

O-2023-27

AN ORDINANCE

AUTHORIZING EXECUTION OF A PERMANENT UTILITY EASEMENT ACROSS CITY PARK PROPERTY AT 1195 BENTON STREET, LAKEWOOD, COLORADO, TO PUBLIC SERVICE COMPANY OF COLORADO FOR A GAS PIPELINE AND RELATED FACILITIES

WHEREAS, Public Service Company of Colorado has requested the City of Lakewood ("City") convey a permanent gas pipeline easement across City park property located at 1195 Benton Street for a new gas pipeline, as generally described/depicted in Exhibit A;

WHEREAS, 1195 Benton Street 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 gas pipeline purposes to the 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. Approval by Jefferson County of a subordination of the County's reversionary interest in the property;
4. 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;
5. The easement will be non-exclusive; and
6. The Company 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 gas pipeline 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 a gas pipeline and related appurtenances.

SECTION 3. 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 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 June, 2023; published by title in the Denver Post and in full on the City of Lakewood's website, [www.lakewood.org](http://www.lakewood.org), on the 15th day of June, 2023; set for public hearing to be held on the 10th day of July, 2023, read, finally passed and adopted by the City Council on the 10th day of July, 2023 and, signed by the Mayor on the 11th day of July, 2023.



Adam Paul, Mayor

ATTEST:

Jay Roob, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

**LEGEND**

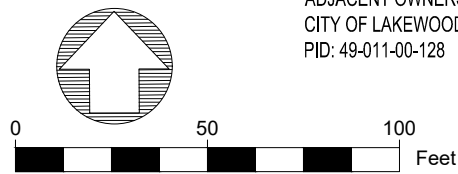
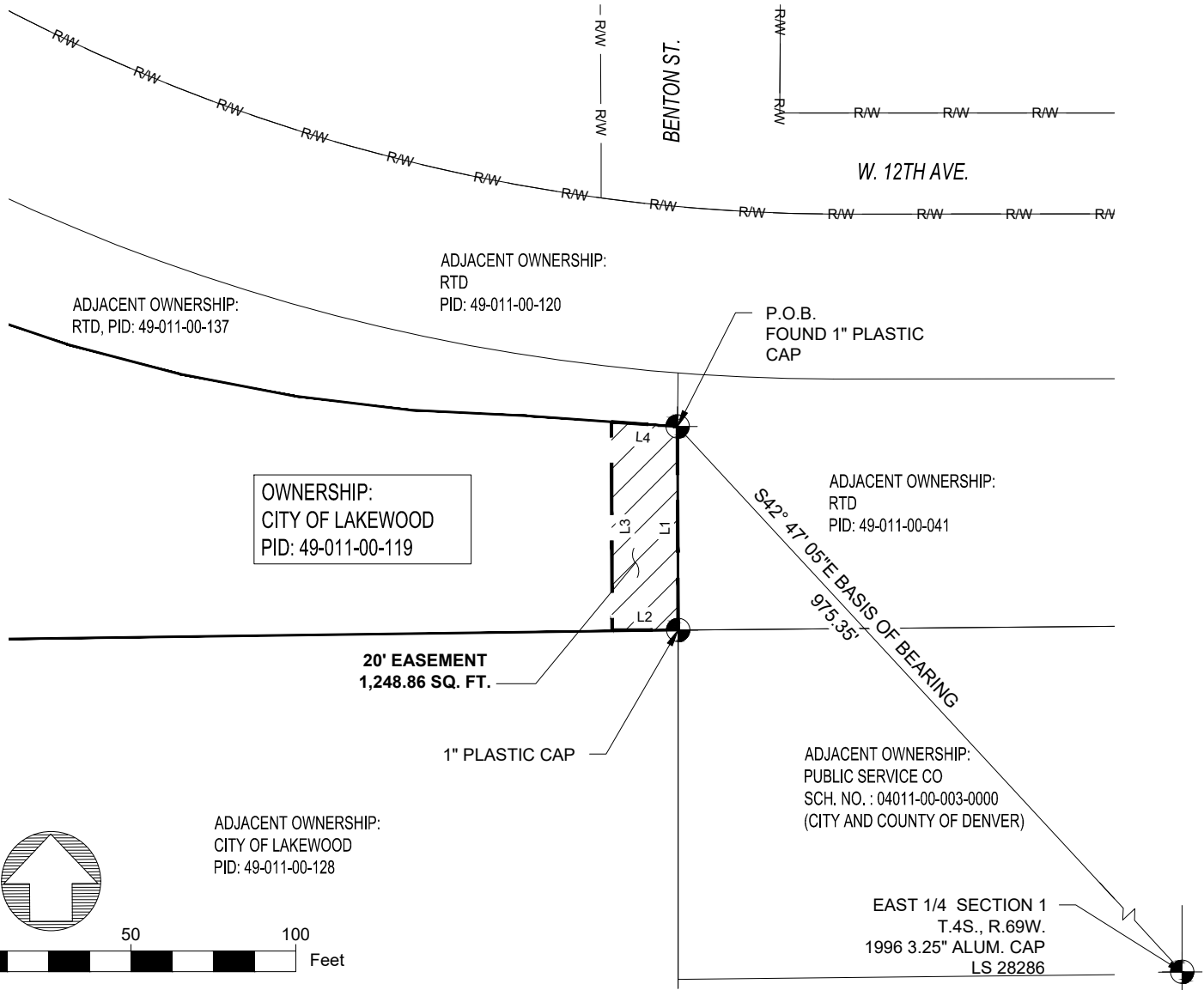
- SUBJECT PARCEL
- EASEMENT BOUNDARY
- RIGHT-OF-WAY
- PARCEL BOUNDARY
- EASEMENT AREA

**EXHIBIT 'A'**

EASEMENT  
 LOCATED IN PARCEL ID #49-011-00-119  
 A PORTION OF THE SE1/4 NE1/4 OF SECTION 1, T4S, R69W, 6TH P.M.  
 CITY OF LAKEWOOD, COUNTY OF JEFFERSON  
 STATE OF COLORADO

**LEGEND**

- P.O.B. POINT OF BEGINNING
- FOUND OR SET CORNER AS DESCRIBED



**DESCRIPTION**

A TWENTY (20') FOOT WIDE EASEMENT LOCATED IN PARCEL NO. 49-011-00-119, BEING LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 1, T.4S., R.69W., 6TH P.M., CITY OF LAKEWOOD, COUNTY OF JEFFERSON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTHEAST CORNER OF SAID PARCEL NO. 49-011-00-119, FROM WHICH THE EAST ONE-QUARTER OF SAID SECTION 1 BEARS S42°47'05"E, A DISTANCE OF 975.35', SAID BASIS OF BEARINGS FOR THIS DESCRIPTION; THENCE (L1) S00°10'48"E, ALONG THE EAST BOUNDARY OF SAID PARCEL, A DISTANCE OF 61.73' TO THE SOUTHEAST CORNER OF SAID PARCEL;

THENCE (L2) S89°54'05"W, A DISTANCE OF 20.00';

THENCE (L3) N00°10'48"W, A DISTANCE OF 63.16' TO THE NORTH BOUNDARY OF SAID PARCEL 49-011-00-119;

THENCE CLOSING (L4) S85°59'35"E, A DISTANCE OF 20.05' TO THE POINT OF BEGINNING.

CONTAINING 1,248.86 SQ.FT MORE OR LESS.

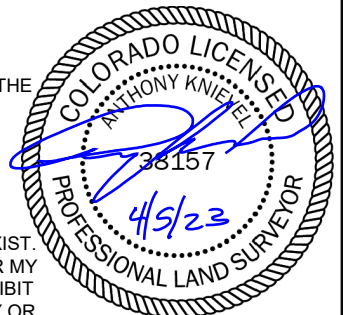
**SURVEY DATUM**  
 HORIZONTAL DATUM = NAD83(2011) COLORADO CENTRAL (US SURVEY FOOT)

- NOTE:**
1. BASIS OF BEARING IS THE COLORADO STATE PLANE GRID, CENTRAL ZONE, NAD 83.
  2. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. THERE MAY BE EASEMENTS AND/OR COVENANTS AFFECTING THIS PROPERTY NOT SHOWN HEREON.
  3. BEARINGS AND DISTANCES ARE IN GRID COORDINATES.
  4. THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY.
  5. SURFACE OWNERSHIP OBTAINED FROM THE JEFFERSON COUNTY ASSESSORS OFFICE

Line Table		
Line #	Direction	Length
L1	S00°10'48"E	61.73'
L2	S89°54'05"W	20.00'
L3	N00°10'48"W	63.16'
L4	S85°59'35"E	20.05'

**SURVEYOR'S CERTIFICATE**  
 ANTHONY KNieVEL  
 P.L.S. NUMBER 38157

I, ANTHONY KNIEVEL, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO DO HEREBY STATE THE MEASUREMENTS AND BOUNDARIES WITHIN THIS EXHIBIT SHOWN HEREON ACCURATELY REPRESENTS TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF THE CONDITIONS THAT DO EXIST. THIS EXHIBIT WAS PREPARED UNDER MY DIRECT SUPERVISION, AND THIS EXHIBIT DOES NOT REPRESENT A WARRANTY OR OPINION AS TO OWNERSHIP, LIENHOLDERS, OR QUALITY OF TITLE.



PREPARED FOR:

DRAWN BY: ALK	DATE: 04/05/2023
CHECKED BY: BR	DATE: 04/05/2023
APP'D BY: RO	DATE: 04/05/2023

**EASEMENT**

LOCATED IN PARCEL ID #49-011-00-119  
 A PORTION OF THE SE1/4 NE1/4 OF SECTION 1,  
 T4S, R69W, 6TH P.M.  
 CITY OF LAKEWOOD, COUNTY OF JEFFERSON  
 STATE OF COLORADO

PREPARED BY:

1401 BLAKE STREET, DENVER, CO 80202  
 (303) 623-3345

**TOTALS**

EASEMENT AREA = 1,248.86 SQ FT

**EXHIBIT 'A' XCEL ENERGY**