

ORDINANCE NO. 2434
INTRODUCED BY: Blackhurst

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, GRANTING A PERPETUAL EASEMENT TO UNITED POWER, INC. OVER A PORTION OF REAL PROPERTY LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 5, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID EASEMENT ON BEHALF OF THE CITY

WHEREAS, the City of Brighton, Colorado (the “City”) owns real property generally located in the southwest quarter of Section 14, Township 1 South, Range 66 West of the 6th Principal Meridian, County of Adams, State of Colorado, and identified by Adams County Assessor Parcel No. 0156905400019 (the “Property”); and

WHEREAS, United Power, Inc. (“United Power”) has requested a perpetual easement over a portion of the Property for the installation and maintenance of utility facilities (the “Easement”); and

WHEREAS, Article 17.3 of the City of Brighton Home Rule Charter provides that: “Council may not mortgage or encumber . . . real or personal property except by ordinance or a majority vote of the electors at the option of the Council;” and

WHEREAS, City staff has negotiated and presents to the City Council for approval the Grant of Easement, attached hereto as Exhibit A (the “Grant of Easement”); and

WHEREAS, Exhibit A to the Grant of Easement more particularly describes the proposed location of the Easement; and

WHEREAS, a valid purpose for the Easement may include the expansion of electrical utilities to the residents of the City; and

WHEREAS, the City Council finds and determines that the terms of said Grant of Easement are reasonable, and that it is in the best interests of the City to grant the Easement.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AS FOLLOWS:

Section 1. The Easement is hereby approved.

Section 2. The City Manager is hereby authorized to execute the Grant of Easement on behalf of the City in substantially the form presented at this meeting, with such technical additions, deletions, and variations as the City Attorney may deem necessary or appropriate and not inconsistent with this Ordinance, and to undertake such actions as may be necessary to finalize and enforce said Grant of Easement on behalf of the City.

Section 3. As provided in City Charter Section 5.9(A), this Ordinance, either as presented or as amended, shall be published in full as it was adopted after the initial reading. This Ordinance shall be in full force and effect five days after its final publication, as provided in City Charter Section 5.8, except as set forth herein.

INTRODUCED, PASSED ON FIRST READING AND ORDERED PUBLISHED THIS
5th DAY OF December 2023.

INTRODUCED, PASSED ON FINAL READING AND ORDERED PUBLISHED BY
TITLE ONLY THIS 19th DAY OF December 2023.

CITY OF BRIGHTON, COLORADO

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

Published in the *Brighton Standard Blade*

First Publication: December 14, 2023

Final Publication: January 4, 2024

APPROVED AS TO FORM:

MICHAEL DAVIS, Assistant City Attorney

Exhibit A

Grant of Easement