

RESOLUTION NO. 09 05 04

AUTHORIZING THE MAYOR TO EXECUTE THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FORT MORGAN AND DAIRY FARMERS OF AMERICA

WHEREAS, Dairy Farmers of America (“DFA”) desires to expand its plant facilities located in the City; and

WHEREAS, the City desires to increase employment opportunities within the City and in areas surrounding the City, and to encourage growth and investment within the City’s Industrial Park; and

WHEREAS, DFA anticipates that with the expansion it will utilize additional water, requiring the purchase of additional C-BT water units to meet its water consumption demands; and,

WHEREAS, upon completion of said expansion, DFA will require increased waste water treatment service from the City; and

WHEREAS, the capacity and rights of DFA to discharge to the City’s wastewater treatment plant will be increased as a result of its expansion; and,

WHEREAS, the City and DFA have agreed to enter into a **System Development Agreement** to facilitate this expansion and to meet the City’s policy requirements related to this expansion; and,

WHEREAS, the City hereby determines that the execution of this **Agreement** and the fulfillment of the terms of this **Agreement** are in the best interest of the City, and the health, safety and welfare of its residents.

WHEREAS, the City and DFA have agreed to the terms as set forth in the **System Development Agreement** (attached hereto and incorporated herein by this reference).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fort Morgan, Colorado that:

Section 1. That the Mayor is authorized to execute the **System Development Agreement** with DFA to meet the needs of DFA’s expansion as it relates to the City’s polices and regulations.

PASSED, APPROVED AND ADOPTED this 19th day of May, 2009, upon a roll call vote follows:

Ayes: Mayor Darnell; Councilmembers Deal, McAlister, Powers, Schafer and Simmons.

Nays: None.

Absent / Abstain: Councilmember Shaver.

THE COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

[SEAL]

BY: *Jack Darnell*
Mayor

ATTEST:

Cheryl Winberg
Deputy City Clerk

STATE OF COLORADO)
COUNTY OF MORGAN) ss: **CERTIFICATE**
CITY OF FORT MORGAN)

I, Cheryl Winberg, Deputy City Clerk of the City of Fort Morgan, Colorado, do hereby certify that the above and foregoing **Resolution** is a true, perfect and complete copy of the **Resolution** adopted by the Council of Fort Morgan, Colorado, and is identical to the original thereof appearing in the official records of the City of Fort Morgan, Colorado and that the same has not, since its adoption, been rescinded or amended in any respect.

IN TESTIMONY WHEREOF, I have hereunto set my hand and have affixed the seal of the City of Fort Morgan as of the 20th day of May, 2009.

Cheryl Winberg
Deputy City Clerk