

A RESOLUTION AMENDING AND APPROVING A UTILITY EASEMENT ON CITY PROPERTY LOCATED ALONG THE EAST SIDE OF BUCKLEY ROAD BETWEEN E. 96TH AVE. AND E. 88TH AVE. TO UNITED POWER, INC. TO ACCOMMODATE AN UNDERGROUND ELECTRICAL DISTRIBUTION LINE

NO. 2024-119

WHEREAS, the City Council of the City of Commerce City (“City Council”), in collaboration with United Power, Inc. (“United”), and in support of certain utility infrastructure within the City of Commerce City (“City”), passed Resolution No. 2023-137 on December 18, 2023 granting a Utility Easement Agreement (“Easement”);

WHEREAS, following the City Council’s approval of Resolution 2023-137, Sinclair Pipeline Company (“SPC”) in partnership with City staff, recognized that the placement of the contemplated infrastructure in the Easement, as written, would not be feasible and recognized the possibility that the Easement would need to be modified to adjust the property description;

WHEREAS, due to the need for a modification SPC intentionally chose not to execute or record the Easement, in order to facilitate the subsequent modification of the property description in the Easement;

WHEREAS, the City and SPC have identified the proper location for the infrastructure and by this resolution intend to repeal Resolution 2023-137 and replace it with this Utility Easement Agreement describing the proper property boundaries for the placement of the South Adams County Water and Sanitation District (“SACWSD”) infrastructure;

WHEREAS, an easement is still required for a proposed underground electrical distribution line along the east side of Buckley Road between E. 96th Ave. and E. 88th Ave. for the operation and maintenance of said electrical line as further described in the Utility Easement Agreement, attached hereto as Exhibit A and incorporated herein;

WHEREAS, the City has set forth the terms and conditions of the easement and memorialized the same in the Utility Easement Agreement; 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.

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 easement is approved subject to and consistent with the terms and conditions set forth in the Utility Easement Agreement.

SECTION 3. Repealer. Resolution 2023-137 is hereby repealed.

SECTION 1. SECTION 4. Execution. The Mayor is authorized to execute, and the City Clerk is authorized to attest to, the Easement Agreement, and any such other documents as may be necessary to effectuate the same, on behalf of the City.

RESOLVED AND PASSED THIS 21ST DAY OF OCTOBER 2024.

CITY OF COMMERCE CITY, COLORADO

Steve J. Douglas, Mayor

ATTEST

Dylan A. Gibson, City Clerk