

ORDINANCE NO: 2342

INTRODUCED BY: Cushing

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO (THE “CITY”), GRANTING A NON-EXCLUSIVE ACCESS EASEMENT TO THE METRO WASTEWATER RECLAMATION DISTRICT (THE “DISTRICT”) ON 124<sup>th</sup> AVENUE RESERVOIR SITE, AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID EASEMENT AGREEMENT ON BEHALF OF THE CITY

WHEREAS, pursuant to Section 17.3 of the Brighton City Charter, City Council may not “mortgage or encumber public utilities or permanent public buildings or real or personal property except by ordinance or majority vote of the electors at the option of the Council;” and

WHEREAS, the City owns certain real property in Adams County, Colorado, which is located in Adams County (identified as Adams County Assessor parcel #0157135003005 and located at approximately the intersection of US 85 and 124<sup>th</sup> Avenue, Brighton CO) (the “City Property”); and

WHEREAS, the District requires a non-exclusive access easement across a portion of the City’s Property described above, for the purpose of ingress and egress on, over and through the land owned by the City; and

WHEREAS, to that end, the City Staff has negotiated and presents to the City Council for approval, an Easement Agreement with the District; and

WHEREAS, the City Council finds and determines that it is in the best interests of the City to enter into said Easement Agreement with the District.

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

Section 1. The Easement Agreement between the City and the District is hereby approved.

Section 2. The City Manager is hereby authorized to execute and delivery such Easement Agreement on behalf of the City in substantially the form presented, with such technical additions, deletions, and variations as the City Attorney may deem necessary or appropriate and not inconsistent with this Ordinance.

INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED THIS 1<sup>st</sup> DAY OF September, 2020.

PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY THIS 15<sup>th</sup> DAY OF September, 2020.

CITY OF BRIGHTON, COLORADO

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GREGORY MILLS, Mayor

ATTEST:

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NATALIE HOEL, City Clerk

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APPROVED AS TO FORM:

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JACK D. BAJOREK, City Attorney