

**RESOLUTION AUTHORIZING GRANT OF PERMANENT EASEMENTS,
CONSTRUCTION LEASE, AND EASEMENT HOLDER’S CONSENT TO METRO
WASTEWATER RECLAMATION DISTRICT FOR THE CONSTRUCTION AND
OPERATION OF THE SECOND CREEK INTERCEPTOR PROJECT**

NO. 2021-18

WHEREAS, the City of Commerce City, pursuant to that Intergovernmental Agreement dated November 3, 2020 (“IGA”), relating to the construction and operation of the Second Creek Interceptor project by Metro Wastewater Reclamation District (“District”) in accordance with the IGA and the District’s Conditional Use Permit issued for the project (CU-123-20), for various consideration, agreed to grant to the District easements and the permission to encroach on existing City easement;

WHEREAS, the District has requested that the City grant the following: a Non-Exclusive Pipeline Easement Agreement for purposes of constructing and operating the Second Creek Interceptor and an access road that will also function as a City trail on property described therein; a Non-Exclusive Access Easement Agreement for purposes of accessing the area in which the Second Creek Interceptor will be constructed through City property described therein; a Lease for Construction Purposes to use adjacent City property for the construction of the Second Creek Interceptor; and an Easement Holder’s Consent to construct and operate the Second Creek Interceptor on certain property subject upon easements that the District has determined are held by the City.

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

1. The Non-Exclusive Pipeline Easement Agreement, a Non-Exclusive Access Easement Agreement, the Lease for Construction Purposes, and the Easement Holder’s Consent, all substantially in the form attached hereto as Exhibits A, B, C, and D, respectively, are found to serve a public purpose and be in the public interest.
2. The City Council hereby approves the Non-Exclusive Pipeline Easement Agreement, a Non-Exclusive Access Easement Agreement, the Lease for Construction Purposes, and the Easement Holder’s Consent, all substantially in the form attached hereto as Exhibits A, B, C, and D, respectively, and authorizes and directs the Mayor to execute, and the City Clerk to attest, such documents on behalf of the City.

RESOLVED AND PASSED THIS 15TH DAY OF MARCH, 2021.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk