

O-2024-10

AN ORDINANCE

AUTHORIZING THE CONVEYANCE TO THE PUBLIC SERVICE COMPANY OF COLORADO TWO (2) NON-EXCLUSIVE PERMANENT UTILITY EASEMENTS ON PROPERTY OWNED BY THE CITY OF LAKEWOOD AND LOCATED ADJACENT TO THE CIVIC CENTER

WHEREAS, the City of Lakewood (the "City") adopted a Sustainability Plan in 2015 that includes goals to transition to renewable energy sources and reduce greenhouse gas emissions;

WHEREAS, in an effort to further its Sustainability Plan goals, the City applied for and was accepted by the Public Service Company of Colorado, doing business as Xcel Energy ("Xcel Energy") to be a site host location for two (2) electric vehicle DC fast charging stations;

WHEREAS, Xcel Energy required the City, as a site host location, to convey two (2) non-exclusive permanent utility easements for transformer facilities, electric vehicle chargers, electric vehicle supply infrastructure, and related appurtenances, across land owned by the City as shown in Exhibit A;

WHEREAS, the Xcel Energy and the City agreed to the terms and conditions of this site host arrangement via a Xcel Energy DC Fast Charging Site Host Agreement ("Agreement"), a signed copy of which is attached as Exhibit B;

WHEREAS, per the terms of the Agreement, Xcel Energy will install, own, operate, and maintain the fast charging stations following conveyance of both non-exclusive permanent utility easements for a period of ten (10) years at no cost to the City;

WHEREAS, following the ten (10) year term, the City may decide to extend the Agreement for up to five (5) years, or to accept the transfer of the infrastructure, or to have the infrastructure removed by Xcel Energy at the City's expense;

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.

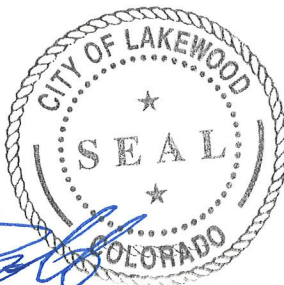
NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

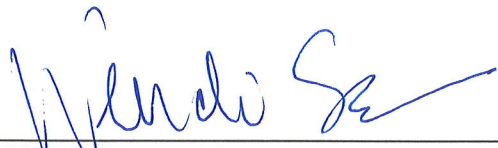
SECTION 1. The City agrees to convey, and the City Manager is hereby authorized to execute and the City Clerk to attest to, a utility easement, in the form approved by the City Attorney, granted to Xcel Energy across land described in Exhibit A, as attached hereto and included herein, for two (2) non-exclusive permanent utility easements for transformer facilities, electric vehicle chargers, electric vehicle supply infrastructure, and related appurtenances.

SECTION 2. This Ordinance shall take effect thirty (30) days after final publication.

SECTION 3. 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 within and foregoing Ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 22nd day of April, 2024; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 25th day of April, 2024; set for public hearing to be held on the 13th day of May, 2024; read, finally passed and adopted by the City Council on the 13th day of May, 2024; and signed by the Mayor on the 14th day of May, 2024.






Wendi Strom, Mayor

ATTEST:



Jay Robb, City Clerk

APPROVED AS TO FORM:



Alison McKenney Brown, City Attorney



Sheet 1 of 2

**EXHIBIT A – LOT 19
PARCEL A**

A 15 foot wide strip of land lying in the northwest one-quarter (NW1/4) of Section 14, Township 4 South, Range 69 West, of the 6th Principal Meridian, County of Jefferson, State of Colorado, being a portion of Lot 19, Block 1, plat of LAKEWOOD CITY COMMONS SUBDIVISION FILING NO. 2, Jefferson County Records, lying 7.5 feet on each side of the following described line:

Beginning on the north line of said Lot 19, from which the northwest corner thereof, bears S87°35'34"W, 89.72 feet;

thence S00°18'05"W, 17.75 feet, along a line 7.5 feet east of and parallel to the east line of Parcel 16A as described in Reception Number F0802472, Jefferson County Records, to the Point of Terminus.

The sidelines of said 15 foot wide strip are to be lengthened or shortened to terminate on said north line.

Containing 266 square feet more or less.

As shown and described on Exhibit A Sheet 2 of 2, attached hereto and made a part hereof.

All lineal distance units are represented in U.S. Survey Feet.

For the purpose of this description, bearings are based on said plat of LAKEWOOD CITY COMMONS SUBDIVISION FILING NO. 2.

The author of this description is Monte L. Sudbeck, PLS 38503, prepared on behalf of SEH, 2000 S Colorado Blvd, Suite 6000, Denver, CO 80222, on March 22, 2024, under Job No. 173901-3.0, for Public Service Company of Colorado, and is not to be construed as representing a monumented land survey.





Sheet 1 of 2

**EXHIBIT A – LOT 19
PARCEL B**

A 10 foot wide strip of land lying in the northwest one-quarter (NW1/4) of Section 14, Township 4 South, Range 69 West, of the 6th Principal Meridian, County of Jefferson, State of Colorado, being a portion of Lot 19, Block 1, plat of LAKEWOOD CITY COMMONS SUBDIVISION FILING NO. 2, Jefferson County Records, lying 5 feet on each side of the following described line:

Commencing on the north line of said Lot 19, from which the northwest corner thereof, bears S87°35'34"W, 89.72 feet; thence S00°18'05"W, 17.75 feet, along a line 7.5 feet east of and parallel to the east line of Parcel 16A as described in Reception Number F0802472, Jefferson County Records, to the Point of Beginning;

thence S00°18'05"W, 18.83 feet;
thence S44°10'29"W, 58.76 feet;
thence S46°47'32"E, 25.00 feet, to the Point of Terminus.

Containing 1,026 square feet (0.024 acres) more or less.

As shown and described on Exhibit A Sheet 2 of 2, attached hereto and made a part hereof.

All lineal distance units are represented in U.S. Survey Feet.

For the purpose of this description, bearings are based on said plat of LAKEWOOD CITY COMMONS SUBDIVISION FILING NO. 2.

The author of this description is Monte L. Sudbeck, PLS 38503, prepared on behalf of SEH, 2000 S Colorado Blvd, Suite 6000, Denver, CO 80222, on March 22, 2024, under Job No. 173907-3.0, for Public Service Company of Colorado, and is not to be construed as representing a monumented land survey.

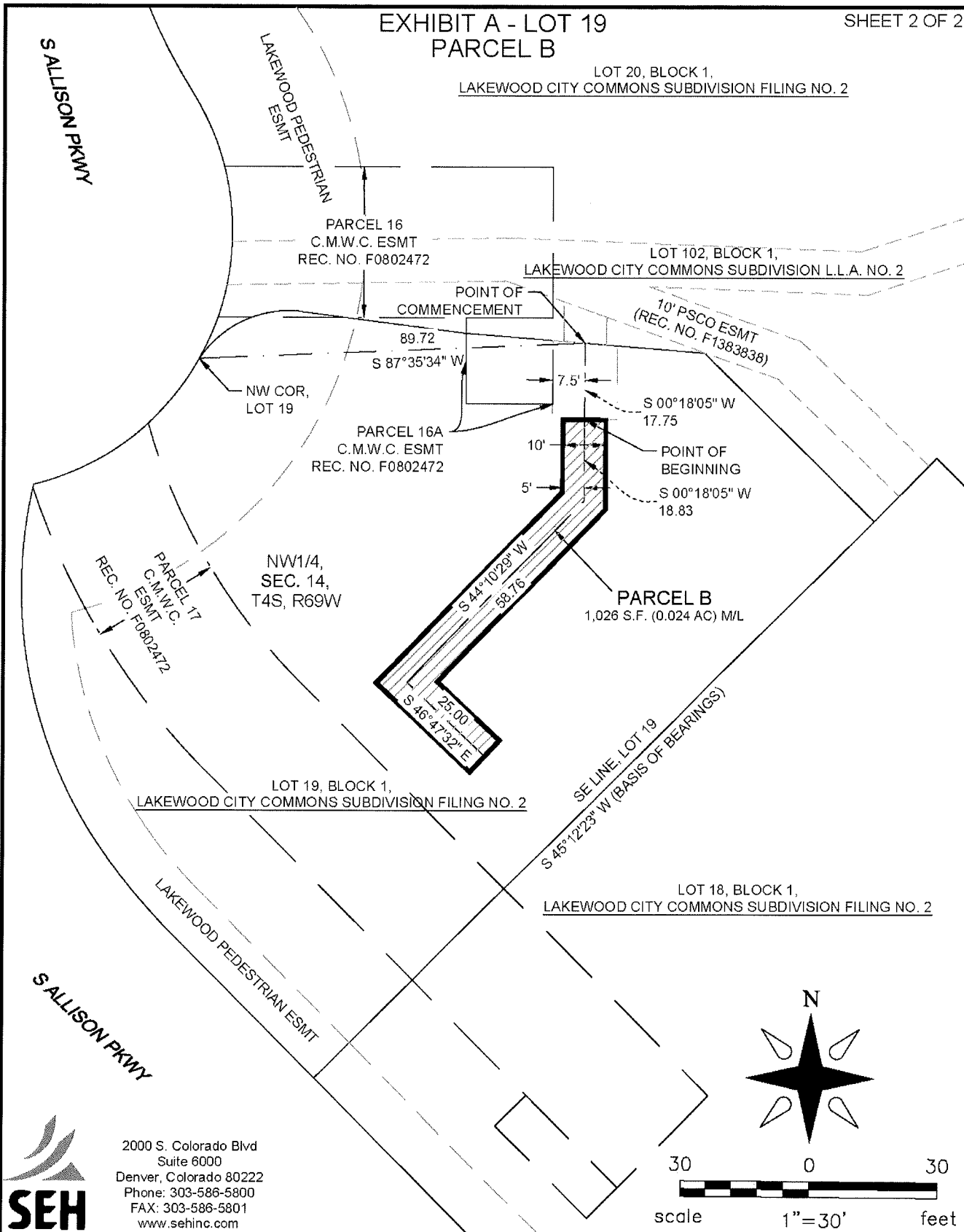


Monte L. Sudbeck, PLS 38503

EXHIBIT A - LOT 19
PARCEL B

SHEET 2 OF 2

LOT 20, BLOCK 1,
LAKEWOOD CITY COMMONS SUBDIVISION FILING NO. 2



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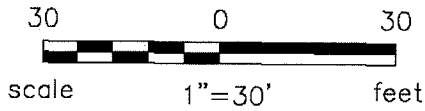
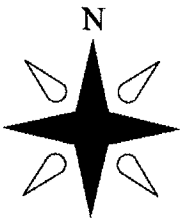


EXHIBIT B

Xcel Energy DC Fast Charging Site Host Agreement