



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

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CITY COUNCIL MEETING – August 2, 2022

**City Staff Representatives:** Michael Woodruff, Director of Infrastructure

## Strategic Plan



Supportive and Sustainable  
Infrastructure



Financially Responsible



## Introduction

- Purpose
- Project Background
- 1916 Spur Easement Documents & Highlights
- New Spur Easement & Highlights
- Latest Updated MSC Design Concepts
- Staff Recommendation
- Options For City Council Consideration
- Questions



## Purpose

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



## 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.

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# 1916 Spur Easement Documents

#100 U. P. R. R. Co. v. Town of Brighton  
Agreement  
Audit No. 1233712  
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 therebe, 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: H. H. Thompson W. H. Ball  
Secretary Mayor

*Brighton - Colo 1/3-1917*  
*I hereby certify that the above is a true and correct copy of ordinance H 100 of the town of Brighton*  
*H. H. Thompson*  
*Town Clerk*

APPROVED AS TO FORM:  
S. C. Dwyer  
Attorney





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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.

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## New Spur Easement

## LAND DESCRIPTION

## PARCEL:

A PARCEL OF LAND IN THE SOUTHEAST QUARTER OF THE NORTH-WEST QUARTER OF SECTION 6, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE NORTH LINE OF THE NW 1/4 OF SECTION 6, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN AS BEARING SOUTH 89°58'29" EAST AS MONUMENTED BY A FOUND 3 1/4" ALUMINUM CAP, LS 23519 AT THE NW CORNER AND BY A FOUND 2 1/2" ILLIBLE ALUMINUM CAP AT THE NORTH 1/4 CORNER, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO:

COMMENCING AT A POINT ON THE NORTH-SOUTH CENTERLINE OF SAID SECTION 6, LYING 30.00 FEET SOUTH OF THE NORTH QUARTER CORNER OF SAID SECTION 6, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WELD COUNTY ROAD NO. 2 (EAST 168TH AVE.);

THENCE SOUTH 89°57'22" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND PARALLEL TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 6, A DISTANCE OF 254.24 FEET TO THE INTERSECTION OF SAID SOUTHERLY RIGHT-OF-WAY LINE AND WESTERLY RIGHT-OF-WAY LINE OF MAIN STREET;

THENCE SOUTH 13°49'55" WEST ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 1529.12 FEET TO THE SOUTHEAST CORNER OF LOT 2, BLOCK 1, GWS SUBDIVISION AS RECORDED IN ADAMS COUNTY, COLORADO RECORDS, THENCE ALONG THE SOUTHERLY LINE OF LOT 2, BLOCK 1, GWS SUBDIVISION NORTH 78°35'59" WEST 423.27 FEET, SAID POINT BEING THE POINT OF BEGINNING.

THENCE SOUTH 08°49'06" WEST, 90.05 FEET;

THENCE SOUTH 00°18'23" EAST, 183.35 FEET, TO A TANGENT CURVE CONCAVE TO THE EAST WITH A RADIUS OF 1255.00 FEET, A CENTRAL ANGLE OF 16°04'05" AND WHOSE CHORD BEARS SOUTH 08°20'26" EAST, A DISTANCE OF 350.80 FEET;

THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 351.86 FEET;

THENCE SOUTH 16°22'29" EAST, 265.81 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF DENVER STREET;

THENCE NORTH 89°31'21" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 36.57 FEET;

THENCE NORTH 16°22'29" WEST, 255.21 FEET, TO A TANGENT CURVE CONCAVE TO THE EAST WITH A RADIUS OF 1250.00 FEET, A CENTRAL ANGLE OF 16°04'05" AND WHOSE CHORD BEARS NORTH 08°20'26" WEST, A DISTANCE OF 360.59 FEET;

THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 361.77 FEET;

THENCE NORTH 00°18'23" WEST, 285.13 FEET, TO A POINT ON THE SOUTH LINE OF LOT 2, BLOCK 1, OF SAID GWS SUBDIVISION,

THENCE ALONG THE SOUTH LINE OF SAID LOT 2, THE FOLLOWING TWO (2) COURSES AND DISTANCES:

1. SOUTH 75°09'22" EAST, 32.77 FEET;
2. THENCE SOUTH 76°35'59" EAST, 18.17 FEET, TO THE POINT OF BEGINNING.

PARCEL CONTAINING ±32,082 SQUARE FEET (0.737 ACRES), MORE OR LESS.

MICHAEL DAVID LANG, PLS  
COLORADO REGISTRATION NO. 27053  
RIDGETOP ENGINEERING AND SURVEYING



**RIDGE TOP**  
ENGINEERING & SURVEYING  
541 E. Garden Drive, Unit H  
Windsor, CO 80550  
T (970) 663-4552  
W ridgetopeng.com

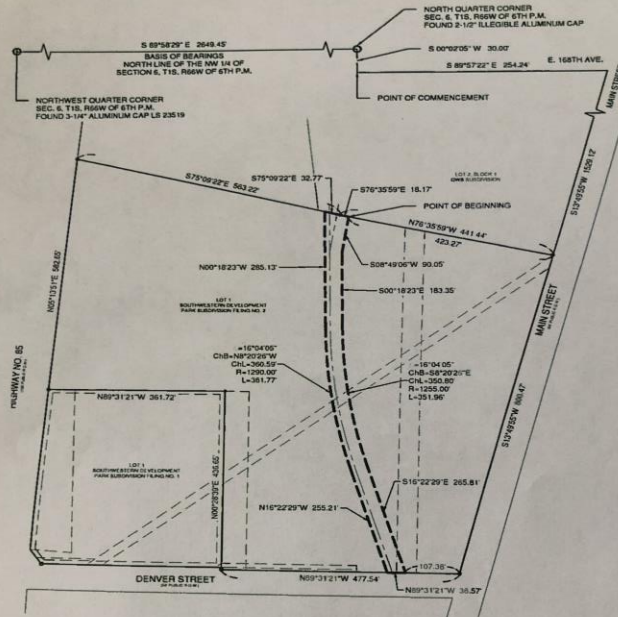
## LAND DESCRIPTION

SE 1/4 OF THE NW 1/4  
SEC. 6, T1S, R66W, 6TH P.M.,  
CITY OF BRIGHTON, COUNTY OF  
ADAMS, STATE OF COLORADO

Project: 21-020-013  
Drawing: EASE01  
Field Date:  
Crew:  
Drafted By: BSA  
Date: 04/04/2022  
Revised: -

Sheet:  
1  
2

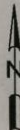
## DESCRIPTION EXHIBIT



## NOTES:

1. THIS EXHIBIT IS NOT A LAND SURVEY PLAT, OR AN IMPROVEMENT SURVEY PLAT. THE DRAWING IS ONLY INTENDED TO GRAPHICALLY REPRESENT THE WRITTEN DESCRIPTION.

0 200 400  
scale 1"=200'  
feet



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Revised: -

Sheet:  
2  
2



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## 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.

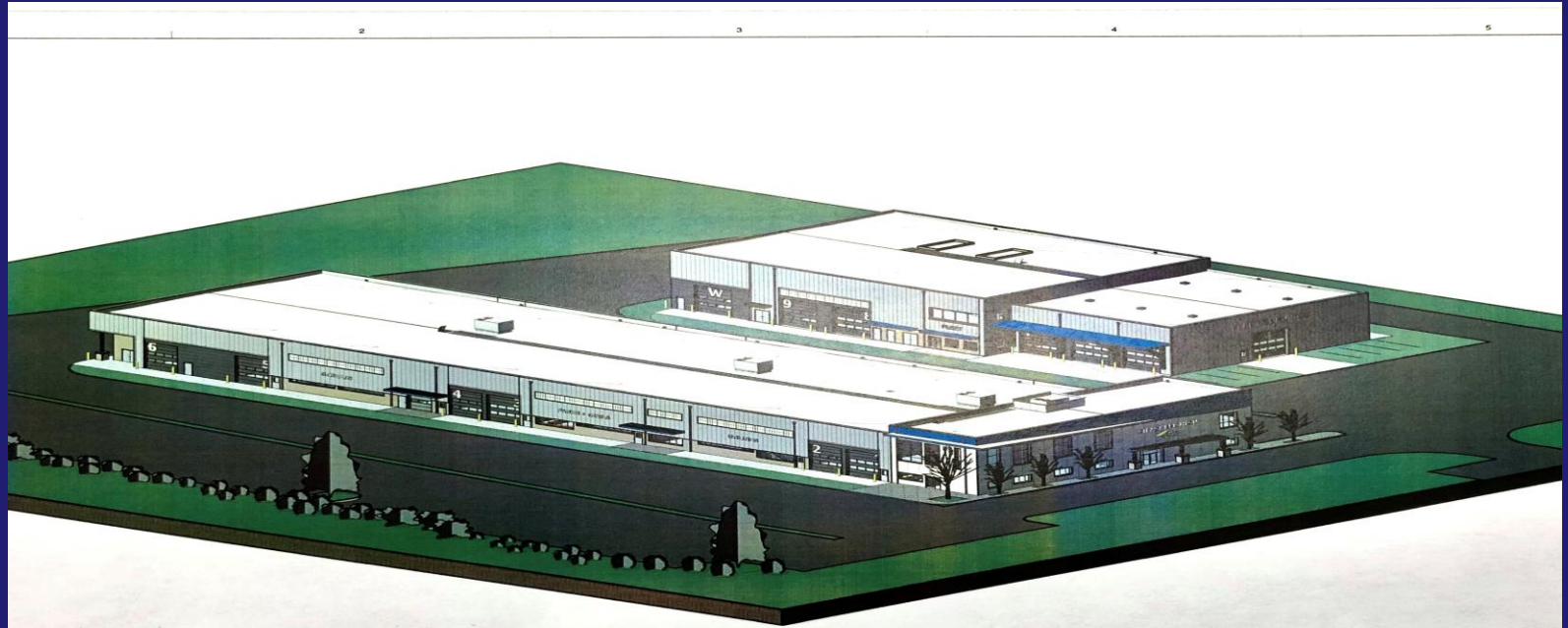


# New MSC Site





## MSC Design Concepts (Operations & Fleet)



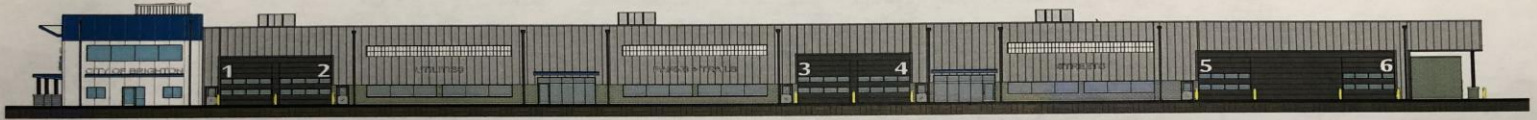
1 | 3D AXONOMETRIC - SOUTHWEST  
SDP-04



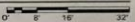


## MSC Design Concepts Cont. (Operations)

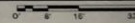




1 | BUILDING ELEVATION - OPS, EAST - SMALL SCALE  
SDP-17 | 1/16" = 1'-0"



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







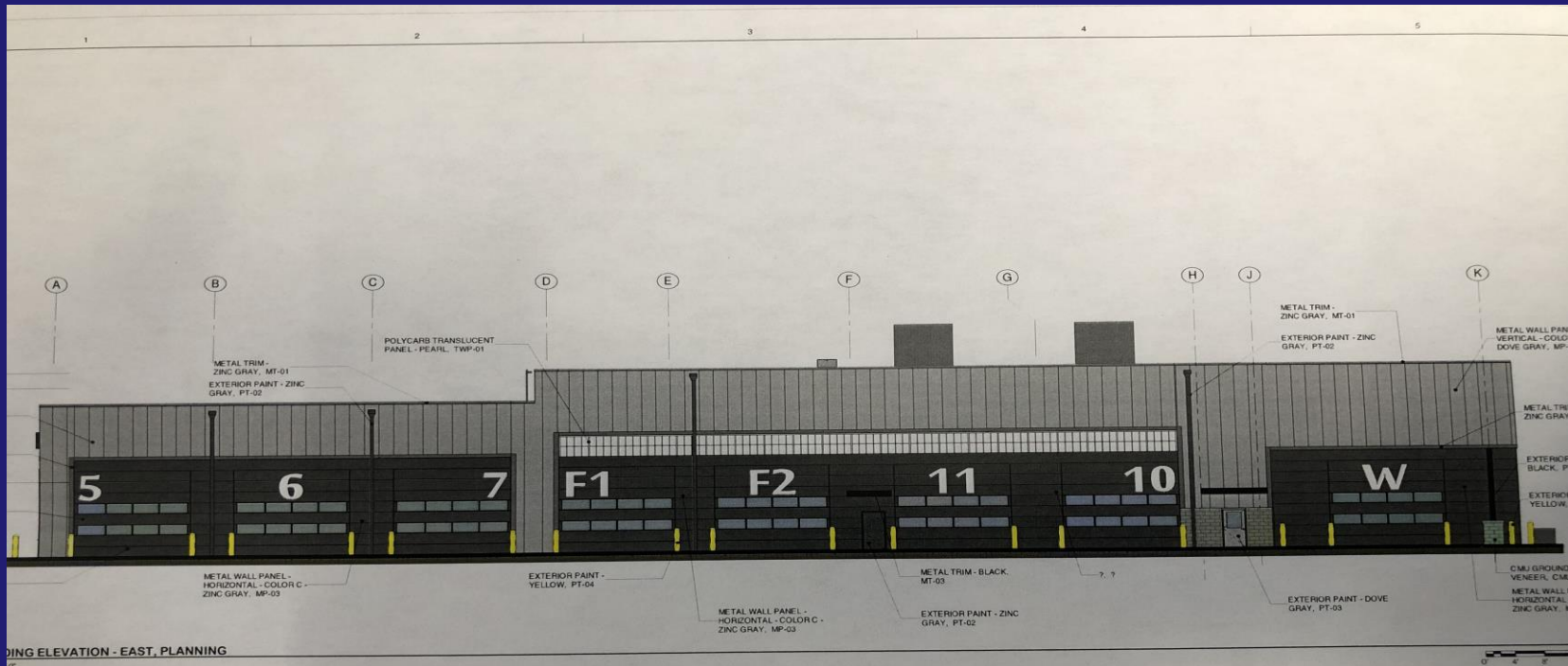
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# MSC Design Concepts Cont. (Fleet)





# 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?