

**A RESOLUTION AUTHORIZING GRANT OF EASEMENT TO SECOND CREEK  
FARM METROPOLITAN DISTRICT NO. 1 FOR  
DRAINAGE FACILITIES**

**NO. 2021-24**

WHEREAS, Second Creek Holdings, LLC is in the process of designing drainage and stormwater management facilities to provide service to their future residential development located southwest of Tower Road and 96th Avenue in Commerce City, Colorado;

WHEREAS, Second Creek Farms Metropolitan District No. 1 (“SCFMD #1”) is the Metropolitan District within Tract B Second Creek Farm – Filing No. 1, Amendment No. 1;

WHEREAS, in order to adequately provide for drainage and stormwater management, and in light of the condition of surrounding infrastructure, a portion of the proposed detention pond must be constructed to tie into existing sanitary sewer infrastructure located within property owned by the City, south of Second Creek Farm Filing No. 3, otherwise identified as Tract B Second Creek Farm Filing No. 1, Amendment No. 1;

WHEREAS, SCFMD #1 has requested a non-exclusive, utility easement from the City, to be recorded in an Easement Agreement (“Agreement”) substantially in the form attached hereto as Exhibit A, to permit construction of drainage and stormwater management facilities 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 necessary for the preservation of the public health, safety, and welfare and in the public interest.

**SECTION 2. Grant of Easement.** The granting of the utility easement as set forth in the Agreement, attached hereto as Exhibit A, is for a public purpose and is in the best interest of the residents of the City. The Agreement, substantially in the form attached, is hereby approved. The Mayor and the City Clerk are hereby authorized to sign and attest the Agreement on behalf of the City.

RESOLVED AND PASSED THIS 5TH DAY OF APRIL, 2021.

CITY OF COMMERCE CITY, COLORADO

\_\_\_\_\_  
Benjamin A. Huseman, Mayor

ATTEST

\_\_\_\_\_  
Dylan A. Gibson, City Clerk