

RESOLUTION NO. 2019-44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE CONSERVATION EASEMENT FOR THE MURATA PROPERTY LOCATED AT 14151 POTOMAC STREET, BRIGHTON, COLORADO, IN FAVOR OF THE CITY OF BRIGHTON, AND AUTHORIZING THE MAYOR TO SIGN AND EXECUTE THE EASEMENT AND OTHER DOCUMENTS AS REQUIRED

WHEREAS, Adams County, Colorado (“County”), is the sole fee simple owner of certain real property located in Adams County known as the Murata Property, located at 14151 Potomac Street, Brighton, Colorado (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 Adams County voters in 1999, and reauthorized in November 2004, to be extended until December 31, 2026; and

WHEREAS, 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; and

WHEREAS, the County intends to utilize the Property as natural open space and farmland preservation uses, and in furtherance thereof, the County intends to grant and convey the attached Conservation Easement to the City; and

WHEREAS, the Property possesses natural, scenic, open space, agricultural and/or recreational values (collectively, “Conservation Values”) of great importance to the people of Adams County and the City of Brighton; 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; and

WHEREAS, the current land use patterns on the Property, including certain existing improvements located on the Property, do not significantly impair or interfere with the Property’s Conservation Values and are consistent with purposes of the Conservation Easement; and

WHEREAS, as both Grantor and owner of the Property, the County further intends 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, by accepting the Conservation Easement, the City, as Grantee, agrees 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:

Section 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.

Section 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.

Section 3. The Mayor is authorized to sign the Deed of Conservation Easement in Gross for the Murata Property and other documents as required, and the City Clerk to attest thereto.

RESOLVED this 16th day of April, 2019.

CITY OF BRIGHTON, COLORADO

KENNETH J. KREUTZER, Mayor

ATTEST:

NATALIE HOEL, City Clerk

APPROVED AS TO FORM:

JACK D. BAJOREK, City Attorney