

**A RESOLUTION APPROVING DRAINAGE EASEMENTS ON CITY PROPERTY
LOCATED NEAR THE BISON RIDGE RECREATION CENTER
TO CATELLUS CC NOTE, LLC, TO ACCOMMODATE
STORM DRAINAGE FROM THE TURNBERRY FILING 7 SUBDIVISION**

NO. 2023-073

WHEREAS, the City Council has approved Resolution No. 2023-069 for a Contingent Agreement with Catellus CC Note, LLC, for the reconstruction of a City owned pond to accommodate storm drainage from the proposed Turnberry Filing 7 development;

WHEREAS, an easement is required for the proposed shared pond and appurtenances for the operation and maintenance of said shared pond and pond outfall upon construction and acceptance of the shared pond and pond outfall as further described in the Easement Agreement, attached hereto as Exhibit A and incorporated herein, inclusive of the legal description of the property or “Easement Area”;

WHEREAS, the City has set forth the terms and conditions of the easement and memorialized the same in the Easement Agreement; and

WHEREAS, pursuant to Section 2-4201 of the Commerce City Revised Municipal Code, as authorized by City Charter, any easement to use real property for a term longer than twelve months where such easement is not revocable at will requires approval of the City Council.

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. Contingent Approval and Authorization. The Easement is granted subject to and contingent upon the administrative approval of the proposed Turnberry Subdivision Filing #7 final plat and consistent with the terms and conditions set forth in the Easement. The Mayor is authorized to execute, and the City Clerk is authorized to attest to, the Easement, and any such other documents as may be necessary to effectuate the same, on behalf of the City, subject to Section 3 of this Resolution.

SECTION 3. Effectiveness. This Resolution shall become effective only upon the final administrative approval of the Turnberry Subdivision Filing #7 final plat provided, however, that such plat receive approval within ninety (90) days of the date of this Resolution. If the proposed Turnberry Subdivision Filing #7 final plat does not receive administrative approval within ninety (90) days, then this resolution and all authority granted hereunder, shall become null and void.

RESOLVED AND PASSED THIS 7TH DAY OF AUGUST 2023.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk