

AN EMERGENCY ORDINANCE

AUTHORIZING THE CONVEYANCE OF A PERMANENT UTILITY EASEMENT TO PUBLIC SERVICE COMPANY OF COLORADO TO REALIGN PRIMARY POWER LINES SERVING THE CITY'S QUAIL MAINTENANCE FACILITY LOCATED AT 1050 AND 1060 QUAIL STREET AND 850 AND 870 PARFET STREET, BY AND THROUGH AN EMERGENCY ORDINANCE FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, OR SAFETY

WHEREAS, the City of Lakewood began development of plans to renovate and upgrade portions of the Quail Maintenance Facility in 2020 to include the replacement of a failing wall along the south property of line of the facility;

WHEREAS, the wall at issue houses the power for the City of Lakewood's snow plow fleet, and both the wall and the power supply are unreliable and in need of immediate repair;

WHEREAS, during preparations for construction of said improvements, existing utilities were located, and one such power line is in conflict with the location of the new wall;

WHEREAS, Public Service Company of Colorado has recommended that the power lines be relocated to avoid future conflicts and to facilitate the planned improvements, and moving this power line will require a new easement to relocate the lines across land owned by the City as shown in Exhibit A, and vacating any existing easements that are no longer needed as a result of the relocation of lines;

WHEREAS, the exact legal description of the easement will be determined after the new power lines are installed and a survey is completed;

WHEREAS, the Public Service Company of Colorado is required, by its franchise agreement, to move and relocate any facilities on City property that interfere with City of Lakewood projects at no cost to the City;

WHEREAS, the Public Service Company of Colorado will begin installation of the new power line and will vacate existing easements following conveyance of this permanent utility easement;

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. The City of Lakewood agrees to convey, and the City Manager is hereby authorized to execute and the City Clerk to attest to, a utility easement, in the form approved by the City Attorney, granted to the Public Service Company of Colorado across land as shown in Exhibit A, as attached hereto and included herein. Public Service Company of Colorado shall hereby vacate the existing easements that are no longer necessary as a result of this new utility easement.

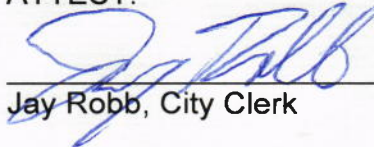
SECTION 2. Emergency Declaration. The City Council of the City of Lakewood hereby finds, determines and declares that in accordance with Charter Section 7.4 (b) this ordinance is necessary for the immediate preservation of public property, health, welfare, peace or safety for the reasons enumerated within the recitals clauses of this ordinance, which are incorporated into this Section 2 by reference, and because without the improvements to the wall which provides critical power needs to the snow plow fleet, snow plows may be delayed or not function when needed to clear the streets which could lead to the delay of emergency vehicles and safe travel upon roadways by all residents.

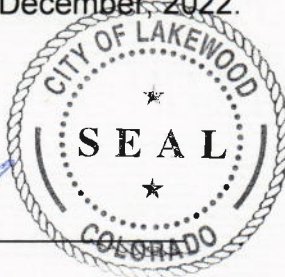
The City Council further determines that the adoption of this ordinance as an emergency ordinance is in the best interest of the citizens of the City of Lakewood, but if this ordinance is not adopted by an affirmative vote of two-thirds of all members of the City Council it still may be passed as a regular ordinance in conformance with the provisions of Lakewood City Charter Section 7.4.

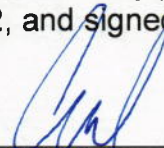
SECTION 3. If this ordinance is adopted as an emergency ordinance it shall take effect Immediately.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 12th day of December 2022; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 15th day of December 2022; set for public hearing on the 9th day of January 2023; read, finally passed and adopted by the City Council on the 12th day of December 2022, and signed, and approved by the Mayor on the 10th day of December, 2022.

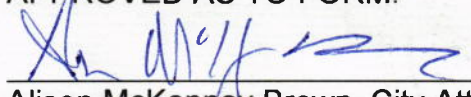
ATTEST:

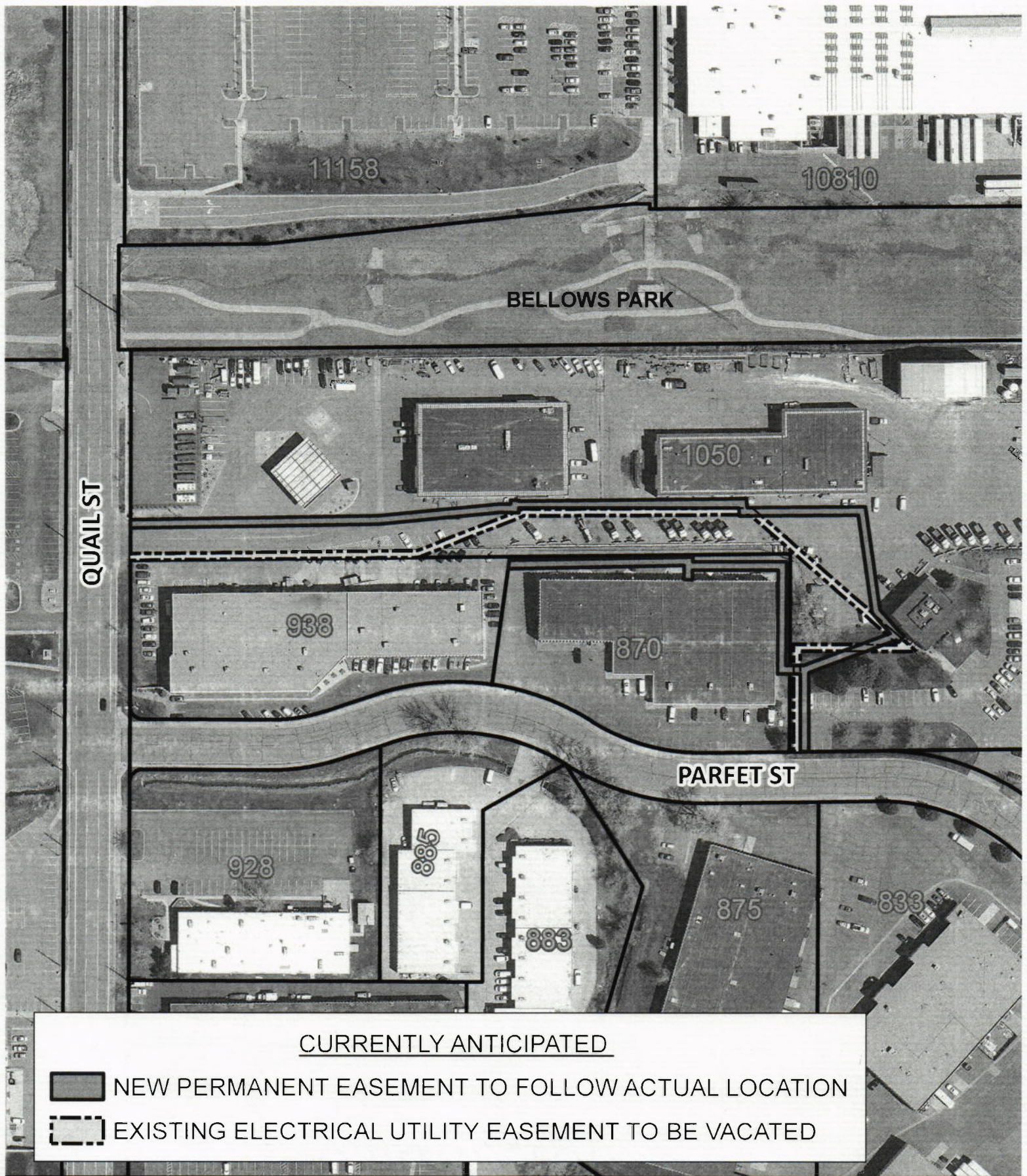

Jay Robb, City Clerk




Adam Paul, Mayor

APPROVED AS TO FORM:


Alison McKenney Brown, City Attorney



DECEMBER 12, 2022