



## Legislation Details (With Text)

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<b>Type:</b>	Resolution	<b>Status:</b>		Agenda Ready	
<b>File created:</b>	7/19/2022	<b>In control:</b>		City Council	
<b>On agenda:</b>	8/2/2022	<b>Final action:</b>			
<b>Title:</b>	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				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. UPRR Resolution CC 8-2-22, 2. Easement UPRR MSC Site 7-7-22, 3. UPRR Easement Presi CC 8-2-22.pdf, 4. 272 PPT				

Date	Ver.	Action By	Action	Result
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### Department of Public Works

Reference: Easement Across City owned Property for a UPRR Track Spur

**To:** Mayor Gregory Mills and Members of City Council

**Through:** Michael Martinez, City Manager

**Prepared By:** Michael Woodruff, Director of Infrastructure

**Date Prepared:** August 2, 2022

### PURPOSE

To consider approval of an easement across City owned property for a Union Pacific Railroad (UPRR) Track Spur.

### STRATEGIC FOCUS AREA

Supportive, Sustainable Infrastructure  
Financially Responsible

### 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. In addition, a Police Substation would 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 in the City of Brighton with construction slated to start in early 2023. The funding for the new facility has been incorporated into the City's capital budget.

During the course of design, staff and the design team encountered an issue with the existing railroad spur that traverses the property from south to north. It was determined during the design phase through an 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.

While the property was purchased by the City in the fall of 2018, it appears that due diligence was 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.

The proposed easement provides the following:

- 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.
- The 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 on the property.

#### **STAFF RECOMMENDATION**

Staff would recommend the approval of this Resolution granting an easement to Union Pacific Railroad (UPRR) across City of Brighton owned property and authorize the City Manager to execute said easement on behalf of the City.

#### **OPTIONS FOR COUNCIL CONSIDERATION**

Approve, amend, or deny the proposed Resolution

#### **ATTACHMENTS**

Resolution  
Easement Description & Deed  
PowerPoint Presentation