

**A RESOLUTION VACATING AN EASEMENT AT APPROXIMATELY 7001
COLORADO BOULEVARD**

NO. 2022-85

WHEREAS, Commerce City owns a permanent easement on property at 7001 Colorado Boulevard which, upon information and belief, was granted to the City on September 4, 1993 (the “Easement”);

WHEREAS, the Easement has been previously referenced in, and made a part of, subsequent litigation, including an eminent domain action titled City of Commerce City, Colorado v. Richdell Properties, LLC, *et al*, case no. 2017CV30321, in the District Court of Adams County (the “Litigation”);

WHEREAS, in the Litigation, the Easement was addressed by the Final Rule and Order, dated and filed on May 10, 2017, in which the Easement and easement property was specifically discussed at page 3, paragraph 10, *et seq.*, identified in Exhibit 3 thereto, and recorded against the property by Reception No. 2017000048567 on June 6, 2017;

WHEREAS, the City, having reviewed all pertinent and relevant information, has determined that it has no ongoing or future need or use for the Easement, and no desire to maintain an interest in the easement property;

WHEREAS, pursuant to Section 4.14 of the City Charter, the City Council must approve the sale, conveyance, or transfer of real property by resolution passed by majority vote of the entire council in office;

WHEREAS, Section 2-2401 of the Commerce City Municipal Code states that the transfer of real property includes the grant of any easement for which the term is indefinite or not revocable at will;

WHEREAS, the encumbrance of the property by the Easement hinders future development opportunities, including those associated with affordable housing; and

WHEREAS, the City Council finds it necessary to vacate said Easement.

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

SECTION 1. FINDINGS. The recitals to this resolution are incorporated as findings of the City Council. This resolution is found to be necessary for the preservation of the public health, safety, and welfare and in the public interest.

SECTION 2. The City Council of the City of Commerce City, Colorado, further finds that the City owned Easement at 7001 Colorado Boulevard, is not related to rights-of-way or utilities, and is not needed by the City for any ongoing or future purpose.

SECTION 3. The City hereby vacates the Easement in its entirety and all associated interest in the easement property which has heretofore been encumbered thereby.

RESOLVED AND PASSED THIS 15TH DAY OF AUGUST 2022.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk