

ORDINANCE NO. 2461  
INTRODUCED BY: Johnston

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE FOURTH AMENDMENT TO THE COMPREHENSIVE FUNDING PLAN, MASTER DEVELOPMENT AGREEMENT, PRE-ANNEXATION AGREEMENT, AND INTERGOVERNMENTAL AGREEMENT FOR PRAIRIE CENTER, BRIGHTON, COLORADO AND AUTHORIZING THE MAYOR TO EXECUTE THE FOURTH AMENDMENT ON BEHALF OF THE CITY

WHEREAS, the City of Brighton ("City") is a home rule municipality with all powers associated thereto duly organized and existing under its Home Rule Charter adopted pursuant to Article XX of the Constitution of the State of Colorado; and

WHEREAS, the City entered into a *Comprehensive Funding Plan, Master Development Agreement, Pre-Annexation Agreement, and Intergovernmental Agreement for Prairie Center, Brighton Colorado* (hereafter "Comprehensive Agreement") dated December 5, 2005 with THF Prairie Center Development LLC, THF Prairie Center Retail One, LLC, Prairie Center Metropolitan District No. 1, and Prairie Center Metropolitan District No. 2, and the original Comprehensive Agreement was modified by the First, Second, and Third Amendments to the Comprehensive Agreement; and

WHEREAS, Prairie Center Metropolitan District No. 1 and Prairie Center Metropolitan District No. 2 previously have assigned all of their right, title, and interest in the Comprehensive Agreement to Prairie Center Metropolitan District No. 3 and such District has assumed all such right, title, and interest in the Comprehensive Agreement; and

WHEREAS, the Second Amendment to the Comprehensive Agreement recognized that a portion of the project area would be within the new urban renewal plan area and the Brighton Urban Renewal Authority ("BURA") agreed to cooperate and share Incremental Sales Tax Revenues pursuant to a BURA Sharing Agreement and adding BURA as a party to the Comprehensive Agreement; and

WHEREAS, the City recognizes that water resources are limited and encouraged development of a non-potable water distribution system of which the Lutz Reservoir is a key element, and the City desires to own, use, operate, and maintain Lutz Reservoir for the City-operated non-potable water distribution system; and

WHEREAS, the parties have negotiated the Fourth Amendment to the Comprehensive Agreement to reflect the transfer of ownership of Lutz Reservoir and public trail improvements for the Lutz open space parcel and other changed conditions; and

WHEREAS, the City Council finds that this meets the goals of the City for open space, a non-potable water system to reduce potable water usage, and improvement health and safety of the residents of Brighton.

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

Section 1. The City Council hereby approves the Fourth Amendment to the Comprehensive Agreement in substantially the form presented and accepts the transfer of the Lutz Parcel to the City.

Section 2. The Mayor is authorized to take all action necessary to execute the Fourth Amendment in accordance with the provisions of this Ordinance and to execute and deliver any and all necessary documents, instruments, or certificates, and the City Manager is authorized to execute any documents, deeds, or necessary documents for the land transfer.

Section 3. If any part of this Ordinance for any reason is held to be invalid, then such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 4. This Ordinance shall be so interpreted and construed as to effectuate its general purpose.

Section 5. As provided in City Charter Section 5.9(A), this Ordinance, either as presented or as amended, shall be published in full as it was adopted prior to taking final action. This Ordinance shall be in full force and effect five days after its final publication, as provided in City Charter Section 5.8.

INTRODUCED, PASSED ON FIRST READING AND ORDERED PUBLISHED THIS 4<sup>th</sup> DAY OF NOVEMBER 2024.

INTRODUCED, PASSED ON FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY THIS 19<sup>th</sup> DAY OF NOVEMBER 2024.

CITY OF BRIGHTON, COLORADO

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GREGORY MILLS, Mayor

ATTEST:

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NATALIE HOEL, City Clerk

Published in the *Brighton Standard Blade*

First Publication: November 14, 2024

Final Publication: November 28, 2024

Published in the *Denver Post*

Final Publication: November 21, 2024

APPROVED AS TO FORM:

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ALICIA CALDERÓN, City Attorney