

**RESOLUTION NO. 2022-**

**RESOLUTION APPROVING AN INTERGOVERNMENTAL  
AGREEMENT BETWEEN DENVER SOUTHEAST SUBURBAN WATER  
& SANITATION DISTRICT D/B/A PINERY WATER & WASTEWATER  
DISTRICT AND THE TOWN OF CASTLE ROCK FOR WATER  
DELIVERY**

**WHEREAS**, the Town of Castle Rock, Colorado (the “Town”) and Southeast Suburban Water & Wastewater District d/b/a Pinery Water & Wastewater District, a quasi-municipal corporation and political subdivision of the State of Colorado (“Pinery”) desire to enter into an Intergovernmental Agreement for water delivery (the “Agreement”); and

**WHEREAS**, C.R.S. § 29-1-203 authorizes the Parties to cooperate and contract with one another regarding functions, services and facilities each is authorized to provide; and

**WHEREAS**, each of the Parties operates a water delivery system to provide water service to their customers; and

**WHEREAS**, the Parties are both members of the Cherry Creek Project Water Authority (the “Authority”), created pursuant to that certain Water Project Agreement and Establishing Contract of the Cherry Creek Project Water Authority, dated October 14, 2005, as amended by that certain First Amended and Restated Water Project Agreement and Establishing Contract dated August 20, 2008 (the “Amended and Restated Formation Agreement”); and

**WHEREAS**, the Authority seeks to develop a conjunctive use yield from assets it owns which includes tributary water rights, non-tributary water rights, well facilities and storage reservoirs; and

**WHEREAS**, by virtue of the Amended and Restated Formation Agreement, each member of the Authority is entitled to receive a share of the conjunctive use yield developed by the Authority; and

**WHEREAS**, the Town desires to receive a portion of its share of the Authority’s conjunctive use yield through a system interconnect with the Pinery.

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

**Section 1.     Approval.** The Intergovernmental Agreement between the Town and the Pinery is hereby approved in substantially the same form attached as ***Exhibit 1***, with such technical changes, additions, modifications, or deletions 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 Agreement by and on behalf of the Town.

**Section 2. Authorization for Payment.** The Town Manager is hereby authorized to approve payments in excess of \$250,000 in order to meet the Town's obligation under the Intergovernmental Agreement. In order to meet the Town's financial obligation under the Agreement, Town Council authorizes the expenditure and payment of Town funds from account no. 211-4340-443.30-70.

**Section 3. Initial Capital Buy-In.** In accordance with Section 4(A) of the Intergovernmental Agreement, the Town Council authorizes the expenditure and payment for the one-time capital buy-in fee from account no. 211-4375-443.79-17, in an amount not to exceed \$658,084.00, unless otherwise authorized in writing by the Town.

**PASSED, APPROVED AND ADOPTED** this 17th day of May, 2022 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