

ATTACHMENT A

RESOLUTION NO. 2017-

**RESOLUTION ACCEPTING THE CONVEYANCE OF CERTAIN
DENVER BASIN GROUND WATER FOR CREDIT TO THE CRYSTAL
VALLEY RANCH PARCEL 2 WATER BANK**

WHEREAS, pursuant to Section 4.04.080.B of the Castle Rock Municipal Code, the Town Council may accept the conveyance of certain ground water rights from properties outside the municipal limits of the Town,

WHEREAS, the Crystal Valley Ranch Second Amended and Restated Development Agreement dated February 21, 2012, recorded in the public records at Reception No. 2012013156 ("Development Agreement") established the Crystal Valley Ranch Parcel 2 Water Bank ("Parcel 2 Water Bank") for application to prospective development occurring in Parcel 2 (as defined in the Development Agreement),

WHEREAS, the Parcel 2 Water Bank has been depleted and in order for continued development within Parcel 2, additional water resources are required,

WHEREAS, the Parcel 2 owners have offered to convey to the Town certain water underlying property outside the municipal limits of the Town, more particularly in the special warranty deeds attached as *Exhibit 1*, and

WHEREAS, Castle Rock Water has determined the water to be conveyed may be incorporated for use in the Town's water system in the future upon satisfaction of certain terms and conditions.

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

Section 1. Conditional Acceptance. The Town Council hereby authorizes the acceptance of the water rights described in the special warranty deeds attached as *Exhibit 1* upon satisfaction of all conditions stated in this Resolution, as determined by the Director of Castle Rock Water.

A. Upon recordation of the water deed for the Denver Basin groundwater adjudicated under Case No. 98CW298, the Parcel 2 Water Bank will be credited 148.27 SFE.

B. At the time the Parcel 2 owners have provided Town with adequate access to the water adjudicated in Case No. 00CW156, in a location acceptable to Town, which approval shall be at the Town's sole discretion, Town shall record the 00CW156 water deed and the Parcel 2 Water Bank shall be credited an additional 98 SFE.

C. No portion of the Water Credit received by from either conveyance may be used on any other property other than Parcel 2 and may not be transferred to any other property, irrespective of any provision of the Development Agreement.

D. Acceptance of these conditions shall be acknowledged by the Parcel 2 owners prior to recordation of the water deeds.

PASSED, APPROVED AND ADOPTED this 15th day of August, 2017 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, Acting Town Clerk

Jennifer Green, Mayor

Approved as to form:

Approved as to content:

Robert J. Slentz, Town Attorney

Mark Marlowe, Director of Castle Rock Water