

BRIGHTON CITY COUNCIL RESOLUTION
Discovery Pipeline-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 PIPELINES, GENERALLY TRAVERSING VARIOUS PARCELS LOCATED IN THE CITY OF BRIGHTON, COLORADO, AND SETTING FORTH DETAILS IN RELATION THERETO.

RESOLUTION NO: 2017-68

WHEREAS, the Applicant, John Wolford, PSI, (“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 Discovery 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 Adams County;

WHEREAS, approximately 2,011 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 July 11, 2017, the City Council conducted the 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 for the Discovery Pipeline, submitted by PSI for an underground natural gas and oil transmission pipelines 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 eight (8) 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) The ten (10) inch natural gas 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.
- 4) Construction may only take place between the hours of 7:00 AM and 7:00 PM, Monday through Friday.
- 5) All land must be returned to its original state of vegetation upon completion of construction for the pipelines. Any trees or other landscaping that is removed during construction must be replaced elsewhere on the property with similar trees/landscaping.
- 6) 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.
- 7) Nothing shall be constructed on the surface unless and until an application to amend the 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 11th day of July, 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

The **bolded sections** are within the City of Brighton.

CENTERLINE DESCRIPTION FOR A PROPOSED PIPELINE IN THE CITY OF BRIGHTON, LOCATED IN THE FOLLOWING SECTIONS; SECTION 23 AND 24, TOWNSHIP 1S, RANGE 67W, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO DESCRIBED AS FOLLOWS.

BEGINNING AT THE WESTERN LINE OF THE NORTH WEST QUARTER CORNER OF THE SOUTHWEST CORNER OF SECTION 14, TOWNSHIP 1S, RANGE 67W FROM WHICH THE ROW BEARS SOUTH 00° 18' 28.0" E A DISTANCE OF 90.1450 FEET

THENCE ALONG A TANGENT LINE SOUTH 88° 56' 52.8" WEST A DISTANCE OF 67.67 FEET

THENCE ALONG A TANGENT LINE SOUTH 00° 17' 26.4" EAST A DISTANCE OF 1326.9044 FEET;

THENCE ALONG A TANGENT LINE SOUTH 00° 21' 14.3" EAST A DISTANCE OF 1225.2557 FEET;

THENCE ALONG A TANGENT LINE SOUTH 24° 03' 24.8" WEST A DISTANCE OF 273.2544 FEET;

THENCE ALONG A TANGENT LINE SOUTH 14° 03' 24.8" WEST A DISTANCE OF 31.1354 FEET;

THENCE ALONG A TANGENT LINE SOUTH 24° 03' 24.8" WEST A DISTANCE OF 144.0960 FEET;

THENCE ALONG A TANGENT LINE SOUTH 69° 03' 24.8" WEST A DISTANCE OF 97.7147 FEET;

THENCE ALONG A NON-TANGENTIAL LINE SOUTH 24° 49' 10.8" WEST A DISTANCE OF 184.8154 FEET;

SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 15° 15' 27.0", HAVING A RADIUS OF 3545.4094 FEET, AND WHOSE LONG CHORD BEARS SOUTH 57° 22' 07.3" EAST FOR A DISTANCE OF 941.3327 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENTIAL LINE.

THENCE ALONG A TANGENT LINE SOUTH 49° 46' 40.8" EAST A DISTANCE OF 333.2818 FEET;

THENCE ALONG A TANGENT LINE SOUTH 49° 42' 51.6" EAST A DISTANCE OF 266.3799 FEET;

THENCE ALONG A TANGENT LINE SOUTH 49° 45' 17.4" E A DISTANCE OF 574.1889 FEET;

THENCE ALONG A TANGENT LINE SOUTH 52° 00' 40.7" EAST A DISTANCE OF 806.5678 FEET;

THENCE ALONG A TANGENT LINE SOUTH 52° 00' 40.7" EAST A DISTANCE OF 155.3932 FEET;

THENCE ALONG A NON-TANGENTIAL LINE SOUTH 51° 42' 54.0" EAST A DISTANCE OF 516.8749 FEET;

SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 14° 45' 50.0", HAVING A RADIUS OF 5949.6362 FEET, AND WHOSE LONG CHORD BEARS SOUTH 43° 08' 12.2" EAST FOR A DISTANCE OF 1528.8554 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENTIAL LINE.

THENCE ALONG A TANGENT LINE NORTH 89° 07' 50.9" EAST A DISTANCE OF 1754.9018 FEET;

THENCE ALONG A TANGENT LINE NORTH 00° 31' 54.1" WEST A DISTANCE OF 47.9237 FEET;

THENCE, NORTH 89° 28' 05.9" EAST FOR A DISTANCE OF 45.0000 FEET.

