

**A RESOLUTION GRANTING A UTILITY EASEMENT TO UNITED POWER, INC. FOR CONSTRUCTION, OPERATION, MAINTENANCE, REPLACEMENT, ENLARGEMENT, RECONSTRUCTION, IMPROVEMENT, INSPECTION, REPAIRS AND REMOVAL OF UTILITY, ELECTRICAL AND COMMUNICATIONS FACILITIES AND ALL FIXTURES AND DEVICES APPURTENANCES THERETO ON CITY PROPERTY GENERALLY LOCATED AT US-76 AND PEORIA STREET**

**NO. 2022-75**

WHEREAS, the United Power, Inc. (“**United**”) has requested, and the City of Commerce City (the “City”) has agreed to grant, a non-exclusive and perpetual easement to **United** for the installation and operation of electrical and communications facilities on City owned property, identified by Parcel APN 172111003002 and Parcel APN 172111003001, in the area southwest of US-76 and Peoria St, on property; and

WHEREAS, **United** and the City have set forth terms and conditions of that easement and memorialized the same in the Grant of Easement attached hereto and incorporated herein as Exhibit A, including the legal description of the property subject to the Grant of Easement; 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.

WHEREAS, UNITED POWER, INC. is in the process of designing underground utilities to provide service for future development located north of the O’Brian Canal and east of I-76 in Commerce City, Colorado;

WHEREAS, UNITED POWER, INC. has requested a permanent easement from the City, to be recorded in a Grant of Easement substantially in the form attached hereto as Exhibit A, to permit construction of electrical and communications facilities and all fixtures and devices appurtenant thereto on City property.

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 in the necessary for the preservation of the public health, safety, and welfare and in the public interest.

**SECTION 2.** The Grant of Easement is granted subject to and consistent with the terms and conditions set forth therein.

**SECTION 3.** The Mayor and the City Clerk are authorized and directed to sign and attest the Grant of Easement on behalf of the City of Commerce City,

RESOLVED AND PASSED THIS 15TH DAY OF AUGUST 2022.

CITY OF COMMERCE CITY, COLORADO

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Benjamin A. Huseman, Mayor

ATTEST

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Dylan A. Gibson, City Clerk