

RESOLUTION NO. 2021-__

RESOLUTION APPROVING THE PROJECT PARTICIPATION AGREEMENT BETWEEN THE MEMBERS OF THE CHERRY CREEK PROJECT WATER AUTHORITY FOR THE CONSTRUCTION OF, AND SHARING OF CAPACITY IN THE WALKER RESERVOIR

WHEREAS, the Town of Castle Rock (the “Town”) is a member of the Cherry Creek Project Water Authority (the “Authority”); and

WHEREAS, the members of the Authority desire to enter into a Project Participation Agreement (the “Participation Agreement”) for the construction of, and the sharing of capacity in the proposed Walker Reservoir (the “Project”); and

WHEREAS, the First Amended and Restated Water Project Agreement and Establishing Contract of the Cherry Creek Water Authority dated August 20, 2008, as amended (the “Establishing Agreement”), anticipates the creation of such project participation agreements; and

WHEREAS, the Establishing Agreement provides that (i) project and asset purchases may be undertaken by the Authority pursuant to project participation agreements between all or some of the Members, and (ii) the ownership and partnership interests in such projects and related assets may be defined in the project participation agreement for such projects; and

WHEREAS, the members have determined that the Authority should undertake the construction of the Project for the purpose of storing tributary and non-tributary water, and releasing such water for direct use and augmentation, and for re-diversion downstream to Rueter-Hess Reservoir; and

WHEREAS, the Town Council finds that it is in the best interests of the Town to enter into the Participation Agreement for the Project.

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

Section 1. Approval. The Project Participation Agreement between the members of the Authority in the form attached as *Exhibit 1* is hereby approved. The Mayor and other proper Town officials are hereby authorized to execute the Project Participation Agreement by and on behalf of the Town.

Section 2. Encumbrance and Authorization for Payment. In order to meet the Town's financial obligation under the Agreement, the Town Council authorizes this additional encumbrance from expenditure account no. 211-4375-443.79-17 in an amount not to exceed \$2,671,435, otherwise authorized in writing by the Town.

PASSED, APPROVED AND ADOPTED this 21st day of September, 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