

ORDINANCE NO. 01-2017

AN ORDINANCE APPROVING A FIRST AMENDMENT TO WATER LEASE AGREEMENT BETWEEN THE TOWN OF CASTLE ROCK AND THE TOWN OF WIGGINS FOR THE PURPOSE OF LEASING AUGMENTATION WATER

WHEREAS, the Town, acting by and through its Water Enterprise, is authorized by applicable law, including but not limited to C.R.S. § 31-15-801 et seq., to enter into long-term lease agreements for governmental or proprietary purposes; and

WHEREAS, the Town previously entered into a Water Lease Agreement with the Town of Castle Rock dated January 5, 2016; and

WHEREAS, a First Amendment to the Water Lease Agreement has been proposed, which extends the term of the lease and increases the amount of leased water as it becomes available; and

WHEREAS, the Board of Trustees deems it necessary and desirable for the efficient and proper functioning of the Town and for the health and safety of the Town's inhabitants to lease from the Town of Castle Rock certain recharge credits for augmentation of the Town's tributary well pumping; and

WHEREAS, the Board of Trustees has determined it is in the best interest of the Town and its inhabitants to enter into the first amendment to the lease contemplated herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF WIGGINS, COLORADO:

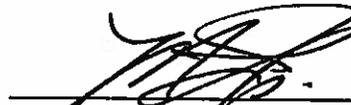
Section 1. The proposed First Amendment to Water Lease Agreement Between the Town of Castle Rock and the Town of Wiggins, acting by and through the Town of Wiggins Water Enterprise, and the Town of Castle Rock, acting by and through the Town of Castle Rock Water Enterprise (the "First Amendment") is hereby approved in essentially the same form as the copy of such First Amendment accompanying this Ordinance. This Ordinance and the parties' obligations under the First Amendment are subject to the provisions and contingencies set forth in the First Amendment.

Section 2. The Mayor and Town Clerk are authorized to execute the First Amendment in substantially the same form as the copy attached hereto; further, the Mayor and Town Administrator are hereby granted the authority to negotiate and approve such revisions to the First Amendment as the Mayor, Town Administrator and legal counsel for the Town determine are necessary or desirable for the protection of the Town, so long as the material terms and conditions of the First Amendment are not altered.

Section 3. The Mayor, Town Administrator, Town Clerk and Town Staff are further authorized to do all things necessary on behalf of the Town to perform the obligations of the Town under the First Amendment.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED BY TITLE ONLY, by the Board of Trustees of the Town of Wiggins, Colorado this 8th day of March, 2017.

TOWN OF WIGGINS, COLORADO



Margarito Leon, Jr., Mayor

ATTEST:



Patricia Lentell, Town Clerk