

**RESOLUTION APPROVING GRANT OF ACCESS EASEMENT TO  
HAZELTINE HEIGHTS WATER & SANITATION DISTRICT  
NO. 2017-31**

WHEREAS, by Resolution No. 2016-53, the City Council of the City of Commerce City (“City”) authorized the acquisition of property interests needed for the relocation of the intersection Belle Creek Boulevard and 104th Avenue (“Project”), including certain property owned by the Hazeltine Heights Water & Sanitation District (“District”);

WHEREAS, the Project anticipates closing an existing access to Hazeltine’s property and require alternative access;

WHEREAS, to facilitate the negotiated acquisition of property owned by Hazeltine through a direct purchase, the City and Hazeltine entered into an Agreement for Possession and Use and a Memorandum of Agreement (“Agreements”);

WHEREAS, as a condition to Hazeltine’s voluntary sale of such property, the Agreements contemplate that the City will grant to Hazeltine access over a portion of City-owned property to the north of Hazeltine’s property for non-routine and emergency maintenance access and limited parking for meetings and elections;

WHEREAS, the City and Hazeltine have negotiated the terms of an Access Easement, attached hereto and incorporated herein as Exhibit “A” (“Easement”), granting such access on the City’s property as set forth therein;

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

1. The grant of the Easement is and shall be in the interest of the public’s health, safety, and welfare, for a valid public purpose and is supported by a public need.
2. The Easement is approved, substantially in the attached form, and the City Manager may approve minor corrections in the attached legal descriptions.
3. The Mayor and the City Clerk are authorized and directed to sign and attest the Easement on behalf of the City of Commerce City.

RESOLVED AND PASSED THIS 6TH DAY OF MARCH 2017.

CITY OF COMMERCE CITY

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Sean Ford, Mayor

ATTEST:

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Laura J. Bauer, MMC, City Clerk