

A RESOLUTION AUTHORIZING AN AMENDMENT TO NON-EXCLUSIVE ACCESS AGREEMENT GRANTED TO THE METRO WASTEWATER RECLAMATION DISTRICT FOR THE SECOND CREEK INTERCEPTOR PROJECT

NO. 2022-108

WHEREAS, The City of Commerce City (“City”), acting by and through the City Council of the City of Commerce City (“City Council”), in March of 2021, granted to the Metro Wastewater Reclamation District (“District”) permanent access easements, a construction lease, and easements holder’s consent for the construction and operation of the Second Creek Interceptor Project (“Project”) through the approval Resolution 2021-18;

WHEREAS, the District has requested that the City amend that certain Non-Exclusive Access Easement (“Easement”) previously authorized by Resolution 2021-18 and subsequently recorded with the Adams County, Colorado Clerk and Recorder’s office at Reception No. 2021000042046 on April 6, 2021; and

WHEREAS, City Staff has reviewed the proposed amendments to the Easement, attached hereto as Exhibit A and incorporated herein by reference, and found that the amendments are in the interests of the City and the District and will better facilitate the completion of the Project in a more efficient and economical manner.

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 Amendment to Legal Description for Non-Exclusive Access Agreement substantially in the form attached hereto as Exhibit A, is found to serve a public purpose and be in the public interest.

SECTION 3. The City hereby approves the Amendment to Legal Description for Non-Exclusive Access Agreement, in substantially the form attached here as Exhibit A, and authorizes and directs the Mayor to execute, and the City Clerk to attest, to such documents on behalf of the City.

RESOLVED AND PASSED THIS 19TH DAY OF DECEMBER 2022.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk