

**TOWN OF TIMNATH, COLORADO  
RESOLUTION NO. 37, SERIES 2020**

**A RESOLUTION AUTHORIZING SUPPLEMENTAL FUNDING FOR ONGOING  
LITIGATION SUPPORT IN CASE NO. 2018CW3166**

**WHEREAS**, the Town Council of the Town of Timnath (the “Town”) pursuant to C.R.S. Section 31-15-103, has the power to pass resolutions; and

**WHEREAS**, certain easement owners have brought a lawsuit against Serratoga Falls, LLC (the “Developer”) regarding the use of certain ditches along Prospect Road in Section 14 of Larimer County Township 7 North, Range 58 West for irrigation and water transport in Case No. 2018CW3166 (the “Lawsuit”), and the Town has been enjoined in the Lawsuit; and

**WHEREAS**, through the lawsuit the plaintiffs have attempted to enjoin the expansion of Prospect Road and the relocation of the borough ditch adjacent to Prospect Road; and

**WHEREAS**, the Town received favorable rulings on all issues pertaining to its interests in the expansion of Prospect Road and the relocation of the borough ditch at the trial court level, and plaintiffs have filed post-trial motions signaling their intent to appeal these rulings; and

**WHEREAS**, It is in the best interest of the Town, its residents, and the general public to authorize additional funding for litigation purposes related to the continuing defense of the Town in the Lawsuit.

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

**Section 1. Authorization**

Town Council hereby affirms, ratifies, and authorizes additional funds for litigation purposes related to the Town’s participation in Case No. 2018CW316 in amounts to be monitored, managed, and reasonably determined by the Town Manager in consultation with general counsel. The Town Manager and general counsel shall continue to report regularly to the Town Council on the status of the Lawsuit.

**INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH, ON MAY 26, 2020.**

**TOWN OF TIMNATH, COLORADO**

DocuSigned by:

*Mark J. Soukup*

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Mark Soukup, Mayor

**ATTEST:**

DocuSigned by:

*Milissa Peters-Garcia*

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Milissa Peters-Garcia, CMC

Town Clerk