

O-2022-10

AN ORDINANCE

APPROVING MODIFICATION OF SEWER LINE EASEMENT ON CITY PROPERTY

WHEREAS, on April 11th, 2022, the Lakewood City Council approved that certain Easement Modification and Encroachment Agreement between City of Lakewood and Daniels Sanitation District regarding City of Lakewood Maintenance Campus Decant and Tank Farm Upgrades (the "Agreement");

WHEREAS, the purpose of Agreement was to allow for construction of a project to update and extend a tank farm and decant system (the "Project") at the City's maintenance facility property located at 850 Parfet Street (the "City Property"), which required realignment of two easements held by the Daniels Sanitation District ("Daniels") through and abutting the City Property, as identified in the Agreement (collectively, the "Existing Easements"), to accurately reflect the actual physical locations of Daniels' sewer line and to provide for the potential future relocation of a portion of such sewer line;

WHEREAS, to accomplish the foregoing, Daniels and the City now desire: (i) to enter into the attached Easement Agreement, and (ii) that Daniels execute a quit claim deed extinguishing the Existing Easements in favor of the City;

WHEREAS, in accordance with section 14.3 of the City of Lakewood home rule charter (the "Charter"), the City may lease, sell, or otherwise dispose real property held or used for any municipal purpose only by City Council ordinance, and, therefore, the attached Easement Agreement must be approved by ordinance;

WHEREAS, approval of this ordinance on first reading is intended only to confirm that the City Council desires to comply with the Lakewood Municipal Code by setting a public hearing to provide City staff and the public an 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. Approval. Subject to Section 2 hereof, the Easement Agreement attached hereto is hereby approved, and the City Manager is hereby directed to execute, and the City Clerk to attest, such Easement Agreement on behalf of the City.

SECTION 2. Effective Date. This Ordinance shall take effect upon the later to occur of either: (i) execution by the Daniels Sanitation District of a quit claim deed, approved by the City Attorney's Office, which extinguishes the Existing Easements in favor of the City; or (ii) the date that is thirty (30) days after final publication of this ordinance upon second reading.

SECTION 3. Severability. If any provision of this Ordinance should be 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.

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 27th day of June, 2022; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 30th day of June, 2022; set for public hearing to be held on the 11th day of July, 2022; read, finally passed and adopted by the City Council on the 11th day of July, 2022; and signed by the Mayor on the 12th day of July, 2022.





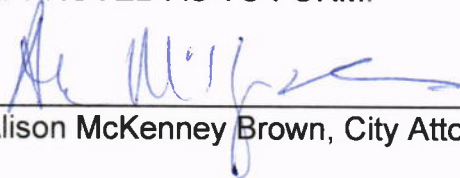
Adam Paul, Mayor

ATTEST:



Jay Robb, City Clerk

APPROVED AS TO FORM:



Alison McKenney Brown, City Attorney