

ORDINANCE NO. 2432
INTRODUCED BY: Padilla

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, GRANTING A PERPETUAL EASEMENT TO PUBLIC SERVICE COMPANY OF COLORADO OVER A PORTION OF REAL PROPERTY GENERALLY LOCATED IN THE SOUTHEAST QUARTER OF SECTION 34 TOWNSHIP 1 NORTH RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID EASEMENT ON BEHALF OF THE CITY

WHEREAS, the City of Brighton (the “City”) owns real property generally located in the southeast one-quarter of Section 34, Township 1 North, Range 66 West of the 6th Principal Meridian, County of Weld, State of Colorado, described by street address as 4859 E. Baseline Road, Brighton, Colorado 80603, and identified by Weld County Assessor Parcel No. 147134400015 (the “Property”); and

WHEREAS, Public Service Company of Colorado (“PSCo”) has requested a perpetual non-exclusive easement over a portion of the Property to upgrade existing utility facilities so that they comply with federal regulations (the “Easement”); and

WHEREAS, Article 17.3 of the City of Brighton Home Rule Charter provides that: “Council may not mortgage or encumber . . . real or personal property except by ordinance or a majority vote of the electors at the option of the Council;” and

WHEREAS, City staff has negotiated and presents to the City Council for approval the Grant of Easement, attached hereto as Exhibit A (the “Grant of Easement”); and

WHEREAS, Exhibit A to the Grant of Easement more particularly describes the proposed location of the Easement; and

WHEREAS, the City Council finds and determines that the terms of said Grant of Easement are reasonable, that it is in the best interests of the City to grant the Easement, and that use of the Easement serves the public purpose of promoting the health, safety, and welfare of the residents of Brighton.

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

Section 1. The Easement is hereby approved.

Section 2. The City Manager is hereby authorized to execute the Grant of Easement on behalf of the City in substantially the form presented at this meeting, with such technical additions, deletions, and variations as the City Attorney may deem necessary or appropriate and not inconsistent with this Ordinance, and to undertake such actions as may be necessary to finalize and enforce said Grant of Easement on behalf of the City.

Section 3. As provided in City Charter Section 5.9(A), this Ordinance, either as presented or as amended, shall be published in full as it was adopted after the initial reading. This Ordinance shall be in full force and effect five days after its final publication, as provided in City Charter Section 5.8, except as set forth herein.

INTRODUCED, PASSED ON FIRST READING AND ORDERED PUBLISHED THIS 3rd DAY OF OCTOBER 2023.

INTRODUCED, PASSED ON FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY THIS 17th DAY OF OCTOBER 2023.

CITY OF BRIGHTON, COLORADO

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

Published in the *Brighton Standard Blade*

First Publication: October 12, 2023

Final Publication: October 26, 2023

APPROVED AS TO FORM:

YASMINA GIBBONS, Deputy City Attorney

Exhibit A

Grant of Easement