

RESOLUTION NO. 2026-33

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE FIRST AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF BRIGHTON AND BRANNAN SAND AND GRAVEL COMPANY, LLC FOR THE PLANT 3 SITE AND A PORTION OF PHASE 18 OF KEN MITCHELL LAKES, AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID FIRST AMENDMENT

WHEREAS, the City of Brighton (the "City") owns the real property known as the Ken Mitchell Lakes and identified by Adams County Assessor Parcel Nos. 0157113000080 and 0157113000081 (the "Property"); and

WHEREAS, the City and Ready Mixed Concrete Company, LLC ("Ready Mixed"), previously entered into that certain Lease Agreement dated August 17, 2020 (the "Lease"), for portions of the Property; and

WHEREAS, Ready Mixed is a wholly owned subsidiary of Brannan Sand and Gravel Company, LLC ("Brannan") ; and

WHEREAS, the City and Brannan desire to amend the Lease in order to assign the Lease obligations to Brannan, to extend the Lease term for an additional 6 years, and to modify the base rent to \$34,000 per month (the "First Amendment"); and

WHEREAS, pursuant to § 2-8-80(b), the City Council may approve by resolution a lease for less than fair market rental value when it is in the best interests of the City and with a finding of public purpose; and

WHEREAS, it is anticipated that the Property will be the site of a future City capital improvement project, however, at present, the Property is not used by the City for City operations; and

WHEREAS, by the First Amendment, the Property will be put to beneficial use and generate revenue which may be used for a future capital improvement project to serve the residents of the City; and

WHEREAS, the City Council finds and determines that the terms of said First Amendment are reasonable, and that it serves a public purpose.

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

Section 1. The First Amendment is hereby approved.

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

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

RESOLVED this 17th day of March 2026.

CITY OF BRIGHTON, COLORADO

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

APPROVED AS TO FORM:

YASMINA GIBBONS, Deputy City Attorney