

**A RESOLUTION GRANTING AN EASEMENT TO THE SOUTH ADAMS COUNTY
WATER AND SANITATION DISTRICT FOR WATER RELATED
INFRASTRUCTURE BY THE REPEAL AND REPLACEMENT
OF RESOLUTION NO. 2022-69**

NO. 2023-114

WHEREAS, the City of Council of the City of Commerce City (“City Council”), in collaboration with the South Adams County Water and Sanitation District (“SACWSD”), and in support of certain development within the City of Commerce City (“City”), passed Resolution No. 2022-69 on June 20, 2022, granting an Easement Agreement;

WHEREAS, following the City Council’s approval of Resolution 2022-69, the SACWSD, in partnership with City staff, recognized that the placement of the contemplated infrastructure in the Easement Property would not be feasible and recognized the possibility that the Easement Property would need to be modified;

WHEREAS, in recognizing this change, the SACWSD intentionally chose not to execute or record the Easement Agreement in order to facilitate the subsequent modification of the Easement Property; and

WHEREAS, the City and SACWSD have identified the proper location for the infrastructure and by this resolution intend to repeal Resolution 2022-69 and replace it with this Easement Agreement identifying the proper Easement Property for the placement of the SACWSD infrastructure.

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. Grant of Easement. The Easement Agreement, attached hereto and incorporated herein, is granted subject to and consistent with the terms and conditions as set forth therein.

SECTION 3. Repealer. Resolution 2022-69 is hereby repealed.

SECTION 4. Execution. The Mayor and City Clerk are authorized and directed to sign and attest the Easement Agreement on behalf of the City of Commerce City.

RESOLVED AND PASSED THIS 13TH DAY OF NOVEMBER 2023.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk