

O-2023-4

AN ORDINANCE

AUTHORIZING EXECUTION OF A PERMANENT UTILITY EASEMENT WITHIN THE BEAR CREEK GREENBELT NEAR SOUTH GARLAND COURT AND WEST CORNELL PLACE, LAKEWOOD, COLORADO, TO BEAR CREEK WATER AND SANITATION DISTRICT FOR SANITARY SEWER AND RELATED FACILITIES

WHEREAS, Bear Creek Water and Sanitation District has requested the City of Lakewood (the "City") convey a permanent sewer easement within the Bear Creek Greenbelt for a new sanitary sewer, as generally described/depicted in **Exhibit A** attached hereto;

WHEREAS, the Bear Creek Greenbelt 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 sanitary sewer purposes to the Bear Creek Water and Sanitation District, 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 undergrounded to the extent possible;
3. Receipt by the City of compensation for the easement based upon a determination of the diminution of value of the land across which the easement will run;
4. The easement will be non-exclusive; and
5. The District 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, a sanitary sewer easement across the land described in


Exhibit A, as attached hereto and incorporated herein, in a form approved by the City Attorney, to Bear Creek Water and Sanitation District for the installation of a sanitary sewer and related appurtenances.

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 23rd day of January, 2023; published by title in the Denver Post and in full on the City of Lakewood's website at www.lakewood.org, on the 26th day of January, 2023; set for public hearing to be held on the 13th day of February, 2023; read, finally passed and adopted by the City Council on the 13th day of February, 2023; and signed by the Mayor on the 14th day of February, 2023.





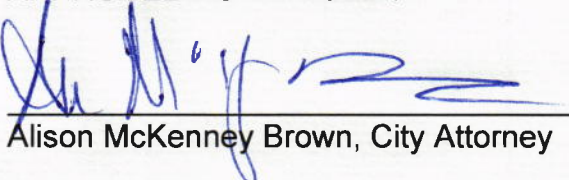
Adam Paul, Mayor

ATTEST:



Jay Robb, City Clerk

APPROVED AS TO FORM:



Alison McKenney Brown, City Attorney

EXHIBIT A

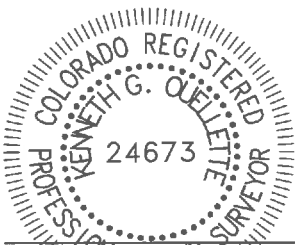
PROPERTY DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF PARCEL A OF STATUTORY SPECIAL WARRANTY DEED RECORDED AT RECEPTION NO. 2021031455, RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER, LOCATED IN THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEARINGS ARE ASSUMED AND ARE BASED ON THE NORTH LINE OF WESTBOROUGH FILING NO. 2, RECORDED AT RECEPTION NO. 71436341, RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER, BEING S89°35'29"W, TIED TO THE FOUND RANGE POINTS SHOWN HEREON USING NAD83 STATE PLANE COORDINATES.

COMMENCING AT THE NORTHEAST CORNER OF LOT 33 OF SAID WESTBOROUGH FILING NO. 2;
THENCE S89°35'29"W ALONG SAID NORTH LINE OF WESTBOROUGH FILING NO. 2, AND ALONG THE SOUTH LINE OF SAID PARCEL A, RECEPTION NO. 2021031455 A DISTANCE OF 138.96 FEET TO THE POINT OF BEGINNING;
THENCE N00°04'52"W A DISTANCE OF 23.46 FEET;
THENCE N45°02'00"W A DISTANCE OF 507.65 FEET;
THENCE N25°25'12"E A DISTANCE OF 16.87 FEET TO A POINT ON THE NORTH LINE OF SAID PARCEL A, RECEPTION NO. 2021031455;
THENCE N89°35'29"E ALONG SAID NORTH LINE A DISTANCE OF 22.22 FEET;
THENCE S25°25'12"W A DISTANCE OF 12.43 FEET;
THENCE S45°02'00"E A DISTANCE OF 501.81 FEET;
THENCE S00°04'52"E A DISTANCE OF 31.62 FEET TO A POINT ON THE SAID NORTH LINE OF WESTBOROUGH FILING NO. 2 ALSO BEING A POINT ON SAID SOUTH LINE OF PARCEL A, RECEPTION NO. 2021031455;
THENCE S89°35'29"W ALONG SAID NORTH LINE OF WESTBOROUGH FILING NO. 2 AND SAID SOUTH LINE OF PARCEL A, RECEPTION NO. 2021031455 A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 10,938 SQUARE FEET (0.251 ACRES), MORE OR LESS.



KENNETH G. QUILLETTE, PLS 24673

DATE: DECEMBER 27, 2022

JOB NO. 6541842925 X34

FOR AND ON BEHALF OF MERRICK & COMPANY

NW 1/4 SECTION 34, TOWNSHIP 4 SOUTH, RANGE 69 WEST 6th PM

----- JEFFERSON COUNTY -----



PERMANENT EASEMENT
REC. NO. 2021031455



N25°25'12"E
16.87'

N89°35'29"E
22.22'

S25°25'12"W
12.43'

NW1/4
SEC 34

STATUTORY SPECIAL WARRANTY DEED
PARCEL A
REC. NO. 2021031455

BASIS OF BEARING:
Bearings are assumed and are based on the
North line of Westborough Filing No. 2
being S89°35'29"W tied to the found range points shown
hereon using NAD83 State Plane Coordinates.

S45°02'00"E 501.81'
N45°02'00"W 507.65'

S89°35'29"W
20.00'

S00°04'52"E
31.62'

N00°04'52"W
23.46'

P.O.C.
NE Cor
Lot 33

P.O.B

North line Westborough Filing No. 2 S89°35'29"W

S89°35'29"W 138.96'
(Tie)
33

1 2 3 4 5 6 7 8

WESTBOROUGH FILING NO. 2
REC. NO. 71436341

N00°35'15"W
130.00'

S89°24'45"W 509.36'

W Cornell Place

S Garland Court

32

31

30

Found 1-1/2" aluminum cap
in range box
0.3' below the surface
stamped: MS&M Eng. CO LS 2568

Found 1-1/2" aluminum cap
in range box
1.0' below the surface
stamped: MS&M Eng. CO LS 2568

Parcel Map Not P.L.S. Stamped or Certified

PARCEL CONTAINS 0.251 ACRES± (10,938 SQ FT)

LEGEND

EASEMENT ACQUIRED

DOCUMENT DATED: 12/27/22
SEC'Y FILE ____ DOC. ____
RIMS ITEM NO. ____
CARD NO. 000

DRN. KGO | PM. AM | S.

APPD.

SHEET 2 OF 2

MAIN

**EASEMENT ACQUIRED FROM
CITY OF LAKEWOOD**

DATE: DECEMBER 27, 2022

**BEAR CREEK WATER
AND SANITATION
DISTRICT**
2517 S FLOWER STREET
LAKEWOOD, CO 80227
Phone (303)986-3442

SCALE: 1" = 100'

CAD 16750-1_PMG