

CITY OF BRIGHTON CITY COUNCIL RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WATER ENTERPRISE, APPROVING THAT CERTAIN SECOND AMENDMENT TO THE EASEMENT AGREEMENT BY AND BETWEEN THE CITY AND THE SEVENTH DAY ADVENTIST ASSOCIATION OF COLORADO, INC., AND AUTHORIZING THE MAYOR TO EXECUTE THE SECOND AMENDMENT ON BEHALF OF THE CITY.

RESOLUTION NUMBER: 2015-75

WHEREAS, the City of Brighton (“City”) and the Seventh Day Adventist Association of Colorado, Inc. (“Church”), previously entered into that certain written Easement Agreement, pursuant to which the Church granted and the City acquired a permanent utility easement upon Church property, in furtherance of the City constructing, operating and maintaining its municipal water supply system(s), including non-potable irrigation well(s) and related pipeline facilities; and

WHEREAS, the City and Church thereafter amended the Easement Agreement by that certain First Amendment to the Easement Agreement, in order to jointly address and mutually modify certain terms and provisions of the Easement Agreement, including adopting appropriate and applicable potable irrigation water rates when non-potable supply is unavailable and providing for specific irrigation improvements affecting the Church property; and

WHEREAS, the City and Church have discussed and determined that at this time, certain additional amendments and modifications to the Easement Agreement are reasonable and necessary, in furtherance of the Parties’ agreements and understandings; and

WHEREAS, the City of Brighton City Council therefore finds and determines that the terms and provisions of the attached Second Amendment to the Easement Agreement are fair and reasonable to the City, are consistent with the City’s agreement with the Church, and as such, should be approved and adopted by the City and Church as part of the Easement Agreement.

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

1. The Second Amendment to the Easement Agreement, a copy of which is attached and incorporated by this reference, is hereby approved, and the Mayor is authorized and directed to execute the Second Amendment, for and on behalf of the City.
2. The City Manager or his designee are hereby authorized and directed to carry out the terms and provisions of the Second Amendment, according to its terms.

RESOLVED THIS 23rd DAY OF June, 2015

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

Attest:

Natalie Hoel, City Clerk

Approved as to form:

Margaret R. Brubaker, Esq., City Attorney