

ORDINANCE NO. 2408  
INTRODUCED BY: Padilla

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, GRANTING A PERPETUAL EASEMENT TO ALLO BRIGHTON, LLC LOCATED WITHIN THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 1 SOUTH, RANGE 67 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID EASEMENT ON BEHALF OF THE CITY

WHEREAS, the City owns real property generally located within the Northeast Quarter of Section 13, Township 1 South, Range 67 West of the 6<sup>th</sup> Principal Meridian, County of Adams, State of Colorado, known by street address as 14950 Brighton Road, Brighton, CO 80601, and identified by Adams County Assessor Parcel No. 0157113000005 (the "Property"); and

WHEREAS, ALLO Brighton, LLC ("ALLO") has requested a perpetual easement over a portion of the Property for the installation and maintenance of conduit, fiber optic lines, and related facilities (the "Easement"); and

WHEREAS, Article 17.3 of the City of Brighton Home Rule Charter provides that: "Council may not mortgage or encumber . . . real or personal property except by ordinance or a majority vote of the electors at the option of the Council;" and

WHEREAS, City staff has negotiated and presents to the City Council for approval the Grant of Easement, attached hereto as Exhibit A (the "Grant of Easement"); and

WHEREAS, the Grant of Easement more particularly describes the proposed location of the Easement; and

WHEREAS, the City Council finds and determines that the terms of said Grant of Easement are reasonable, and that it is in the best interests of the City to grant the Easement.

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

Section 1. The Easement is hereby approved.

Section 2. The City Manager is hereby authorized to execute the Grant of Easement 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, and to undertake such actions as may be necessary to finalize and enforce said Grant of Easement on behalf of the City.

Section 3. As provided in City Charter Section 5.9(A), this Ordinance, either as presented or as amended, shall be published in full as it was adopted after the initial reading. This Ordinance shall be in full force and effect five days after its final publication, as provided in City Charter Section 5.8, except as set forth herein.

INTRODUCED, PASSED ON FIRST READING AND ORDERED PUBLISHED THIS 21<sup>ST</sup> DAY OF February 2023.

INTRODUCED, PASSED ON FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY THIS 7<sup>TH</sup> DAY OF March 2023.

CITY OF BRIGHTON, COLORADO

  
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GREGORY MILLS, Mayor

ATTEST:

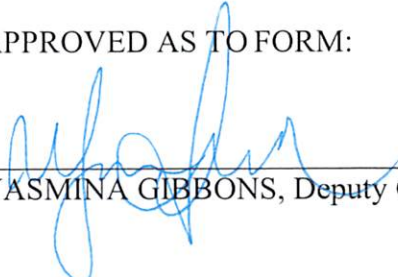
  
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NATALIE HOEL, City Clerk

Published in the *Brighton Standard Blade*

First Publication: March 7, 2023

Final Publication: March 16, 2023

APPROVED AS TO FORM:

  
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YASMINA GIBBONS, Deputy City Attorney

**Exhibit A**

**Grant of Easement**