

BRIGHTON CITY COUNCIL RESOLUTION

Boardwalk Pipeline (Weld County Road 6 ¼) Conditional Use

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING WITH CONDITIONS AS SET FORTH HEREIN, A CONDITIONAL USE FOR THE DISCOVERY GAS AND OIL UNDERGROUND TRANSMISSION PIPELINE, GENERALLY TRAVERSING VARIOUS PARCELS LOCATED IN THE CITY OF BRIGHTON, COLORADO, AND SETTING FORTH DETAILS IN RELATION THERETO.

RESOLUTION NO: 2017-91

WHEREAS, the Applicant, Discovery DJ Services, LLC, (“Applicant”) has filed with the City an application for approval of a Conditional Use; and

WHEREAS, the Applicant, is requesting approval of a Conditional Use Permit for a project known as the Boardwalk Pipeline (“Pipeline”), an underground transmission pipeline used for the conveyance of natural gas and oil through a portion of the City of Brighton to facilities located in Weld County; and

WHEREAS, approximately 2800 linear feet of the Pipeline is located within Brighton city limits, generally traversing parcels of properties described in a portion of Exhibit A; and

WHEREAS, the Applicant is requesting approval of a Conditional Use for the construction of the Pipeline generally shown in Exhibit B; and

WHEREAS, in accordance with the public notice requirements of the *Land Use and Development Code*, the City Council of the City of Brighton finds and declares that a Notice of Public Hearing was mailed to all property owners within 300 feet of the Property, a public notice was published in the *Brighton Standard Blade*, and a sign was posted on the Property, all for no less than fifteen (15) days prior to the City Council public hearing; and

WHEREAS, on August 15, 2017, the City Council conducted a public hearing at which the Applicant, interested parties, and City staff were permitted to present evidence and testimony and to ask and answer questions regarding the Pipeline and the requested Conditional Use; and

WHEREAS, the City Council finds that, pursuant to the *Land Use and Development Code*, a Conditional Use is an additional use of land that may be allowed with restrictions deemed necessary by the City Council, and that approval thereof is subject to the City’s Conditional Use procedures and criteria; and

WHEREAS, after reviewing the Application, evidence, representations, acknowledgements of the Applicant, presentations, and statements made at the Public Hearing by the City staff and interested persons, the City Council finds and determines that upon the conditions herein contained and agreement of the Applicant, the relevant criteria, according to the *Land Use and Development Code*, for approval of the Pipeline as a Conditional Use have been satisfied.

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

Section 1. The Conditional Use request from Discovery DJ Services, LLC, for a sixteen (16) inch underground natural gas pipeline traversing various parcels of property, as described in Exhibit A and generally shown in Exhibit B, within the City of Brighton, Colorado is hereby approved with the following conditions:

- 1) All construction shall be in strict compliance with the plans approved by the City.
- 2) The sixteen (16) inch oil pipeline shall be constructed at a depth of at least forty-eight (48) inches below grade; at all road crossings, the depth shall be at least sixty (60) inches below grade.
- 3) Construction is restricted to the hours of 7:00 AM to 7:00 PM, Monday through Friday.
- 4) All land must be returned to its original state of vegetation upon completion of construction of the pipeline. Any trees or other landscaping that is removed during construction must be replaced elsewhere on the Pipeline Property with similar trees/landscaping.
- 5) No construction equipment, including vehicles and pipes not being installed within the City limits, may be staged or otherwise stored on any property within the City of Brighton city limits.
- 6) Proof of coordination with the U.S. Fish and Wildlife Service and proof of an issued 404 Permit for disturbance of the wetlands shall be completed before the City of Brighton will issue an Erosion and Sediment Control Permit for the project.
- 7) Nothing shall be constructed on the surface unless and until an application to amend this conditional use is submitted and approved by the City Council.

Section 2. Conditions Run with the Land.

The Conditional Use herein approved and the conditions imposed thereon shall run with the land. The City shall record this Resolution in the office of the appropriate County Clerk and Recorder at the expense of the Applicant.

RESOLVED, this 15th day of August, 2017.

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

APPROVED AS TO FORM:

Margaret R. Brubaker, City Attorney

EXHIBIT A

EXHIBIT "A"

DISCOVERY DJ SERVICES – PIPELINE DESCRIPTION, CITY OF BRIGHTON

CENTERLINE DESCRIPTION FOR A PROPOSED PIPELINE IN THE CITY OF BRIGHTON, LOCATED IN THE SOUTH ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF SECTION 20, TOWNSHIP 01 NORTH, RANGE 66 WEST, CITY OF BRIGHTON, COUNTY OF WELD, STATE OF COLORADO DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER-SOUTH ONE-SIXTEENTH CORNER OF SAID SECTION 20, THENCE NORTH 89°28'08" EAST, ALONG THE NORTH LINE OF THE SOUTH ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 20, A DISTANCE OF 180.68 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 70°32'09" EAST A DISTANCE OF 263.80 FEET;

THENCE NORTH 89°27'55" EAST A DISTANCE OF 1227.85 FEET;

THENCE SOUTH 26°37'27" EAST A DISTANCE OF 53.80 FEET;

THENCE SOUTH 34°04'22" EAST A DISTANCE OF 92.64 FEET;

THENCE SOUTH 48°52'02" EAST A DISTANCE OF 95.47 FEET;

THENCE NORTH 89°27'23" EAST A DISTANCE OF 155.96 FEET, MORE OR LESS, TO THE WEST LINE OF LOT B OF RECORDED EXEMPTION 1471-20-4-RE2432 ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN THE OFFICE OF THE WELD COUNTY CLERK AND RECORDER AT RECEPTION NO. 2702653 AND THE **POINT OF TERMINUS**, FROM WHICH THE NORTHEAST CORNER OF THE SOUTH ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 20 BEARS NORTH 67°48'45" EAST A DISTANCE OF 757.10 FEET;

EXHIBIT B

