



Commerce City

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Council Communication File Number: Res 2022-108

Agenda Date: 12/19/2022

Version: 1

Status: Draft

In Control: City Council

File Type: Resolution

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

Summary and Background Information:

In March of 2021, the City Council passed Resolution 2021-18 authorizing a series of agreements to facilitate the construction of a wastewater pipeline through the City from the south to the north. That project, known as the Second Creek Interceptor Project, is a major infrastructure initiative of the Metro Wastewater Reclamation District ("District") and is necessary to their future service needs.

One of the documents authorized in 2021 was an access easement, referred to as the Non-exclusive Access Agreement. The access easement exists to allow the District lawful access to the city-owned properties where the pipeline is being installed. That access allows for current construction and the future maintenance of the pipeline. The District is seeking an amendment to the access easement because as initially granted, it allowed access via what appeared in satellite images to be a pre-existing "two-track." After execution of the access easement, it was learned the two-track no longer exists. Given the absence of that access route, the District is seeking an amendment to create and allow for a different, more direct access route. Through this amendment to the access easement, the District seeks to replace approximately eight (8) pages of the legal description with new pages identifying the extent of the new route for the access easement.

Staff Responsible (Department Head): Matt Hader, Interim City Attorney

Staff Member Presenting: Matt Hader, Interim City Attorney

Financial Impact: None

Funding Source: N/A

Staff Recommendation: Approve the amendment to the underlying access easement.

Suggested Motion: Move to adopt Resolution 2022-108 authorizing an amendment to the non-exclusive access agreement previously granted to the Metro Wastewater Reclamation District for the Second Creek Interceptor Project.