

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

**NO. 2018-37**

WHEREAS, the Regional Transportation District (“RTD”) is developing the North Metro Rail Line (“Project”),

WHEREAS, 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 2017-04, approved March 6, 2017, the City Council of the City approved the grant of an access easement at the time required by RTD and by Order of the Public Utilities Commission for the completion of the Project;

WHEREAS, the easement has not been needed in the form granted and a modification to the previously approved easement is required;

WHEREAS, RTD will require the easement only if the cemetery’s access is closed as part of the Project; and

WHEREAS, RTD has requested a non-exclusive, permanent access easement from the City as set forth in the attached Easement to permit the development of its project;

WHEREAS, RTD and the City have negotiated the terms of an 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 in the opinion of the City Attorney.
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 by order of the Public Utilities Commission for the completion of the Project as set forth above.
4. Resolution 2017-04 is repealed and rescinded.

RESOLVED AND PASSED THIS 21<sup>st</sup> DAY OF MAY 2018.

CITY OF COMMERCE CITY

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Sean Ford, Mayor

ATTEST:

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Laura J. Bauer, MMC, City Clerk