

# COUNCIL COMMUNICATION

<b>Meeting Date:</b> December 15, 2009	1 <sup>st</sup> Reading _____ 2 <sup>nd</sup> Reading _____	<b>Legal Review:</b>	<b>Work Plan #</b>	<b>Agenda Location:</b> Consent Calendar	<b>Agenda Item:</b> 8G
<b>Subject:</b> A RESOLUTION AMENDING SECTION 12 OF THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF THORNTON AND THE CITY OF BRIGHTON REGARDING FUTURE GROWTH AREAS.					
<b>Prepared by:</b> Joyce Hunt		<b>Approved by:</b> Jack Ethredge		<b>Ordinance previously introduced by:</b> _____	
<b>Reviewed by:</b> Jeff Coder		<b>Presented by:</b> Jeff Coder			

**KEY CONSIDERATIONS:**

- This Resolution amends Section 12 of the intergovernmental agreement (IGA) between the City of Thornton and the City of Brighton regarding future growth areas to extend the termination date from January 1, 2010 to April 30, 2010 in order to allow the parties sufficient time to revise and update the IGA to reflect changes that have occurred since 2001.

**BUDGET/STAFF IMPLICATIONS:**

- None.

**RECOMMENDATION:**

- Staff recommends approval of the resolution to enable Thornton and Brighton to revise and update the IGA to reflect changes that have occurred since the current IGA was approved in 2001.
- Brighton is considering this amendment at their Council meeting on December 15.

**HISTORY:** (includes previous City Council action)

- Brighton and Thornton entered into an IGA dated December 3, 1991 regarding future growth areas. This agreement terminated December 3, 2001.
- Brighton and Thornton entered into a new IGA regarding future growth areas dated July 3, 2001. This agreement terminates on January 1, 2010. The IGA provided that Thornton may annex and provide its services east of Yosemite Street above E-470 Highway and Brighton may annex and provide its services west of Yosemite Street above E-470 Highway. Thornton also agreed not to actively seek annexation of properties in the area bounded on the north by E-470 Highway, on the east by the South Platte River, on the south by 120<sup>th</sup> Avenue, and on the west by the centerline of Riverdale Road. The IGA also included some revenue sharing provisions as well and joint land use planning and coordination.

## RESOLUTION

A RESOLUTION AMENDING SECTION 12 OF THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF THORNTON AND THE CITY OF BRIGHTON REGARDING FUTURE GROWTH AREAS.

WHEREAS, the City of Thornton and the City of Brighton (“the cities”) entered into an Intergovernmental Agreement (IGA) regarding future growth areas on July 3, 2001, which established a geographical boundary within which the cities agreed to coordinate and cooperate in planning for the growth and development; and

WHEREAS, the current IGA will terminate on January 1, 2010; and

WHEREAS, since 2001, there has been considerable residential development within areas covered by this IGA, most notably the Heritage at Todd Creek development which is located west of Yosemite and is annexed into the City of Thornton, and the Todd Creek development which is located east of Yosemite and is in unincorporated Adams County; and

WHEREAS, the cities of Brighton and Thornton desire to revise and update the IGA to address issues that have come up since 2001 as well as future annexations and the provision of services in Adams and Weld Counties; and

WHEREAS, this amendment extends the termination date of the current IGA from January 1, 2010 to April 30, 2010 to allow the parties sufficient time to negotiate the terms and prepare a new IGA; and

WHEREAS, the City believes it is in the best interest of its citizens to have an IGA in place with Brighton that addresses future growth areas.

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

1. That the City Council approves the resolution amending Section 12 of the Intergovernmental Agreement.
2. That the City Manager is hereby authorized to sign, and the City Clerk to attest, the Amendment to the Intergovernmental Agreement between the City of Thornton and the City of Brighton regarding future growth areas attached hereto and incorporated herein as Exhibit A.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Thornton, Colorado, on \_\_\_\_\_, 2009.

CITY OF THORNTON, COLORADO

\_\_\_\_\_  
Erik Hansen, Mayor

ATTEST:

\_\_\_\_\_  
Nancy A. Vincent, City Clerk

Exhibit A

AMENDING SECTION 12 OF THE INTERGOVERNMENTAL AGREEMENT  
BETWEEN THE CITY OF BRIGHTON AND THE  
CITY OF THORNTON  
REGARDING FUTURE GROWTH AREAS

This amendment to the Intergovernmental Agreement made and entered into on the \_\_\_ day of December, 2009 by and between the City of Thornton, a Colorado Home rule municipality, hereafter referred to as "Thornton", and the City of Brighton, a Colorado home rule municipality, hereafter referred to as "Brighton"; individually, a "city"; together, the "cities".

WHEREAS, Brighton and Thornton entered into an Intergovernmental Agreement regarding the future growth areas on July 3, 2001 which will terminate on January 1, 2010; and

WHEREAS, the City Councils of Brighton and Thornton desire to revise and update the Intergovernmental Agreement to reflect changes that have occurred since 2001; and

WHEREAS, Section 12 of the Agreement provided that this Agreement shall terminate on January 1, 2010, unless the cities mutually agree in writing to terminate it sooner, or it is terminated by one city pursuant to Section 10; and

WHEREAS, the cities desire to amend Section 12 to extend the termination date to April 30, 2010 to provide time to revise and update the Intergovernmental Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, it is agreed by and between the cities as follows:

That Section 12 is hereby amended to extend the termination date from January 1, 2010 to April 30, 2010.

IN WITNESS WHEREOF, the above parties hereto have caused this amendment to the Agreement to be executed.

CITY OF THORNTON

\_\_\_\_\_  
Jack Ethredge, City Manager

ATTEST:

\_\_\_\_\_  
Nancy Vincent, City Clerk

APPROVED AS TO FORM:

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Margaret Emerich, City Attorney

CITY OF BRIGHTON

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ATTEST:

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City Clerk

APPROVED AS TO FORM:

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City Attorney