



City of Brighton Municipal Service Center (MSC) Union Pacific Railroad (UPRR) Spur Easement

CITY COUNCIL MEETING – August 2, 2022

City Staff Representatives: Michael Woodruff, Director of Infrastructure

Strategic Plan



Supportive and Sustainable
Infrastructure



Financially Responsible



Introduction

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- New Spur Easement & Highlights
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Purpose

Provide City Council with information regarding the securing of an easement across City owned property for a Union Pacific Railroad (UPRR) Track Spur.



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Project Background

- The City Council directed staff to pursue the construction of a new Municipal Service Center facility that would accommodate Streets Maintenance, Fleet Maintenance, Parks Maintenance and Utility Maintenance, all of which currently operate in separate facilities and locations.
- Police Substation will be located within the facility.
- The facility is to be constructed on 15.54 acres of City owned land at the northwest corner of Main Street and Denver Street with construction slated to start in early 2023.
- The funding for the new facility has been incorporated into the City's capital budget.



Project Background Cont.

- Staff and the design team encountered an issue with the existing railroad spur that traverses across the property from south to north. It was determined during the design phase through the ALTA Survey, subsequent surveys and an investigation into County property records that an easement for the railroad spur was not dedicated nor shown in any property and/or County recorded documents.
- After extensive research and discussions over several months involving D2C, Union Pacific Railroad (UPRR) and City Staff in an effort to find documents associated with and/or to identify this easement and the railroad spur, the only documents pertaining to the railroad spur from the City were from 1916 and while somewhat helpful, the documents did not identify the specific easement granted.



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Project Background Cont.

- While the property was purchased by the City in the fall of 2018, it appears that Due Diligence in regards to the property investigation and survey were not fully and/or accurately completed and the property was purchased void of a recorded easement for the existing railroad spur across the property.
- Subsequently, over the course of several more months city staff in cooperation with D2C and UPRR came to an agreement on the location and dimensions of the proposed easement to continue the development of the site plan and subsequent submission to Community Development for review and movement through the development process.



1916 Spur Easement Documents

#100 U. P. R. R. Co. Agreement
Audit No. 122713
C.E. # 11242 1

AN ORDINANCE GRANTING TO THE UNION PACIFIC RAILROAD COMPANY ITS SUCCESSORS AND ASSIGNS, A RIGHT TO CONSTRUCT, LAY, MAINTAIN, AND OPERATE CERTAIN RAILROAD TRACKS OVER, UPON, ALONG AND ACROSS CERTAIN STREETS, ALLEYS AND PUBLIC WAYS IN THE TOWN OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO.

Be it ordained by the Board of Trustees of the Town of Brighton:

SECTION 1. Whereas the Union Pacific Railroad Company desires to construct, lay, maintain, and operate a spur track from its main line in the Town of Brighton, in a general northwesterly direction connecting with and serving the proposed factory of the Great Western Sugar Company, said track now being surveyed, staked and laid out;

NOW, THEREFORE, Be it ordained as aforesaid, that there be, and hereby is, granted to the Union Pacific Railroad Company, its successors and assigns, by the Town of Brighton, a right to lay, maintain and operate said spur track over, upon, along and across these streets, roads, alleys and public ways belonging to the Town of Brighton, which it will be necessary for said spur track aforesaid to intersect and cross.

SECTION 2. The Union Pacific Railroad Company, its successors and assigns shall construct and lay, and thereafter maintain said crossings in a serviceable and satisfactory manner, to-wit: Said crossings shall be constructed and maintained as nearly as possible at the present grades of said streets.

The Railroad Company shall plank the crossings of Division Street and Long's Peak Avenue extended for a space of three (3) feet on each side of the center line of the track, and for a distance extending from curb line to curb line on each of the aforesaid streets, and shall plank all other crossings for the space of the traveled portions thereof.

Full and adequate drainage shall be constructed at the intersections and crossings aforesaid.

SECTION 3. The said railroad company shall not so operate any of its trains so as to obstruct any of said crossings at any time for a period of more than five minutes.

SECTION 4. The said railroad company shall cause all of its trains to come to a full stop before proceeding to cross Division Street, or shall provide a flagman at said Division Street crossing during the time that trains are being operated on said spur.

SECTION 5. The Town of Brighton hereby reserves the right to construct, maintain and operate over or under said railroad track at said crossings or any thereof any and all municipal water and sewer pipe lines, telephone and electric light lines, provided however, that all overhead lines shall be constructed and maintained with sufficient overhead clearance as not to interfere with the operation of trains on said track.

SECTION 6. The construction of said railroad track by said railroad company over the aforesaid crossings shall be deemed to be an acceptance by said railroad company of the terms and provisions of this ordinance.

SECTION 7. This ordinance shall take effect and be in force immediately upon its passage by the Board of Trustees of the Town of Brighton.

Passed, adopted and approved this 5th day of December, 1916.

Attest: S. H. Thorsen Secretary
W. H. Ball Mayor

check

Brighton - Colo 1/3-1917

I hereby certify that the above is a true and correct copy of ordinance #100 of the town of Brighton

W. H. Thorsen
Town Clerk

APPROVED AS TO FORM:
S. C. Dancy
MAYOR

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1916 Easement Highlights

- Records received from UPRR indicate that an easement was granted by the City of Brighton to UPRR on December 5, 1916.
- The granted easement allows UPRR to lay, maintain and operate said spur track over, upon, along and across these streets, roads, alleys and public ways belonging to the Town of Brighton.
- Must maintain crossings in a serviceable and satisfactory manner.
- Railroad company shall not so operate any of its trains so as to obstruct any of the said crossings at any time for a period of more than five minutes.



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New Spur Easement

**RECORDING REQUESTED BY AND
WHEN RECORDED, RETURN TO:**

Union Pacific Railroad Company
Attn: Real Estate Sales (Folder No. 3331-46)
1400 Douglas Street, MS 1690
Omaha, Nebraska 68179

(Space Above for Recorder's Use Only)

3331-46

EASEMENT DEED

CITY OF BRIGHTON, COLORADO, a municipal corporation ("Grantor"), for and in consideration of One Dollar (\$1.00) and other valuable consideration paid to it, grants and conveys to **UNION PACIFIC RAILROAD COMPANY**, a Delaware corporation ("Grantee"), its successors and assigns, a PERPETUAL, EXCLUSIVE EASEMENT AND RIGHT OF WAY ("Easement") in, to, over, along, upon and across the property in Adams County, State of Colorado, described in **Exhibit A**, attached hereto and made a part hereof ("Property"), for the construction, use, operation, maintenance, modification, repair, renewal, reconstruction, relocation and removal of railroad trackage and any and all appurtenances related thereto, grading work, drainage facilities and/or structures, utility and communication facilities (including, but not limited to fiber optics, signal equipment and appurtenances required for railroad operations, and third party utility facilities necessary for Grantee's railroad operations), and for any other railroad purposes, together with the right of ingress and egress to and from the Property, for the purpose of exercising the rights granted in this instrument, and, if and when necessary, removing Grantee's property and facilities from the Property.

Grantor, for itself, its successors and assigns, covenants with Grantee, its successors and assigns, that Grantor has the full power and lawful authority to grant and convey the Easement.



New Spur Easement Highlights

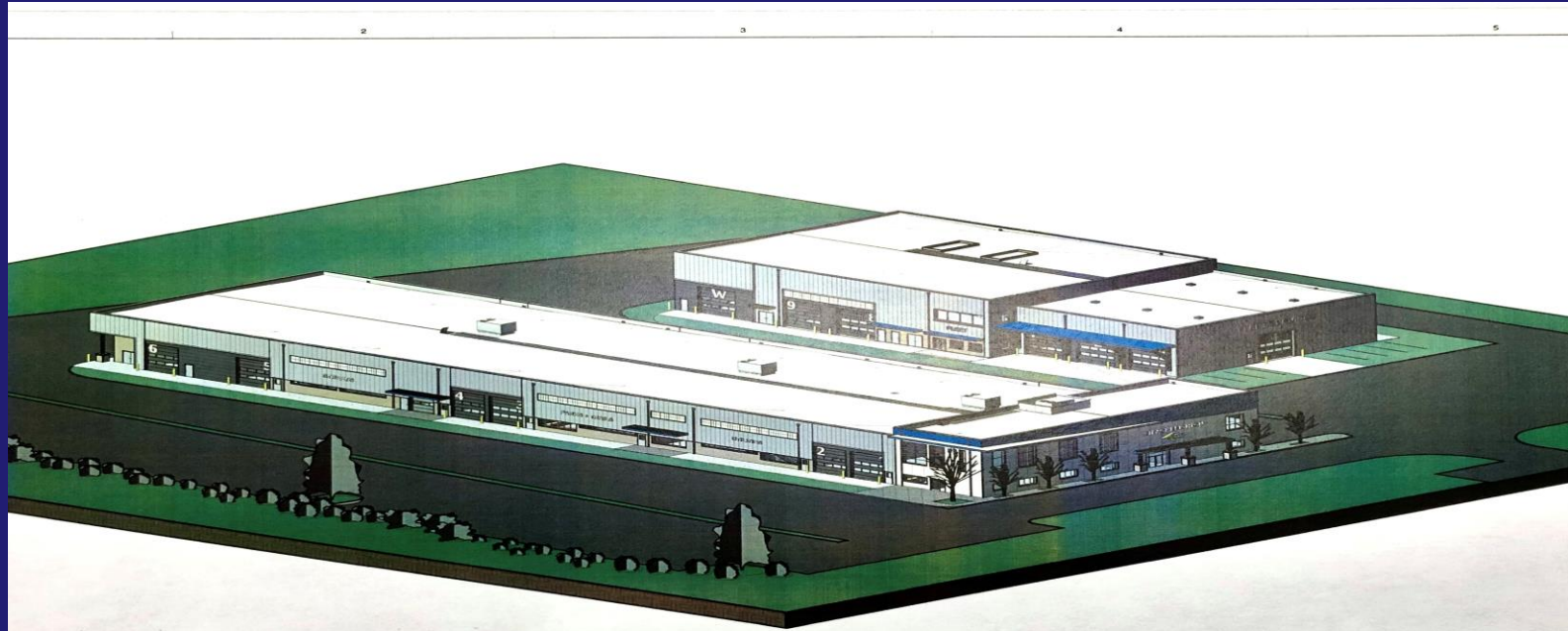
- Secures UPRR easement across City property and site of future City of Brighton Municipal Service Center (MSC)
- Provides an offset 35' UPRR Rail Spur easement from Denver Street to northern property boundary.
- Offset 35' easement allows for full utilization of property on the west side and east side of UPRR Spur.
- Offset Allows for the construction of both Operations and Fleet buildings on west side of property vs splitting buildings between east and west side of UPRR Spur.

New MSC Site





MSC Design Concepts (Operations & Fleet)

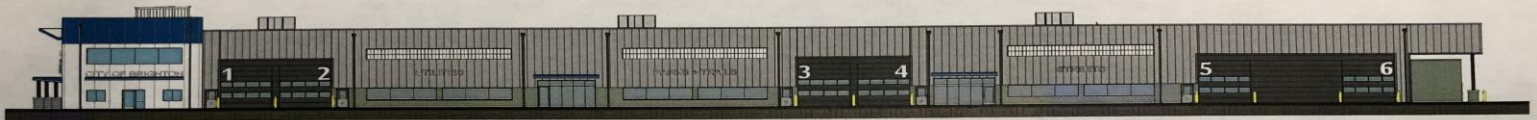


1 | 3D AXONOMETRIC - SOUTHWEST
SDP-04

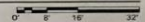


MSC Design Concepts Cont. (Operations)

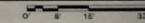




1 | BUILDING ELEVATION - OPS, EAST - SMALL SCALE
SDP-17 | 1/16" = 1'-0"



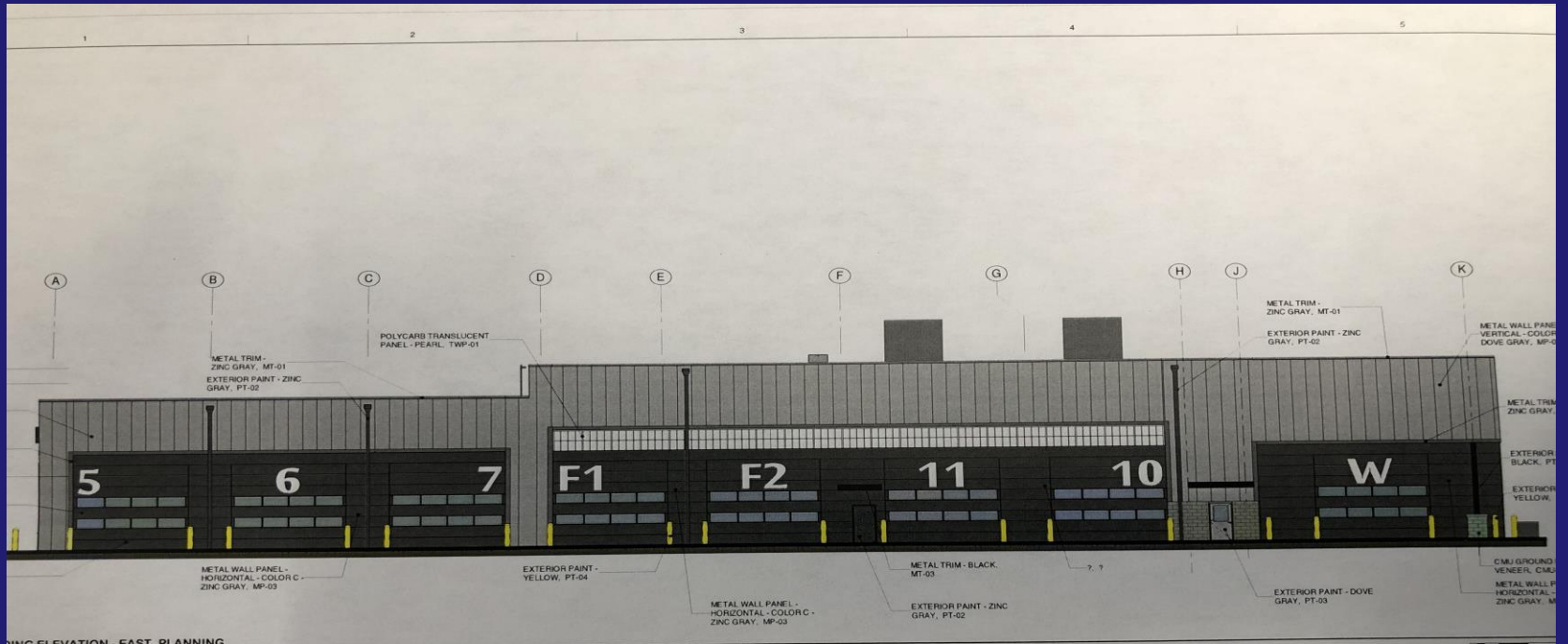
2 | BUILDING ELEVATION - OPS, WEST - SMALL SCALE
SDP-17 | 1/16" = 1'-0"







MSC Design Concepts Cont. (Fleet)





Staff Recommendation

Staff recommends the approval of the Resolution granting an easement to Union Pacific Railroad.



Options for City Council Consideration

- Approval as presented
- Reject



Questions?