

RESOLUTION NO. 2021- __

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE COLORADO WATER CONSERVATION BOARD AND THE TOWN OF CASTLE ROCK WATER ENTERPRISE FOR THE USE OF 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, CWCB and the Town entered into the Modified Agreement for Acquisition of Chatfield Reservoir Reallocation Project Shares from the State of Colorado on November 9, 2018 (the “Purchase Agreement”); and

WHEREAS, pursuant to the Purchase Agreement, the Town has the option to purchase up to 1,410 acre-feet of storage capacity in the Project from CWCB over a 12-year period (“Optioned Storage Space”); and

WHEREAS, CWCB desires to lease to the Town, and the Town desires to lease from CWCB the use of the Optioned Storage Space.

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

Section 1. Approval. The Lease Agreement between CWCB and the Town for the Use of Storage Space in the Chatfield Storage Reallocation Project in the form attached as Exhibit 1 is hereby approved. The Mayor and other proper town officials are hereby authorized to execute the Lease Agreement by and on behalf of the Town.

Section 2. Encumbrance and Authorization for Payment. In order to meet the Town’s financial obligations under the Lease Agreement, the Town Council authorizes an expenditure and payment of funds appropriated for the 2021 fiscal year from account no. 211-4375-443.30-70 in the amount of \$70,500, unless otherwise authorized in writing by the Town.

PASSED, APPROVED AND ADOPTED this 6th day of April, 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