

RESOLUTION NO. 2020-____

**RESOLUTION APPROVING THE PURCHASE OF ARAPAHOE COUNTY WATER
AND WASTEWATER AUTHORITY'S INTEREST IN THE CHERRY CREEK
PROJECT WATER AUTHORITY**

WHEREAS, the Town of Castle Rock ("the Town") developed a long-term renewable water resources strategic master plan in 2006, which was updated in 2010 and 2016, and which identifies how the Town will move from a nonrenewable supply to a 75 percent renewable supply by the year 2050; and

WHEREAS, the Town desires to acquire additional water and water rights and additional infrastructure and real property to construct additional infrastructure for its municipal water and utility systems and to this end, the Town seeks to acquire the Property; and

WHEREAS, the Town, acting by and through Castle Rock Water Enterprise, and Arapahoe County Water and Wastewater Authority ("ACWWA") have agreed to enter into an Agreement for Purchase and Sale of ACWWA's interest in the Cherry Creek Project Water Authority ("CCPWA"); and

WHEREAS, the Water Project Agreement and Formation of the Cherry Creek Project Water Authority ("Organizational Agreement") was entered into on October 14, 2005 by four municipal water providers ("Members"); and

WHEREAS, ACWWA is a Member of CCPWA; and

WHEREAS, pursuant to Section 2.1.3.B of the Organizational Agreement, Members of CCPWA are authorized to sell and convey their interest in the Cherry Creek Project ("CCP") to a financially capable municipal public water provider at any time with the unanimous approval of current Members; and

WHEREAS, ACWWA, as a Member of CCPWA, holds rights to certain real property, infrastructure, water rights and contractual rights in Douglas County, Colorado that are more fully described and defined in the Agreement as the "Property"; and

WHEREAS, ACWWA desires to sell the entirety of their interest in CCPWA to the Town to include the Property; and

WHEREAS, CCPWA is willing to sell the Property to the Town and the Town is willing to purchase the Property on and subject to the terms and conditions to the Purchase and Sale Agreement ("Agreement"); and

WHEREAS, the Town desires to purchase ACWWA's interest in CCPWA and, by extension, the Property subject to terms and conditions contained herein.

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

Section 1. Approval. The Agreement, in the form attached as ***Exhibit 1*** is hereby approved. The Mayor and other proper Town officials are hereby authorized to execute the Agreement by and on behalf of the Town of Castle Rock, Colorado.

Section 2. Encumbrance and Authorization for Payment. The Town Council authorizes the expenditure in the amount of \$250,000 from account 210-4275-442.78-97 (Ground Water Rights Purchase, Project Code WR OWR) and \$4,250,000 from account 211-4375-443.77-30 (ASOS, Project Code WR OWR) for a total cost of \$4,500,000 plus standard closing costs as determined at closing.

PASSED, APPROVED AND ADOPTED this 21st day of January, 2020, 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:

Robert J. Slentz, Town Attorney

Mark Marlowe, Director of Castle Rock Water