

**RESOLUTION APPROVING AMENDED AND RESTATED WATER
RESOURCES AGREEMENT FOR PHASE 4A ERUS**

NO. 2017-63

WHEREAS, the City of Commerce City (“City”) owns and operates, or will own and operate, certain real property for the purpose of municipal operations (“Property”), which Property is or will be within the boundaries of the City and the South Adams County Water and Sanitation District (“District”);

WHEREAS, the District has established a water supply development program under which qualified property owners may to purchase Equivalent Residential Unit credits (“ERUs”) for development of lands in the District (“Phase 4A ERUs”);

WHEREAS, in furtherance of such municipal purposes and pursuant to a Phase 4A Water Resources Agreement dated August 31, 2016 (the “Prior Water Resources Agreement”), the City purchased from the District 265 Large User Phase 4A ERUs at a rate of \$8,500 per ERU in lieu of dedication of water, storage and other facilities; and

WHEREAS, the City and District have identified a significant source of additional augmentation water supply, the District wants to acquire such supply, the City wants to assist the District in obtaining such supply, and the City wants to acquire additional Phase 4A ERUs for its above-mentioned municipal purposes; and

WHEREAS, the City and District desire to enter into an Amended and Restated Water Resources Agreement, substantially in the form attached as Exhibit A (“Agreement”), to establish the terms for the use of water resources to serve the Property;

WHEREAS, the City Council has determined the approval and execution of the Agreement is in the best interests of the City and its residents;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

1. The Agreement, substantially in the form attached hereto, is hereby approved.
2. The Mayor and City Clerk are hereby authorized and directed to sign and attest the Agreement, substantially in the form attached hereto, in the City’s Attorney’s opinion, on behalf of the City of Commerce City.

RESOLVED AND PASSED THIS ____ DAY OF _____ 2017.

CITY OF COMMERCE CITY

Sean Ford, Mayor

ATTEST:

Laura J. Bauer, MMC, City Clerk