

BRIGHTON CITY COUNCIL RESOLUTION
East Cherry Creek Valley Pipeline
Conditional Use

RESOLUTION NO: 2017-34

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING WITH CONDITIONS AS SET FORTH HEREIN, A CONDITIONAL USE FOR THE EAST CHERRY CREEK VALLEY PIPELINE, A BRINE WATER PIPELINE, GENERALLY TRAVERSING VARIOUS PARCELS LOCATED IN THE CITY OF BRIGHTON, COLORADO, AND SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, the Applicant, East Cherry Creek Valley Water and Sanitation District, (“Applicant”) has filed with the City an application for approval of a Conditional Use; and

WHEREAS, the Applicant, is requesting approval of a Conditional Use Permit for a project known as the East Cherry Creek Valley Pipeline (“Pipeline”), a brine water pipeline used for the conveyance of brine water, which is produced during drinking water treatment, through a portion of the City of Brighton to facilities located in the Town of Lochbuie; and

WHEREAS, approximately 0.5 miles of the Pipeline is located within Brighton city limits, generally traversing parcels of properties described in Exhibit A; and

WHEREAS, the Applicant is requesting approval of a Conditional Use for the construction of the Pipeline generally shown in Exhibit B; and

WHEREAS, in accordance with the public notice requirements of the *Land Use and Development Code*, the City Council of the City of Brighton finds and declares that a Notice of Public Hearing was mailed to all property owners within 300 feet of the Property, a public notice was published in the *Brighton Standard Blade*, and a sign was posted on the Property, all for no less than fifteen (15) days prior to the City Council public hearing; and

WHEREAS, on March 21, 2017, the City Council conducted the public hearing at which the Applicant, interested parties, and city staff were permitted to present evidence and testimony and to ask and answer questions regarding the Pipeline and the requested Conditional Use; and

WHEREAS, the City Council finds that, pursuant to the *Land Use and Development Code*, a Conditional Use is an additional use of land that may be allowed with restrictions deemed necessary by the City Council, and that approval thereof is subject to the City’s Conditional Use procedures and criteria; and

WHEREAS, after reviewing the Application, evidence, representations, acknowledgements of the Applicant, presentations, and statements made at the Public Hearing by the city staff and interested persons, the City Council finds and determines that upon the conditions herein contained and agreement of the Applicant, the relevant criteria, according to the *Land Use and Development Code*, for approval of the Pipeline as a Conditional Use have been satisfied.

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

Section 1. The Conditional Use request for the East Cherry Creek Valley Pipeline, submitted by East Cherry Creek Valley Water and Sanitation District for a brine water pipeline traversing various parcels of property, as described in Exhibit A and generally shown in Exhibit B, within the City of Brighton, Colorado is hereby approved with the following conditions:

- 1) All land must be returned to its original state of vegetation upon completion of construction. All trees or other landscaping that are removed or disturbed during construction must be replaced on site with the same type and size.
- 2) No portion of the pipeline may be placed above ground unless and until this conditional use is amended and approved by the City Council.
- 3) The Applicant shall provide all necessary traffic control devices and personnel, and applicable signage during construction.
- 4) The brine water pipeline shall be constructed in strict compliance with the construction plans approved by the City dated October 2016, to wit: twelve inches (12") in diameter, buried a minimum of 4.5 feet below grade and at least ten feet (10') from any existing water lines.

Section 2. CONDITIONS RUN WITH THE LAND

The Conditional Use herein approved and the conditions imposed thereon shall run with the land. The City shall record this Resolution in the office of the appropriate County Clerk and Recorder at the expense of the Applicant.

RESOLVED, this 21st day of March, 2017.

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

APPROVED AS TO FORM:

Margaret R. Brubaker, City Attorney

EXHIBIT A

Parcel A & B:

Lot 1, Block 1, Bromley Park Filing No. 102 as recorded under Reception Number 2005071300741470 filed July 13, 2005 in the Adams County Clerk and Recorder's Office.

Parcel C:

A parcel of land in the South Half, Northwest One Quarter and the South Half of Government Lot 1 in the Northeast Quarter, Section 1, Township 1 South, Range 66 West of the Sixth Principal Meridian, County of Adams, State of Colorado, more particularly described as follows:

Commencing at the South Quarter corner of said Section 1;

Thence North 89°42'05" West along the southerly line of said Section 1 a distance of 301.73 feet to the **POINT OF BEGINNING**;

Thence North 89°42'05" West continuing along said line a distance of 377.06 feet;

Thence North 65°41'07" West along the northerly line of the parcel described in Book 2405 at Page 263 a distance of 1,122.57 feet to the easterly line of Bromley Park Filing 102;

Thence along the easterly and northerly line of said Bromley Park Filing No. 102 the following two (2) courses;

1. North 48°19'21" East a distance of 1,464.72 feet;
2. North 41°40'39" West a distance of 600.00 feet to the easterly right of way line of Interstate Highway 76;

Thence along said easterly right of way line the following two (2) courses;

1. North 48°19'21" East a distance of 1,818.62 feet to a point of curvature;
2. along the arc of a curve to the right having a central angle of 03°04'02", a radius of 5,597.61 feet, and an arc length of 299.66 feet (chord bears North 49°51'22" East, 299.62 feet) to the northerly line of the South Half of Government Lot 1 in the Northeast Quarter of said Section 1;

Thence South 89°59'34" East along said northerly line a distance of 1,533.74 feet to the westerly right of way line of Burlington Northern Railroad;

Thence South 36°15'43" West along said right of way line a distance of 3,722.27 feet;

Thence continuing along said right of way line, 100 feet northwesterly from the centerline spiral of said railroad, which has a length of 349.95 feet, a spiral delta of 01°28.375' and a degree of spiral 00°05.5', said westerly right of way line being further described by the following fourteen (14) points;

1. South 36°15'51" West a distance of 24.98 feet;
2. South 36°16'40" West a distance of 24.96 feet;
3. South 36°18'36" West a distance of 24.93 feet;
4. South 36°21'21" West a distance of 24.90 feet;
5. South 36°25'20" West a distance of 24.90 feet;
6. South 36°28'05" West a distance of 24.86 feet;
7. South 36°34'58" West a distance of 24.82 feet;
8. South 36°40'27" West a distance of 24.80 feet;
9. South 36°48'43" West a distance of 24.78 feet;
10. South 36°55'36" West a distance of 24.76 feet;
11. South 37°05'12" West a distance of 24.73 feet;
12. South 37°14'50" West a distance of 24.70 feet;
13. South 37°25'50" West a distance of 24.68 feet;
14. South 37°36'18" West a distance of 26.31 feet to a point of spiral to circular curve transition from whence the center of said circular curve bears North 53°34' 10" West, a distance of 6,707.39 feet, a central angle of 00°04'46", an arc length of 9.30 feet to the **POINT OF BEGINNING**.

Containing 122.377 acres, more or less.

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