

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, GRANTING A PERMANENT UTILITY EASEMENT TO THE METRO WASTEWATER RECLAMATION DISTRICT ON 0.239 ACRES OF CITY OWNED PROPERTY LOCATED WEST OF KUNER ROAD AND NORTH OF THE CITY'S WASTE WATER TREATMENT PLANT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE EASEMENT AGREEMENT THEREOF.

**ORDINANCE NO. 2293
INTRODUCED BY: Wallin**

WHEREAS, pursuant to Section 17.3 of the City of Brighton Charter, the City Council may not " ... *mortgage or encumber public utilities or permanent public buildings or real or personal property except by ordinance or majority vote of the electors at the option of the Council*"; and

WHEREAS, the City owns certain real property in Adams County, Colorado), which property is located to the west of Kuner Road and north of the City's waste water treatment plant and also north of certain real property currently owned by TMP Ventures (identified as Adams County Assessor parcel #0156906319001 and located at 221 Kuner Road) (the "City Property"); and

WHEREAS, the Metro Wastewater Reclamation District ("District") requires a permanent utility easement across a portion of the City's Property described above, to provide for the ongoing maintenance, repair, use, and operation by the District, in perpetuity, of one or more public sanitary sewer pipelines, meter and meter vault, and related improvements and appurtenances; and

WHEREAS, to that end, the City has negotiated and presents to the City Council for approval, an Easement Agreement with the District; and

WHEREAS, the City Council finds and determines that it is in the best interests of the City to enter into said Easement Agreement with the District.

WHEREAS, pursuant to Article 17.3 of the City of Brighton Home Rule Charter, the City Council may encumber City owned real property by Ordinance.

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

Section 1. The Easement Agreement between the City of Brighton and the District is hereby approved.

Section 2. The City Manager and the City Clerk are hereby authorized to execute and deliver such Easement Agreement 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.

**INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED
THIS 18TH DAY OF SEPTEMBER, 2018.**

CITY OF BRIGHTON, COLORADO

Kenneth J. Kreutzer, Mayor

ATTEST:

Natalie Hoel, City Clerk

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APPROVED AS TO FORM:

Jack D. Bajorek, City Attorney

**PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED BY
TITLE ONLY THIS 2nd DAY OF October, 2018.**

CITY OF BRIGHTON, COLORADO

Kenneth J. Kreutzer, Mayor

ATTEST:

Natalie Hoel, City Clerk

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