

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, AUTHORIZING THE *FRICO-BRIGHTON BYPASS AGREEMENT* BETWEEN THE CITY OF BRIGHTON AND THE FARMER'S RESERVOIR AND IRRIGATION COMPANY (FRICO) FOR THE BYPASS OF CERTAIN WATER RIGHTS FROM DIVERSION BY FRICO FOR THE TOTAL SUM OF ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000); 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. 2018-63

WHEREAS, FRICO owns and operates the Burlington-O'Brian Canal, its headgate, measurement structures, a bypass gate, and all other facilities associated with the operation of the canal, located in Denver and Adams Counties; and

WHEREAS, Brighton desires to deliver water rights it owns or controls, for all legal uses, through the headgate of the Burlington-O'Brian Canal and through approximately 900 feet of lined canal, and to the bypass gate in the canal during times when otherwise the entire flow of the South Platte River is being diverted by FRICO; and

WHEREAS, the City Council finds and determines that the terms of the FRICO-Brighton Bypass Agreement are fair and reasonable and that executing the FRICO-Brighton Bypass Agreement 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 *FRICO-Brighton Bypass Agreement* between the City of Brighton and the Farmer's Reservoir and Irrigation Company for the bypass of certain water rights from diversion 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.
3. That the 2018 Budget is suitably appropriated for the fiscal year beginning January 1, 2018 and ending December 31, 2018, in account number 50-35-7950-72003, Project 97800 as follows:

Water Enterprise Fund:

Revenues:

Fund Balance—Restricted for Water Acquisition \$150,000.00

Expenditures:

Water Acquisition \$150,000.00

RESOLVED THIS 15th 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