

WHEREAS, sufficient appropriation exists in the 2022 budget for the acquisition of these water rights; and

WHEREAS, the City of Brighton (“City”) filed a complaint in the district court against Castle Pines North Metropolitan District (“Castle Pines”) seeking a declaratory ruling and injunction requiring conveyance of certain water rights bid on by the City in response to a Request for Proposals, and the City of Aurora (“Aurora”) intervened in the case; and

WHEREAS, the City, Aurora, and Castle Pines have negotiated possible settlement terms to resolve the matter that would result in the City purchasing a portion of the water rights; and

WHEREAS, City Council previously approved the expenditure of funds and acquisition; and

WHEREAS, the City Council finds that purchase of water rights benefits the City and its residents, and settlement removes the uncertainty and expense of litigation.

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

Section 1. The City Council approves the settlement authorizing the City to purchase 50 Fulton shares at the price bid.

Section 2. The City Manager, or designee, after consultation with the City Attorney, is hereby authorized to execute the Settlement Agreement and any associated documents to effectuate the intent of this resolution on behalf of the City.

Section 3. This Resolution is effective upon the date of its adoption.

RESOLVED this 12th day of April, 2022.

CITY OF BRIGHTON, COLORADO

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

APPROVED AS TO FORM:

ALICIA CALDERÓN, City Attorney