

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO
ACCEPTING THE CONSERVATION EASEMENT FOR THE WILLOW BAY
PROPERTY LOCATED NEAR 136TH AVE AND BRIGHTON ROAD IN FAVOR OF THE
CITY OF BRIGHTON.**

Resolution No.: 2017-161

WHEREAS, Adams County is the sole fee simple owner of certain real property located in the City of Brighton in Adams County known as the Willow Bay property, located near 136th and Brighton Road (“Willow Bay” or the “Property”); and

WHEREAS, the County’s acquisition of the Property was partially funded by an Adams County Open Space grant, funded by the Adams County Open Space Sales Tax which was passed by the Adams County voters in 1999, and reauthorized in November 2004, to be extended until December 31, 2026. The adopted Adams County Open Space Policies and Procedures require projects receiving passive funds for land acquisition to preserve the Property in perpetuity with a conservation easement. The County intends to utilize the Property as natural open space with associated passive recreation uses, and in furtherance thereof, the County intends to grant and convey to the City, the attached Conservation Easement; and

WHEREAS, the County’s acquisition of the Property was partially funded by a grant from the Natural Resource Damage Recovery Fund awarded by the State of Colorado Natural Resources Trustees on November 4, 2016. The resolution that approved the use of Natural Resource Damage Funds for Adams County to acquire the Property, requires that any land acquired with the Funds must be encumbered by a conservation easement; and

WHEREAS, the County, as Grantor, intends that the Conservation Values of the Property must be preserved and protected, and that any uses be prohibited that would substantially diminish or impair the Conservation Values, or that otherwise would be inconsistent with the purposes of the Conservation Easement. The current land use patterns on the Property, including certain existing improvements located on the Property at this, do not significantly impair or interfere with the Property’s Conservation Values and are consistent with purposes of the Conservation Easement; and

WHEREAS, the County, as Grantor, further intends, as owner of the Property, to convey to the City, as Grantee, the right to preserve and protect the Conservation Values of the Property in perpetuity, pursuant to the terms and provisions of the Conservation Easement; and

WHEREAS, the City is a publically supported, tax-exempt municipal government, qualified under Sections 170(h) of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations adopted pursuant thereto, and is a qualified holder of a conservation easement in gross under Colorado law; and

WHEREAS, the City, as Grantee, agrees by accepting the Conservation Easement, to honor the intentions of Grantor stated therein, and to preserve and protect in perpetuity the Conservation Values of the Property for the benefit of this and future generations, according to the terms of the Conservation Easement.

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

1. In consideration of the above Recitals and the mutual covenants, terms, conditions, and restrictions contained in the Conservation Easement, and pursuant to the laws of the State of Colorado, and in particular C.R.S. § 38-30.5-101 et seq., the City, as Grantee, hereby voluntarily accepts the County's grant and conveyance to the City, of a PERPETUAL conservation easement in gross over the Property, of the nature and character and to the extent set forth in the Conservation Easement; and
2. The City of Brighton hereby accepts and assumes the rights and obligations of Grantee under the Conservation Easement, and agrees to carry out and perform the Conservation Easement according to its terms.

RESOLVED, this 19th day of December, 2017

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

APPROVED AS TO FORM:

Margaret R. Brubaker, Esq.
City Attorney