

RESOLUTION NO. 2024-

**A RESOLUTION APPROVING THE EXECUTION OF WATER PROVIDER
AGREEMENT AMENDMENT NO. 6 BETWEEN THE TOWN OF CASTLE
ROCK AND THE COLORADO WATER CONSERVATION BOARD FOR
THE PURCHASE OF ADDITIONAL STORAGE SPACE IN THE
CHATFIELD STORAGE REALLOCATION PROJECT**

WHEREAS, the Town of Castle Rock, by and through the Town of Castle Rock Water Enterprise (the “Town”) and the State of Colorado, acting by and through the Department of Natural Resources, for the benefit of the Colorado Water Conservation Board (“CWCB”), are both water providers in the Chatfield Storage Reallocation Project (the “Project”); and

WHEREAS, in 2014, Town Council approved the execution of the Articles and Bylaws of the Chatfield Reservoir Mitigation Company, Water Storage Agreement, Escrow Agreement, and Water Provider Agreement which, among other things authorized the purchase of 200-acre feet (“AF”) of storage in the Project; and

WHEREAS, in 2015, Town Council approved the execution of a multi-year agreement between the Town and the CWCB to purchase additional shares in the Project (the “Agreement”); and

WHEREAS, in 2021, Town Council approved the execution the Lease Agreement between the CWCB and the Town for the use of storage space in the Project; and

WHEREAS, the Town has previously recognized the value of investing in storage in the Project by amending the Agreement to purchase of a total of 87 AF in 2016, 87 AF in 2018, 129 AF in 2020, and 129 AF in 2022; and

WHEREAS, the Town recognizes the need to obtain additional storage in the Project as part of its long-term water plan; and

WHEREAS, the Castle Rock Water Commission has voted to recommend the purchase of an additional 129 AF of storage in the Project; and

WHEREAS, Town staff recommends that Town Council approve the purchase of an additional 129 AF of storage in the Project.

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

Section 1. Approval. Water Provider Agreement Amendment No. 6 (the “Amendment”) between the Town and the CWCB is hereby approved in substantially the same form presented at tonight’s meeting, with such technical changes, additions, modifications, deletions or amendments as the Town Manager may approve upon consultation with the Town

Attorney. The Mayor and other proper Town officials are hereby authorized to execute the Amendment and any technical amendments thereto by and on behalf of the Town.

Section 2. Encumbrance and Authorization. In order to meet the Town’s financial obligations under the Amendment, the Town Council authorizes an expenditure and payment from the Water Resources CIP/Chatfield Reallocation account (211-4375-443.77-29) in an amount not to exceed \$1,070,825.13, unless otherwise authorized in writing by the Town.

PASSED, APPROVED AND ADOPTED this 21st day of May, 2024, 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