

ORDINANCE NO. 2306  
INTRODUCED BY: Mills

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, GRANTING AND CONVEYING TO UNITED POWER, INC., A REASONABLE AND NECESSARY UTILITY EASEMENT ACROSS CITY-OWNED REAL PROPERTY, AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE THE INSTRUMENT OF CONVEYANCE

WHEREAS, United Power, Inc. (“United Power”), provides electrical power service to the citizens of Brighton, and for that purpose has requested from the City a reasonable and necessary utility easement across certain City-owned real property; and

WHEREAS, the utility easement requested by United Power is approximately 200 square feet in area, more or less, and is located on a parcel of land as described in Exhibit A of Attachment 1, attached hereto and incorporated herein (the “Easement”); and

WHEREAS, pursuant to Section 17.3 of the Brighton City Charter, City Council may not “mortgage or encumber public utilities or permanent public buildings or real or personal property except by ordinance or majority vote of the electors at the option of the Council;” and

WHEREAS, the City Council finds that staff has properly evaluated United Power’s request for the Easement, and based on the findings and recommendations of staff that the purpose and scope of the Easement are reasonable and necessary, and not unreasonable as to location and use, the City Council determines that granting the Easement shall serve the best interests of the citizens of Brighton, and shall not otherwise unduly burden the City; and

WHEREAS, the City Council has reviewed the terms and provisions of the Grant of Easement, attached hereto as Attachment 1, and finds that the terms of the Grant of Easement are fair and reasonable to the City; and

WHEREAS, the City Council further finds that granting the Easement to United Power pursuant to the Grant of Easement shall serve to protect, preserve, and enhance the health, safety and welfare of the citizens of Brighton by providing electrical power service in and to the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AS FOLLOWS:

Section 1. The conveyance of the Easement, as provided herein, is hereby approved.

Section 2. The City Manager is authorized to execute the Grant of Easement for and on behalf of the City in substantially the form presented at this meeting, with such technical additions, deletions, and variations as the City Attorney may deem necessary or appropriate and not inconsistent with this Ordinance.

Section 3. United Power shall record the Grant of Easement in the real property records of Adams County at United Power's expense.

INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED, THIS 7<sup>th</sup> DAY OF MAY, 2019.

PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY THIS 21<sup>st</sup> DAY OF MAY, 2019.

CITY OF BRIGHTON, COLORADO

  
KENNETH J. KREUTZER, Mayor

ATTEST:

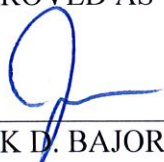
  
NATALIE HOEL, City Clerk

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APPROVED AS TO FORM:

  
JACK D. BAJOREK, City Attorney