

ORDINANCE NO: 2343

INTRODUCED BY: Watts

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO (THE “CITY”), APPROVING A LEASE AGREEMENT FOR CITY-OWNED REAL PROPERTY LOCATED AT 124<sup>TH</sup> AVENUE RESERVOIR PROPERTY (THE “PROPERTY”), AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID LEASE AGREEMENT 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 owns real property located at 12350 Lima Street, Brighton, CO 80601 (the “Property”); and

WHEREAS, Metro Wastewater Reclamation District (the “District”) wishes to lease the Property for the purposes of excavating and moving earth, dewatering treatment, storing materials, supplies, excavated materials, and equipment, surface access for District equipment and personnel, and for such other purposes as the District deems necessary in connection with its acquisition, construction and installation of a wastewater pipeline and related appurtenances; and

WHEREAS, City staff has negotiated and presents to the City Council for approval of a Lease Agreement with the District; and

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

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

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

Section 1. The Lease Agreement by and between the City and the District is hereby approved.

Section 2. The City Manager is hereby authorized to execute such Lease Agreement on behalf of the City in substantially the form presented, with such technical additions, deletions, and variations as the City Attorney may deem necessary or appropriate and not inconsistent with this Ordinance, and to undertake such actions as may be necessary to finalize and enforce said Lease Agreement, and any extensions or amendments thereof, on behalf of the City.

Section 3. The City Manager is hereby authorized to negotiate and execute any extensions and/or amendments to the Lease Agreement as contemplated within the Lease Agreement as presented, with such technical additions, deletions, and variations as the City Attorney may deem necessary or appropriate and not inconsistent with this Ordinance.

INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED THIS  
1<sup>st</sup> DAY OF September, 2020.

PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED BY  
TITLE ONLY THIS 15<sup>th</sup> DAY OF September, 2020.

CITY OF BRIGHTON, COLORADO

---

GREGORY MILLS, Mayor

ATTEST:

---

NATALIE HOEL, City Clerk

Published in the *Brighton Standard Blade*

First Publication: September 9, 2020

Final Publication: September 23, 2020

APPROVED AS TO FORM:

---

JACK D. BAJOREK, City Attorney