

**RESOLUTION APPROVING GRANT OF ACCESS EASEMENT TO  
FAIRMOUNT CEMETERY COMPANY AND RESCINDING PRIOR GRANT OF  
ACCESS EASEMENT**

**NO. 2018-96**

WHEREAS, the Regional Transportation District (“RTD”) is developing the North Metro Rail Line (“Project”) and, to provide for the safe access to private properties adjacent to the Project as needed to complete the Project, RTD has requested that the City of Commerce City (“City”) grant a property owner an access easement across property owned by the City to provide alternate access to from York Street to the Riverside Cemetery;

WHEREAS, by Resolution 2018-34, approved May 21, 2018, the City Council approved the grant of an access easement at the time required by RTD and when needed to comply with the Public Utilities Commission’s orders for the completion of the Project;

WHEREAS, the easement has not been needed in the form granted and the final legal description for the easement has been provided;

WHEREAS, RTD will require the easement when the cemetery’s access needs to be closed as part of the Project; and

WHEREAS, RTD and the City have negotiated the terms of the easement, substantially as set forth in Exhibit “A” (“Easement”);

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

1. The completion of the Project and the granting of the Easement, substantially as set forth in Exhibit A, are and shall be in the best interest of the residents of the City and constitute a valid public purpose.
2. The Easement is hereby approved, substantially in the form attached as Exhibit A.
3. The Mayor and the City Clerk are hereby authorized and directed to sign and attest the Easement on behalf of the City of Commerce City at the time required by RTD and to comply with the orders of the Public Utilities Commission for the completion of the Project as set forth above.
4. Resolution 2018-34 is repealed and rescinded.

RESOLVED AND PASSED THIS 19TH DAY OF NOVEMBER 2018.

CITY OF COMMERCE CITY

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Sean Ford, Mayor

ATTEST:

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Laura J. Bauer, MMC, City Clerk