

O-2025-19

AN ORDINANCE

ACCEPTING AN APPLICATION TO ADJUST THE OPERATIONAL SERVICE AREA OF THE CITY OF LAKEWOOD WATER UTILITY TO INCLUDE AND EXTEND WATER SERVICE TO THE PROPERTY LOCATED AT 5490 WEST 13TH AVENUE

WHEREAS, the City of Lakewood, Colorado (the "City") operates the City of Lakewood Water Utility (the "Water Utility"), which provides drinking water to approximately 800 homes and businesses within the City;

WHEREAS, due to mapping discrepancies regarding the operational service area of the Water Utility, it is unclear whether the property located at 5490 West 13th Avenue (the "Property") is currently within the mapped operational service area of the Water Utility;

WHEREAS, the Property currently receives its water service from the Consolidated Mutual Water Company ("Consolidated Mutual");

WHEREAS, Consolidated Mutual has determined that it can no longer feasibly serve the Property and does not object to the Water Utility providing water service;

WHEREAS, Consolidated Mutual is a private company, so the City is not required to proceed with the exclusion process under section 32-1-502 of the Colorado Revised Statutes to adjust the operational service area of the Water Utility to include and extend water service to the Property;

WHEREAS, the Property is not located within the territory of any other special district;

WHEREAS, pursuant to Lakewood Municipal Code section 13.04.090(B), the City Council is authorized to accept or decline any application for the Water 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 water service to the Property and has determined that the Water Utility can feasibly serve the Property subject to the owner of the Property constructing and paying for certain capital improvements;

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

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 Water Utility to include and extend water service to the property located at 5490 West 13th Avenue, Lakewood, CO 80214, is hereby accepted.

SECTION 2. The City of Lakewood Water Utility is hereby authorized to provide water service to the property located at 5490 West 13th Avenue, Lakewood CO 80214 subject to the property's owner constructing the required capital improvements to make such service feasible.

SECTION 3. The City shall incorporate 5490 West 13th Avenue, Lakewood CO 80214 into the mapping of its operational service area.

SECTION 4. This Ordinance shall take effect thirty (30) days after final publication.

SECTION 5. 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 the within and foregoing ordinance was introduced and read on first reading at a regular meeting of the Lakewood City Council on the 9th day of June, 2025; published by title in the Denver Post and in full on the City of Lakewood's website at www.lakewood.org, on the 11th day of June, 2025; set for public hearing to be held on the 14th day of July, 2025; read, finally passed and adopted by the City Council on the 14th day of July, 2025; and signed by the Mayor on the _____ day of July, 2025.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney