

RESOLUTION NO. 2026-005

A RESOLUTION APPROVING THE SECOND AMENDMENT TO THE INFRASTRUCTURE DEVELOPMENT AND PURCHASE AGREEMENT BETWEEN THE TOWN OF CASTLE ROCK, ACTING BY AND THROUGH THE CASTLE ROCK WATER ENTERPRISE, AND TALLGRASS COLORADO MUNICIPAL WATER, LLC

WHEREAS, the Town of Castle Rock, acting by and through the Castle Rock Water Enterprise (the “Town”), owns eleven groundwater wells in Weld County and the right to divert and use a decreed volume of 1,492 acre-feet of water in the Lost Creek Designated Basin and 770 acre-feet of water as part of the Rothe Recharge Project (the “Town Water Rights”) that it desires to put to beneficial use; and

WHEREAS, Tallgrass Colorado Municipal Water LLC (the “Developer”) is interested in constructing necessary infrastructure and connecting it to Developer’s groundwater gathering and transmission system for the purpose of assisting the Town in accessing the Town Water Rights and to allow the Developer to lease the Town Water Rights for a certain period of time, prior to the Town using such water as part of its municipal water system (the “New Tallgrass Infrastructure”); and

WHEREAS, in furtherance of these objectives, the Town and the Developer have executed that certain Infrastructure Development and Purchase Agreement dated October 1, 2024 (the “Agreement”); and

WHEREAS, the Agreement provides for a three-phase approach in constructing the New Tallgrass Infrastructure, the first phase of which the Town will purchase if negotiations regarding the construction of the second and third phases prove unsuccessful; and

WHEREAS, since that time, the Town and the Developer have entered into the First Amendment to the Agreement to extend the time period in Section 2.10 for negotiating an agreement on completing the second and third phases of the New Tallgrass Infrastructure; and

WHEREAS, the Town and the Developer desire to enter into a Second Amendment to the Agreement to further extend the time period in Section 2.10 until July 1, 2026; and

WHEREAS, the Town Council finds that approving the Second Amendment to the Agreement for this purpose is in the best interests of the Town’s water customers.

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

Section 1. Approval. The Second Amendment to the Infrastructure Development and Purchase Agreement between the Town and the Developer is hereby approved in substantially the same form as 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 and the Director of Castle Rock Water. The Mayor and other proper Town officials are hereby authorized to execute these Agreements and any technical amendments thereto by and on behalf of the Town.

PASSED, APPROVED AND ADOPTED this 20th day of January, 2026, 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 of Castle Rock Water