

RESOLUTION NO. 2020-86

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING WITH CONDITIONS AS SET FORTH HEREIN, A CONDITIONAL USE FOR A PIPELINE THAT WILL PROVIDE A REGIONAL SOLUTION TO CONVEYANCE OF WASTEWATER IN THE NORTHEAST PORTION OF THE METRO WASTEWATER RECLAMATION DISTRICT'S SERVICE AREA. THE WASTEWATER TRANSMISSION LINE AND ASSOCIATED FACILITIES ARE KNOWN AS THE SECOND CREEK INTERCEPTOR, AND GENERALLY FOLLOWING AN ALIGNMENT THROUGH SECTIONS 35 AND 36, TOWNSHIP 1 SOUTH, RANGE 67 WEST; SECTION 31, TOWNSHIP 1 SOUTH, RANGE 66 WEST; SECTION 1, TOWNSHIP 2 SOUTH, RANGE 67 WEST; AND SECTION 6, TOWNSHIP 2 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO

WHEREAS, the Applicant, Metro Wastewater Reclamation District is requesting approval of a Conditional Use for the SD Interceptor Project (Project) that includes design and construction of the Metro District's proposed 17.5-mile-long SD Interceptor extending from the City of Aurora (Aurora) to Adams County (County), which includes approximately 2 miles in Brighton more specifically described in Exhibit A and shown in Exhibit B (herein the "Property"); and

WHEREAS, a notice of public hearing sign was posted on the Property and owners of property within 300 feet of the subject Property were notified of the Public Hearing not less than fifteen (15) days prior to such hearing, pursuant to the City of Brighton's Land Use and Development Code at the time of project submittal; and

WHEREAS, a notice was published in the Brighton Standard Blade on Monday, August 17, 2020 not less than fifteen (15) days prior to such hearing, pursuant to the City of Brighton's Land Use and Development Code; and

WHEREAS, the City Council finds that pursuant to the City of Brighton's Land Use and Development Code at the time of project submittal, a Conditional Use was considered as an additional use of land that may be allowed with restrictions deemed necessary upon approval of the City Council, and that approval thereof is subject to the City's Conditional Use procedures and criteria; and

WHEREAS, the Conditional Use, with the conditions attached hereto, meets all of the City of Brighton's Land Use and Development Code, applicable to a Conditional Use submittal; and

WHEREAS, the City Council finds and determines that sufficient justification exists to approve the requested Conditional Use, so long as certain specific conditions are placed on said approval, as more specifically provided herein.

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

The Conditional Use request of the SD Interceptor Project for the subject segments in Brighton are hereby approved, subject to the following conditions:

1. Metro Wastewater shall be responsible for obtaining all necessary easements to construct the pipeline alignment of the SD Interceptor in strict compliance with the approved Site Plan;
2. Any additional modifications made during the preliminary design phase construction, or expansion of the SD Interceptor beyond what is depicted in the Site Plan, shall require a subsequent Conditional Use review by the City Council;
3. All disturbed land shall be restored back to original condition with a ground cover that matches original condition;
4. Metro Wastewater shall be responsible for construction impacts, interceptor alignment, easement obtainment, and restoration plans;
5. Any and all signs on the Property shall be approved by the City of Brighton prior to installation, and shall conform to applicable provisions of the Sign Code in effect at the time of application;
6. Metro Wastewater is responsible for easement acquisition and negotiations with private landowners, permits, and other approvals;
7. Metro Wastewater shall obtain building permits and pay all applicable fees before construction within the City of Brighton's boundary;
8. Any approvals by the City Council will be considered null and void should easement acquisition not be obtained;
9. Metro Wastewater is required to get all Rights-Of-Way (ROW) permits in advance of the closing of any (ROWs), located within the City of Brighton's area; and
10. A signed and completed contract or easement, between Metro Wastewater and the owner(s) of each property within the City of Brighton boundary, allowing the construction of the pipeline on private property shall be provided to the City of Brighton before construction of said interceptor begins.

RESOLVED AND PASSED THIS 1st day of September, 2020.

CITY OF BRIGHTON, COLORADO

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

APPROVED AS TO FORM:

JACK D. BAJOREK, City Attorney

EXHIBIT A **ALIGNMENT**

SECTIONS 35 AND 36, TOWNSHIP 1 SOUTH, RANGE 67 WEST; SECTION 31, TOWNSHIP 1 SOUTH, RANGE 66 WEST; SECTION 1, TOWNSHIP 2 SOUTH, RANGE 67 WEST; AND SECTION 6, TOWNSHIP 2 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO

