

AN ORDINANCE

PROSPECTIVELY ACCEPTING AN APPLICATION TO ADJUST THE OPERATIONAL SERVICE AREA OF THE CITY OF LAKEWOOD SEWER UTILITY TO INCLUDE AND EXTEND SEWER SERVICE TO PROPERTY WITHIN THE BEND @ LAKEWOOD METROPOLITAN DISTRICT SERVICE PLAN AREA

WHEREAS, the City of Lakewood, Colorado, (the "City") operates the City of Lakewood Sewer Utility (the "Sewer Utility"), which provides wastewater sewer service to residences and businesses within the Sewer Utility's service area within the City;

WHEREAS, the property at 11601 W. 2nd Place, Lakewood, CO generally described as the Bend @ Lakewood (the "Property") and specifically defined in Exhibit A attached and incorporated herein, is currently within the territory of the Green Mountain Water and Sanitation District ("Green Mountain"), which would generally require Green Mountain to provide both water and sewer service to the Property;

WHEREAS, Green Mountain previously issued a "will serve" letter in connection with the future development of the Property, thereby indicating that Green Mountain would provide water and sewer service to the Property;

WHEREAS, after the issuance of the "will serve" letter, Green Mountain and the Lakewood Land Partners LP (the "Owner") entered litigation in U.S. District Court Case Number 25-CV-01150-CNS-NRN (the "Lawsuit");

WHEREAS, the Lawsuit is ongoing, but has resulted in Green Mountain and Owner stipulating to the exclusion of the Property from Green Mountain's territory;

WHEREAS, per the stipulation in the Lawsuit, Green Mountain does not object to the Sewer Utility providing sewer service to the Property;

WHEREAS, pursuant to C.R.S. 32-1-502(2)(a), to exclude the Property from Green Mountain's sewer service territory, the Lakewood City Council must agree to provide upon exclusion and thereafter the same sewer service that Green Mountain would provide the Property;

WHEREAS, if excluded from Green Mountain's service area the Property will not be located within the territory of any other special district providing sewer service to the Property;

WHEREAS, pursuant to Lakewood Municipal Code section 13.04.090(B), the City Council is authorized to accept or decline any application for the Sewer Utility's extension of service to property either outside or within the City's service area which can be feasibly served by the City;

WHEREAS, the City has reviewed the application for extension of sewer service to the Property and has determined that the Sewer Utility can feasibly serve the Property subject to Owner constructing and paying for the necessary capital improvements;

WHEREAS, should the Property be included in the Sewer Utility's service area, Owner shall be responsible for payment of fees and other costs necessary to provide sewer service to the Property, including but not limited to costs of inclusion, service, and maintenance;

WHEREAS, the Sewer Utility has negotiated an Intergovernmental Agreement with the Owner of the Property and the applicant for a Metro District and such Agreement defines requirements for the Property's inclusion in the Sewer Utility's service area.

WHEREAS, the terms of inclusion are consistent with the City's Charter, Ordinances, and the City of Lakewood Water and Sewer Rules and Regulations;

WHEREAS, the City Council desires to adjust the operational service area of the Sewer Utility to include and extend sewer service to the Property;

WHEREAS, the exclusion process is based on state law, and, as such, finalization of the process to exclude the Property from Green Mountain's territory may require additional state court proceedings beyond what is being litigated in the Lawsuit, and may require additional action from the City Council;

WHEREAS, the City Council wishes to authorize the City Manager or designee to execute the Intergovernmental Agreement and to make any amendments necessary and proper to carry out the intent of this Ordinance;

WHEREAS, approval of this ordinance on first reading is intended only to confirm that the City Council desires to comply with the City's Charter by setting a public hearing to provide City staff and the public the opportunity to present evidence and testimony regarding the proposal; and

WHEREAS, approval of this ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies the proposal.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. The application to adjust the operational service area of the City of Lakewood Sewer Utility to include and extend sewer service to the property located at 11601 W. 2nd Place, Lakewood, CO, is hereby conditionally accepted, contingent upon

the finalization of the exclusion of the Property from the territory of the Green Mountain Water and Sanitation District and subject to Owner's payment of fees relating to inclusion and ongoing service owed to the Sewer Utility and Metro Water Recovery.

SECTION 2. Upon final exclusion of the Bend @ Lakewood from the territory of the Green Mountain Water and Sanitation District, the Lakewood City Council hereby agrees to provide the sewer service to the Bend @ Lakewood that would otherwise have been provided by the Green Mountain Water and Sanitation District;

Section 3. The City of Lakewood Sewer Utility is hereby authorized to provide sewer service to the property located at 11601 W. 2nd Place, Lakewood, CO 80228 subject to the finalization of the exclusion process and further subject to Owner constructing the required capital improvements to make such service feasible.

SECTION 4. The City shall incorporate 11601 W. 2nd Place, Lakewood, CO 80228 into the mapping of its operational service area.

SECTION 5. The City Manager or designee is authorized to execute an Intergovernmental Agreement and any necessary and proper amendments necessary to carry out the City Council's intent to incorporate the Property into the Sewer Utility's service area.

SECTION 6. This Ordinance shall take effect thirty (30) days after final publication.

SECTION 7. The recitals above are incorporated herein and made part of this Ordinance.

SECTION 6. If any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.

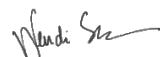
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I hereby attest and certify that within and foregoing Ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 24th day of November, 2025; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 27th day of November, 2025; set for public hearing to be held on the 8th day of December, 2025; read, finally passed and adopted by the City Council on the 8th day of December, 2025; and signed by the Mayor on the 9th day of December, 2025.

ATTEST:



Jay Robb, City Clerk



Wendi Strom, Mayor

APPROVED AS TO FORM:



Alison McKenney Brown, City Attorney

EXHIBIT A

A PARCEL OF LAND LOCATED IN THE WEST ONE-HALF (W 1/2) OF SECTION 9 AND IN THE EAST ONE-HALF (E 1/2) OF THE EAST ONE-HALF (E 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 69 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 8, AS MONUMENTED BY A RECOVERED 2-3/4" ALUMINUM CAP, ILLEGIBLE, WHENCE THE NORTH QUARTER CORNER OF SAID SECTION 8, AS MONUMENTED BY A RECOVERED 3-1/4" BRASS CAP IN RANGE BOX, STAMPED "LS 19591" BEARS S 89°45'48" W, A DISTANCE OF 2619.77 FEET, FORMING THE BASIS OF BEARINGS FOR THIS DESCRIPTION;
THENCE S 00°05'35" E, A DISTANCE OF 290.02 FEET TO THE POINT OF BEGINNING;
THENCE N 89°45'58" E, A DISTANCE OF 50.02 FEET;
THENCE N 81°10'48" E, A DISTANCE OF 858.76 FEET;
THENCE N 89°14'30" E, A DISTANCE OF 490.67 FEET;
THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 58°20'03", A RADIUS OF 390.00 FEET, AN ARC LENGTH OF 397.07 FEET; AND A CHORD BEARING AND DISTANCE OF S 31°29'25" W, 380.14 FEET;
THENCE S 60°39'26" W, A DISTANCE OF 403.57 FEET;
THENCE ALONG A TANGENT CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 58°49'57", A RADIUS OF 213.00 FEET, AN ARC LENGTH OF 218.71 FEET; AND A CHORD BEARING AND DISTANCE OF S 31°14'28" W, 209.23 FEET;
THENCE S 01°49'30" W, A DISTANCE OF 269.32 FEET;
THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 29°53'01", A RADIUS OF 562.93 FEET, AN ARC LENGTH OF 293.61 FEET; AND A CHORD BEARING AND DISTANCE OF S 16°48'04" W, 290.29 FEET;
THENCE S 31°44'35" W, A DISTANCE OF 168.45 FEET;
THENCE ALONG A TANGENT CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 22°20'35", A RADIUS OF 495.00 FEET, AN ARC LENGTH OF 193.03 FEET; AND A CHORD BEARING AND DISTANCE OF S 20°34'16" W, 191.81 FEET;
THENCE S 09°23'57" W, A DISTANCE OF 620.97 FEET;
THENCE ALONG A NON-TANGENT CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 09°22'40", A RADIUS OF 1,005.00 FEET, AN ARC LENGTH OF 164.49 FEET; AND A CHORD BEARING AND DISTANCE OF S 04°39'23" W, 164.31 FEET;
THENCE S 00°01'57" E, A DISTANCE OF 168.41 FEET;
THENCE S 88°48'16" W, A DISTANCE OF 56.85 FEET;
THENCE N 00°01'48" W, A DISTANCE OF 642.06 FEET;
THENCE S 89°58'12" W, A DISTANCE OF 964.14 FEET;
THENCE N 00°00'32" W, A DISTANCE OF 1,667.13 FEET;
THENCE S 72°53'41" E, A DISTANCE OF 60.00 FEET;
THENCE N 68°55'37" E, A DISTANCE OF 238.59 FEET;
THENCE N 89°45'58" E, A DISTANCE OF 374.38 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 2,572,177 SQ. FT. OR 59.0491 ACRES, MORE OR LESS.