

CONDITIONAL USE PERMIT

FOR A 16-INCH UNDERGROUND CRUDE OIL PIPELINE

CASE #CU-102-13 REQUEST A

WHEREAS, the City Council of the City of Commerce City, Colorado finds that a conditional use permit for a 16-inch crude oil pipeline as part of the Rocky Mountain Crude System Expansion Project (“Conditional Use Permit”) should be granted pursuant to the Land Development Code of the City of Commerce City in Case #CU-102-13 for that property described in exhibit “A” attached hereto and made a part hereof. The general description of the property affected by this Conditional Use Permit is as follows: the pipeline will enter the city’s boundaries at E. 70th Avenue west of Colorado Boulevard and will be located under the ‘Boulder Spur’ RTD right-of-way. It will travel in a southeasterly direction within the RTD right-of-way until it reaches the future alignment of E. 65th Avenue. It will then run westerly to the east side of the O’Brian Canal at which time it will run parallel to the Canal until it reaches the Suncor refinery property; and

WHEREAS, the City of Commerce City believes that this Conditional Use Permit is only appropriate if certain conditions are met; and

WHEREAS, the City of Commerce City desires to set to writing the conditions of the Conditional Use Permit.

NOW THEREFORE, the Conditional Use Permit applied for as Request A in Case #CU-102-13 is granted by the City of Commerce City subject to the following conditions:

CONDITIONS:

- A. Any alteration to the location of the route of this pipeline will require an amendment to this Conditional Use Permit.
- B. The pipeline is to be used to transport crude oil. Any change in the material being transported through this pipeline will require an amendment to this Conditional Use Permit.
- C. Prior to commencing pipeline construction in Commerce City, the applicant shall provide a copy of an Emergency Response Plan to the city’s Emergency Response Operations Center and the South Adams County Fire Protection District (SACFPD). This plan shall be kept updated and the pipeline operator shall provide changes to the document to these groups within 90 days of a change.

- D. The pipeline operator shall notify the city's Planning Division if usage of the pipeline is ever discontinued. In addition, the pipeline operator shall be required to furnish a mitigation plan for the pipeline at that time.
- E. The applicant shall provide copies of any survey results and/or mitigation plans for all landfills that are evaluated as part of this project to the city's Planning Division and the Tri-County Health Department within 90 days of the completion of the plan.
- F. At the conclusion of the construction of Phase II of the pipeline, the applicant shall provide copies of 'as built' surveys to the city's Planning Division.
- G. The applicant shall notify all property owners within 300-feet of the pipeline prior to beginning construction of Phase II within the Commerce City boundaries

Failure to comply with the above conditions shall constitute basis for revocation by the City of Commerce City, after public hearing, of the Conditional Use Permit authorized for the above-described property, it being expressly determined by the City Council that this Conditional Use Permit is not proper in the absence of compliance with the conditions herein contained. The City may proceed with legal action in a civil court to enforce the conditions herein imposed or issue a summons and complaint in the Commerce City municipal court for violation of the aforesaid conditions, and in the event a summons and complaint is issued in the Commerce City municipal court, and upon finding a violation of the condition set forth in this Conditional Use Permit, the municipal court may impose any penalty authorized by the Municipal Code. The remedies herein provided for shall be considered cumulative and not mutually exclusive.

IN WITNESS WHEREOF, the undersigned have set their hands effective the 17th day of June, 2013.

CITY OF COMMERCE CITY, COLORADO

By: _____
Sean Ford, Mayor

ATTEST:

Laura J. Bauer, City Clerk

Exhibit "A"
Overview Map
Case #CU-102-13
Request A