

RESOLUTION NO. 2025-69

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO,  
AUTHORIZING WAIVER OF PERMITTING AND PLAN REVIEW FEES FOR THE PRESERVE  
POND AND STREET REPAIR CONSTRUCTION PROJECT

WHEREAS, the City of Brighton became a third-party defendant in case number 2018CV31229 in litigation regarding negligence in the design and construction of storm water ponds and improvements within The Preserve, a common interest association community ("The Preserve"); and

WHEREAS, the 2018 litigation continued for five years, cost hundreds of thousands of dollars to defend, and finally reached a settlement in May of 2023; and

WHEREAS, in the settlement, the City did not pay any settlement funds directly but did agree to repair Chavez and Telluride Streets; and

WHEREAS, The Preserve association has finalized construction plans which include the street repairs, and the City has agreed to pay for those street repairs up to an amount not to exceed \$1,250,000; and

WHEREAS, the total construction project cost is estimated at approximately \$2,109,045, making the estimated permit and plan review fees approximately \$15,018; and

WHEREAS, the City is a partner in this construction repair project and has an interest in effective storm water management and properly constructed functioning roadways; and

WHEREAS, Chavez Street has been closed for a number of years due to flooding from the ponds, and it is in the best interests of the residents of the City of Brighton to have the ponds and streets repaired to avoid future flooding and improve transportation in the area.

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

Section 1. The City Council hereby approves the waiver of plan review and permit fees for The Preserve construction project and finds it meets the public purpose of improving the storm water system and repairing City right-of-way.

Section 2. This Resolution is effective as of the date of its adoption.

RESOLVED THIS 7<sup>th</sup> DAY OF OCTOBER 2025.

CITY OF BRIGHTON, COLORADO

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GREGORY MILLS, Mayor

ATTEST:

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NATALIE HOEL, City Clerk

APPROVED AS TO FORM:

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ALICIA CALDERÓN, City Attorney