

O-2025-21

AN ORDINANCE

AUTHORIZING EXECUTION OF A PERMANENT UTILITY EASEMENT ACROSS CITY PARK PROPERTY AT 9351 W. JEWELL AVENUE, LAKEWOOD, COLORADO, TO PUBLIC SERVICE COMPANY OF COLORADO FOR AN ELECTRICAL SERVICE AND RELATED FACILITIES

WHEREAS, Public Service Company of Colorado has requested that the City of Lakewood ("City") convey a permanent electrical easement across City park property located at 9351 W. Jewell Avenue (Kendrick Lake Park) to provide service to the park restroom and other needs, as generally described/depicted in Exhibit A;

WHEREAS, 9351 W. Jewell Avenue is owned and held by the City for park and open space purposes;

WHEREAS, Section 14.3(c) of the Charter of the City of Lakewood provides that utility easements may be granted across, over, or under park land;

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 hereby conveys an easement for electrical service and related facilities to Public Service Company of Colorado, subject to each of the following conditions:

1. Review and approval by City staff of final construction plans for all structures/infrastructure placed within the described easement;
2. All new facilities to be undergrounded to the extent possible;
3. The easement will be non-exclusive, and
4. The Public Service Company of Colorado must seek and be issued a Public Way Permit for all work on City property.

SECTION 2. The City Manager is hereby authorized and directed to execute, and the City Clerk to attest, an electrical service easement across the land described in Exhibit A, attached hereto and incorporated herein, in a form approved by the City Attorney, to Public Service Company of Colorado for the installation of an electrical service and related facilities.

SECTION 3. This Ordinance shall take effect thirty (30) days after final publication.

SECTION 4. 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 hybrid 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, 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 ____ day of July, 2025 and, signed by the Mayor on the ____ day of July, 2025

Wendy Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney