

RESOLUTION NO. 2022-84

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING A GRANT OF PERPETUAL EASEMENT AND RIGHT-OF-WAY TO UNION PACIFIC RAILROAD COMPANY OVER A PORTION OF REAL PROPERTY LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 1 SOUTH, 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 owns real property located in the SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, County of Adams, State of Colorado, described by street address as generally located at the northwest corner of the intersection of Main Street and Denver Street, and is identified by Adams County Assessor Parcel No. 0156906200025 (the “MSC Site Property”); and

WHEREAS, Union Pacific Railroad Company (“UPRR”) has requested a perpetual easement and right-of-way over a portion of the MSC Site Property for the installation and maintenance of utility and communication facilities to service the adjacent railroad (the “Easement”); and

WHEREAS, City staff has negotiated and presents to the City Council for approval the Easement Deed, attached hereto as Exhibit 1 (the “Easement Deed”); and

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

WHEREAS, the City Council finds and determines that the terms of said Easement Deed are reasonable, and that it is in the best interests of the City to enter into said Easement Deed.

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

Section 1. The Easement Deed by and between the City and UPRR is hereby approved.

Section 2. The City Manager is hereby authorized to execute such Easement Deed 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 Resolution, and to undertake such actions as may be necessary to finalize and enforce said Easement Deed on behalf of the City.

Section 3. This Resolution is effective as of the date of its adoption.

RESOLVED this 2nd day of August, 2022

CITY OF BRIGHTON, COLORADO

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

APPROVED AS TO FORM:

YASMINA SHAUSH, Assistant City Attorney

Exhibit 1

Easement Deed