

RESOLUTION NO. 2021-

A RESOLUTION APPROVING AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF CASTLE ROCK AND CROWFOOT VALLEY RANCH METROPOLITAN DISTRICT NOS. 1 AND 2 REGARDING THE MONITORING AND ENFORCEMENT OF TOWN CONSERVATION REGULATIONS

WHEREAS, on June 14, 2005, the Town of Castle Rock, Colorado (the “Town”) and the Crowfoot Valley Ranch Metropolitan Districts Nos. 1 and 2 (the “Districts”) entered into an Intergovernmental Agreement whereby the Town agreed to provide water service within the Districts’ service area, which is generally coextensive with the Macanta development in unincorporated Douglas County (the “Property”); and

WHEREAS, on March 2, 2021, acknowledging the process of development of the Property, the Town and the Districts found it appropriate to enter into an Intergovernmental Agreement for conservation monitoring and enforcement related to the Property (the Conservation Services Agreement”); and

WHEREAS, under the terms of the Conservation Services Agreement, the Districts shall require each Property Owner, prior to the installation of any landscaping or irrigation systems on the Property, to obtain the Town’s approval for all landscaping and irrigation plans and irrigation permits, to pay all Irrigation Permit Fees, Residential Irrigation and Landscape Inspection Fees, and such other Town fees and charges as may be required by the Conservation Regulations; and

WHEREAS, it has since come to the attention of the Town and the Districts that a number of homes were built and occupied, and landscaping was installed by the Property Owners without the submission of an application to the Town for plan review and the issuance of a Town landscaping and irrigation permit; and

WHEREAS, the Town and the Districts agree that the Macanta Community Association, Inc., a Colorado nonprofit corporation (the “Association”), as the agency charged with the responsibility of working directly with the Property Owners, may be a more effective vehicle through which to implement and enforce the requirements of the Conservation Services Agreement; and

WHEREAS, the Town and the Districts find it is appropriate to amend the Conservation Services Agreement to permit the assignment of all of the Districts’ responsibilities thereunder to the Association; and

WHEREAS, on December 1, 2021, the Castle Rock Water Commission voted to recommend the approval of the amendment to the Conservation Services Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO AS FOLLOWS:

Section 1. Approval. The First Amendment to the Intergovernmental Agreement between the Town of Castle Rock and the Crowfoot Valley Ranch Metropolitan Districts Nos. 1 and 2, in the form attached as *Exhibit 1*, is hereby approved. The Mayor and other proper Town officials are hereby authorized to execute the Agreement by and on behalf of the Town.

PASSED, APPROVED AND ADOPTED this 7th day of December, 2021 by the Town Council of the Town of Castle Rock, Colorado, on first and final reading, by a vote of ___ for and ___ against.

ATTEST:

TOWN OF CASTLE ROCK

Lisa Anderson, Town Clerk

Jason Gray, Mayor

Approved as to form:

Approved as to content:

Michael J. Hyman, Town Attorney

Mark Marlowe, Director Castle Rock Water