

AGENDA
REGULAR MEETING OF THE CITY COUNCIL
CITY OF LAKEWOOD, COLORADO
HYBRID MEETING
LAKEWOOD CIVIC CENTER
480 SOUTH ALLISON PARKWAY
JULY 25, 2022
7:00 P.M.
COUNCIL CHAMBERS & ZOOM

To watch the Council meeting live, please use either one of the following links:

City of Lakewood Website: <https://www.Lakewood.org/CouncilVideos>

or

Lakewood Speaks: <https://lakewoodspeaks.org/>

How to Connect to Provide Public Comment:

By Computer: <https://lakewood.zoom.us/j/87017960123>

By iPad, iPhone, or Android device on the Zoom App, enter webinar ID: **870 1796 0123**

By Telephone: **720-707-2699**

Webinar ID: **870 1796 0123, #**

Participant ID: **#**

Press *9 to Request to Speak, you will be prompted when to speak.

Press *6 to Unmute

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ITEM 1 – CALL TO ORDER

ITEM 2 – ROLL CALL

ITEM 3 – PLEDGE OF ALLEGIANCE

ITEM 4 – STATEMENT OF CONFLICT OF INTEREST

ITEM 5 – PUBLIC COMMENT

Anyone who would like to address the Council on any matter other than an agenda item will be given the opportunity. Speakers should limit their comments to three minutes.

**CONSENT AGENDA
ORDINANCES ON FIRST READING**

(Ordinances are on first reading for notice and publication only; public hearings are held on second reading)

ITEM 6 – ORDINANCE O-2022-14 – VACATING A PORTION OF RIGHT-OF-WAY LOCATED EAST OF LOT 4, BLOCK 18, OF APPLEWOOD GLEN FIRST ADDITION

END OF CONSENT AGENDA

ORDINANCES ON SECOND READING AND PUBLIC HEARINGS

ITEM 7 – ORDINANCE O-2022-12 – AMENDING CHAPTER 14.27 AND TITLE 15 OF THE LAKEWOOD MUNICIPAL CODE AND ARTICLE 13 OF THE LAKEWOOD ZONING ORDINANCE, ALL RELATING TO AFFORDABLE HOUSING

ITEM 8 – ORDINANCE O-2022-13 – DECLARING THE INTENT OF THE CITY OF LAKEWOOD TO ACQUIRE INTEREST IN PROPERTY FOR PUBLIC PURPOSES FOR THE CONSTRUCTION OF HIGHWAY AND PEDESTRIAN FACILITIES FROM WEST VASSAR AVE TO THE MORRISON ROAD INTERCHANGE ON BOTH SIDES OF SOUTH WADSWORTH BOULEVARD AND AUTHORIZING NEGOTIATIONS WITH PROPERTY OWNERS, ACCEPTANCE OF CONVEYANCE INSTRUMENTS AND CONDEMNATION OF REAL PROPERTY INTERESTS (SUBJECT TO FURTHER COUNCIL APPROVAL)

ITEM 9 – GENERAL BUSINESS

ITEM 10 – EXECUTIVE REPORT

CITY MANAGER

ITEM 11 – MAYOR AND CITY COUNCIL REPORTS

- A. COUNCIL MEMBERS BY WARD
- B. MAYOR

ITEM 12 – ADJOURNMENT

STAFF MEMO

DATE OF COUNCIL MEETING: JULY 25, 2022 / AGENDA ITEM NO. 6

To: Mayor and City Council
From: Travis Parker, Director of Planning, 303-987-7908
Subject: **VACATING A PORTION OF RIGHT-OF-WAY LOCATED EAST OF LOT 4, BLOCK 18, OF APPLEWOOD GLEN FIRST ADDITION**

SUMMARY STATEMENT: Applicants Karen & Alan Lenzi are requesting that the City vacate the unused cul-de-sac “eyebrow” west of Union Street in APPLEWOOD GLEN FIRST ADDITION platted as Tract S.

BACKGROUND INFORMATION: The applicants are the owners of parcel 39-324-09-006, legally described as Lot 4, Block 18, APPLEWOOD GLEN FIRST ADDITION, adjacent to the proposed right-of-way (ROW) vacation. This vacation is being requested in order to transfer ownership and maintenance responsibility of said Tract S from the City of Lakewood to Karen & Alan Lenzi. Tract S was originally platted and dedicated in 1959 to Jefferson County by the aforementioned subdivision plat.

Ownership and maintenance responsibility later transferred to the City of Lakewood upon the City’s incorporation in 1969. The cul-de-sac that was contemplated to be constructed at the time of platting was never constructed and there are no plans to do so, thus the ROW for Tract S has been unused as a cul-de-sac since it was platted.

The applicant’s desire to acquire ownership of Tract S, as it forms a significant portion of their front yard and driveway. The Public Works Department has no desire to use this cul-de-sac eyebrow and supports the requested vacation.

BUDGETARY IMPACTS: N/A

STAFF RECOMMENDATIONS: Approval of the ordinance.

ALTERNATIVES: If this Ordinance is not approved, Tract S would remain City ROW, and maintenance responsibility would remain with the City. Additionally, the applicants would not be able to own and use a portion of their front yard and driveway in a manner consistent with other property owners in the area.

PUBLIC OUTREACH: This item was advertised via regular communication channels. A presentation on this topic has been made publicly available on LakewoodSpeaks.org

NEXT STEPS: If approved on first reading, the public hearing will be scheduled for August 8, 2022.

ATTACHMENTS: Ordinance O-2022-14
Vicinity Map

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

O-2022-14

AN ORDINANCE

VACATING A PORTION OF RIGHT-OF-WAY LOCATED EAST OF LOT 4, BLOCK 18,
OF APPLEWOOD GLEN FIRST ADDITION

WHEREAS, the owners of property at 1775 Union Street (“Applicants”) request vacation of Tract S of the APPLEWOOD GLEN FIRST ADDITION plat;

WHEREAS, when originally platted in 1959, Tract S was intended to be the western portion of a cul-de-sac bulb on Union Street adjacent to Applicants’ property, but the remaining portions of the cul-de-sac were never platted;

WHEREAS, with the exception of Tract S, the roadway adjacent to 1775 Union Street is a standard, non-cul-de-sac street;

WHEREAS, Applicants desire to use Tract S as part of their front yard and driveway, consistent with the other properties along this portion of Union Street;

WHEREAS, Tract S has never been used or constructed for use as a cul-de-sac and has never been used as right-of-way;

WHEREAS, the City has no plan to use Tract S for right-of-way or a cul-de-sac;

WHEREAS, the City Council hereby finds that the vacation of Tract S is in the public interest; and

WHEREAS, the City Council finds that no land adjoining Tract S would be left without an established connection to a public road.

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

SECTION 1. Pursuant to Title 43, Article 2, of the Colorado Revised Statutes, and in accordance with City of Lakewood Case VA22-0001, and upon a finding that the area described in Exhibit A, attached hereto and made a part hereof, is not necessary for use by the public and that no property would, by this vacation, be left without a connection to an established public road, the land described in Exhibit B is hereby vacated.

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

SECTION 3. After the effective date of this Ordinance, the Lakewood City Clerk will record a certified copy of this Ordinance, including the attached Exhibit A, at the Jefferson County Clerk and Recorder’s office.

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 25th day of July, 2022; published by title in the Denver Post and in full on the City of Lakewood's website at www.lakewood.org on the 28th day of July, 2022; set for public hearing to be held on the 8th day of August, 2022; read, finally passed and adopted by the City Council on the 8th day of August, 2022; and signed by the Mayor on the ____ day of _____, 2022.

Adam Paul, Mayor

ATTEST:

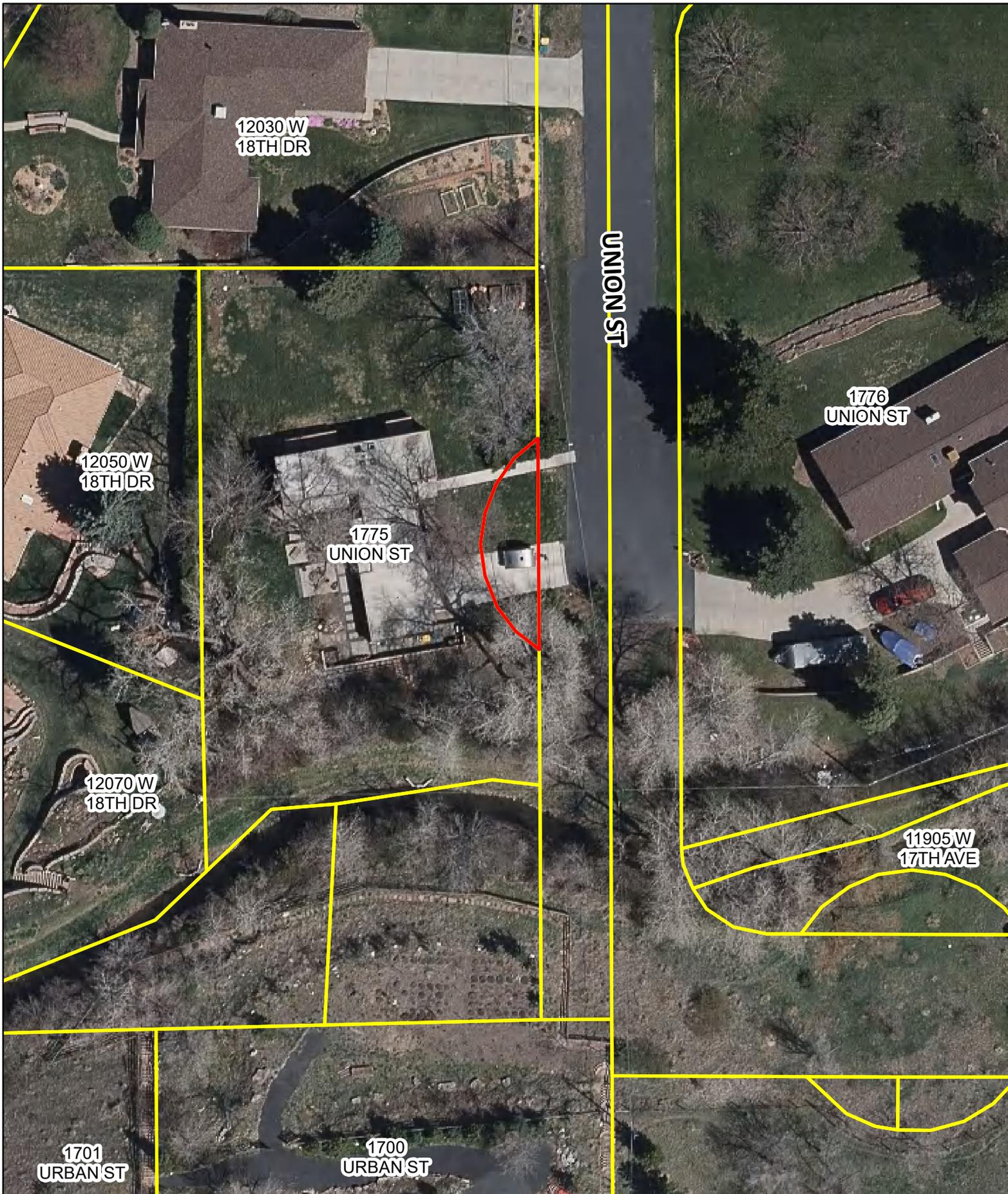
Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

EXHIBIT A

TRACT S of APPLEWOOD GLEN FIRST ADDITION, recorded at Plat Book 19, Page 24 of the records of the Jefferson County Clerk & Recorder



**City Council Exhibit Map: Case VA22-0001
vacation of ROW at 1775 Union Street**

STAFF MEMO

DATE OF COUNCIL MEETING: JULY 11, 2022 / AGENDA ITEM NO. 8
JULY 25, 2022 / AGENDA ITEM NO. 7

To: Mayor and City Council

From: Travis Parker, Director of Planning, 303-987-7908

Subject: **UPDATES TO RESIDENTIAL GROWTH LIMITATIONS AND AFFORDABLE HOUSING**

This ordinance was approved on 1st Reading by a vote of 11 ayes 0 nays.

SUMMARY STATEMENT: The City Council has requested updates to Article 14.27 (residential growth limitations) to facilitate affordable housing. In addition to the redlines previously reviewed by the City Council, staff is proposing adding general definitions of affordable housing terms as well as design and quality standards to Article 15.

BACKGROUND INFORMATION:

In July 2019, Lakewood voters passed a ballot measure to require residential growth limitations in the city. Ordinance 14.27 went into effect on January 1, 2020. Among other things, the ordinance requires that allocations are created each year equal to 1% of existing residential units and that each new residential unit (with some exceptions) receive an allocation prior to building permit issuance.

The City Council met on April 18, 2022 to discuss changes to 14.27 and directed staff to bring forward redlines that allow projects with affordable units to proceed prior to collecting allocations and extend the period for the affordable unit allocation pool.

On June 6, 2022, the City Council reviewed those redlines and asked for an ordinance that incorporated them with further definition of affordability levels and term.

In addition to the redlines requested by the City Council, the attached ordinance also contains updates to Chapter 15 of the Lakewood Municipal Code. These changes create general definitions and quality standards for affordable housing that will apply to any affordable housing initiatives, including but not limited to, Article 14.27. Finally, an amendment to Article 13 is proposed to reference the new definitions.

BUDGETARY IMPACTS: There is no associated budget impact with this item.

STAFF RECOMMENDATIONS: Staff recommends approval of the attached ordinance.

PUBLIC OUTREACH: This meeting was posted in the normal channels of communication for an item coming before the City Council.

ALTERNATIVES: The City Council could approve or deny the draft ordinance or make changes to the draft language.

ATTACHMENTS: Ordinance O-2022-12

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney-Brown, City Attorney

O-2022-12

AN ORDINANCE

AMENDING CHAPTER 14.27 AND TITLE 15 OF THE LAKEWOOD MUNICIPAL CODE AND ARTICLE 13 OF THE LAKEWOOD ZONING ORDINANCE, ALL RELATING TO AFFORDABLE HOUSING

WHEREAS, pursuant to study sessions held on April 18, 2022, and June 6, 2022, regarding Lakewood Municipal Code (“LMC”) Chapter 14.27 - Residential Growth Limitation, the City Council desires to extend beyond May 31 each year the allocation period for the “affordable housing pool” and to provide the ability for projects with “affordable” units to begin construction prior to receiving all required allocations under LMC Chapter 14.27;

WHEREAS, to accomplish the foregoing and to establish clarity and consistency in general when addressing affordable housing issues within Lakewood, the Lakewood City Council further desires to standardize within the LMC and the Lakewood Zoning Ordinance certain definitions and other provisions related to affordable housing;

WHEREAS, approval of this ordinance on first reading is intended only to confirm that the City Council desires to comply with the LMC 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. Amendments to Chapter 14.27 of the Lakewood Municipal Code.

A. Section 14.27.040 of the Lakewood Municipal Code hereby amended by the addition of a new subsection “H,” which shall read in its entirety as follows:

H. Buildings with Affordable Units - Exemption.

1. Notwithstanding anything to the contrary in this chapter 14.27, any application to develop residential structures containing at least fifteen percent (15%) of gross floor space for rental units at or below eighty percent (80%) of area median income, or ownership units at or below one hundred twenty percent (120%) of area median income (hereafter, an “Affordable Project”), shall be processed in accordance with this subsection H and shall be exempt from the remaining provisions of this chapter 14.27 to the extent such provisions are inconsistent with this subsection H.

2. Provided that all prerequisites required under any applicable provision of the Lakewood Municipal Code for application for a building permit, with the exception of obtaining allocations, have been satisfied, the City shall issue all building permits needed for an Affordable Project, whether the Affordable Project has sufficient allocations to construct the entire Affordable Project or not, subject to the following:
 - a. In the year building permits are issued, allocations equivalent to the total number of residential units in the Affordable Project will be assigned from the surplus pool to the extent available. If this number of allocations is insufficient, the same process will be followed in the following year.
 - b. If any residential units of the Affordable Project do not have allocations after the first two (2) years, then allocations will be distributed from both the open pool and the surplus pool as needed to ensure all such residential units have allocations within five (5) years after building permit issuance.
- B. The following enumerated sections of Chapter 14.27 of the Lakewood Municipal Code are hereby amended to read in their entirety as follows:

14.27.070 - Schedule of Allocation Periods.

- A. For all calendar years, the open pool will have an allocation period from January 1 to October 31.
- B. For all calendar years, the hardship pool will have an allocation period from January 1 to October 31.
- C. For all calendar years, the affordable/low-income housing pool will have an allocation period from January 1 to October 31.
- D. The surplus pool allocation period will occur from November 1 through December 31.

14.27.090 - Issuance of Allocations.

- A. Open Pool. For each respective allocation period in the open pool, one allocation will automatically be issued to each applicant if sufficient allocations are available. The remainder of requests is then tallied, and available allocations are distributed on a pro-rata basis to applicants based upon their requested number.
- B. Hardship Pool. Hardship pool allocations are distributed by the City Council at their discretion upon request from an applicant, and subject to a finding that all of the following conditions exist:

1. That the issuance of an allocation is necessary to prevent undue hardship on the applicant; and
 2. That the issuance of an allocation(s) will not adversely affect the public interest or the purposes of this chapter; and
 3. Allocations are available in the hardship pool; and
 4. That the requested allocation and the resulting building permit would be proper and in accordance with all of the ordinances and regulations of the City of Lakewood, excepting the provisions of this chapter.
- C. Affordable/Low Income Housing Pool. Allocations assigned to the “affordable/low income” housing pool shall only be available for use by qualifying projects during the affordable/low-income housing pool allocation period each year. Any excess allocations in the affordable/low-income housing pool at the end of the allocation period will be transferred to the surplus pool for distribution pursuant to subsection (D) below.
- D. Surplus Pool. All unused open pool, affordable/low-income pool, and hardship pool allocations which remain on November 1 of each year will be available in the surplus allocation pool. One allocation will automatically be issued to each applicant if sufficient allocations are available. The remainder of requests is then tallied, and available allocations are distributed on a pro rata basis to applicants based upon their requested number. Allocations which are unclaimed during the surplus pool or which are due to expire will be assigned by the City Council. Acquisition of the final remaining allocation by a banking plan for a specific project during the surplus pool shall trigger the expiration of the banking plan at the end of the first allocation period in the following year.
- E. Insufficient Allocations. Except as noted above, if there are insufficient allocations available to issue at least one allocation to each applicant for a particular allocation period due to demand, a lottery shall be held to determine the recipients of the allocations. Those applicants who are unable to obtain an allocation during that particular allocation period will be given first preference to receive an allocation in the following allocation period in the same pool if a timely application is filed.
- F. Following the issuance of allocations, staff shall present a report to Planning Commission and City Council summarizing the results of the allocation period.

SECTION 2. Adoption of a new Chapter 15.02. Title 15 of the Lakewood Municipal Code is hereby amended by the addition thereto of a new Chapter 15.02 relating to affordable housing, which shall read in its entirety as follows:

Chapter 15.02 - AFFORDABLE HOUSING

15.02.010 - Applicability

The provisions of this Chapter shall apply to any construction, reconstruction, development, or conversion of any property or structure, as applicable, to affordable housing (as defined herein) within the City of Lakewood, Colorado, subsequent to the effective date of this Chapter.

15.02.020 - Definitions

Affordable Housing: Housing for which, pursuant to a recorded deed restriction in place for not less than 20 years, the occupants cannot be required to pay more than thirty percent (30%) of their gross monthly household income on rent/mortgage and utilities, and includes housing that qualifies as “low income,” where the occupant earns 0% to 50% of AMI; “moderate income,” where the occupant earns 51% to 80% percent AMI; and “middle income,” where the occupant earns 81% to 120% percent AMI.

Area Median Income (AMI): The median household income for the City of Lakewood and Jefferson County, as adjusted by household size, determined by the United States Department of Housing and Urban Development (HUD) and published annually by the Colorado Housing and Finance Authority (CHFA).

Market-Rate Housing: Housing that is not affordable housing as defined herein.

15.02.030 - Design and Quality Standards

The following design standards shall apply to all affordable housing units within a development project:

- A. Affordable housing units shall be dispersed throughout the residential project and shall have access to all on-site amenities available to market rate housing units.
- B. The construction quality and exterior design of affordable housing units shall be comparable and visibly indistinguishable to the market rate housing units including building materials, foundations, window types, and roof pitches.
- C. Affordable housing units shall be functionally equivalent to market-rate housing units. However, affordable housing units may have alternative

interior finishes, including but not limited to kitchen cabinets, countertops, and bathroom finishes.

- D. The unit type mix ratio for all affordable housing units must be equivalent to the unit type mix ratio for market rate housing units within the same residential project.

SECTION 3. Amendments to Article 13 of the Lakewood Zoning Ordinance. The definition of Affordable Housing in section 17.13.1.3 of the Lakewood Zoning Ordinance (Title 17 of the Lakewood Municipal Code) is hereby amended to read as follows:

Affordable Housing shall have the same meaning as set forth in section 15.02.020 of the Lakewood Municipal Code.

SECTION 4. Effective Date. This ordinance shall take effect thirty (30) days after final publication.

SECTION 5. Severability. 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 regular hybrid meeting of the Lakewood City Council on the 11th day of July, 2022; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 14th day of July, 2022; set for public hearing on the 25th day of July, 2022, read, finally passed and adopted by the City Council on the ____ day of July, 2022 and, signed and approved by the Mayor on the ____ day of July, 2022.

Adam Paul, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF COUNCIL MEETINGS: **JULY 11, 2022 / AGENDA ITEM NO. 9**

JULY 25, 2022 / AGENDA ITEM NO. 8

To: Mayor and City Council

From: Benjamin B. Goldstein, Deputy City Manager, 303-987-7050
Raymond L. Hill, Acting City Engineer, Capital Project & Utilities, 303-987-7935

Subject: **ACQUISITION ORDINANCE FOR WADSWORTH MORRISON INTERSECTION
PROJECT PROPERTY RIGHTS VASSAR AVENUE TO GREEN GABLES
DEVELOPMENT**

This ordinance was approved on 1st Reading by a vote of 11 ayes 0 nays.

SUMMARY STATEMENT: This ordinance would authorize steps necessary to acquire interests in property to widen Wadsworth Boulevard and to construct a shared use path on the east side of Wadsworth Boulevard for the Wadsworth Morrison Intersection Project.

The City of Lakewood has received federal grant funds to improve the intersection of Wadsworth Boulevard and Morrison Road and to provide a 10' wide shared use path along the east side of Wadsworth from Vassar Avenue to the Green Gable Development. A fourth leg of the intersection will be installed to provide a full movement signalized access to the new Peakview Park. Improvement at the southwest corner of the intersection will increase capacity by providing a double left turn from Morrison Road and through improved pedestrian facilities at the intersection.

This ordinance declares the city's intent to acquire property interests necessary for the project and initiates the negotiation process between the City and the property owners for necessary property rights. It also authorizes acceptance of conveyance instruments and, if needed, condemnation of property interests. However, condemnation would not occur prior to additional City Council approval by resolution.

Two maps are attached that conceptually illustrates the property rights that are anticipated to be needed. Two fee simple parcels are needed from the southwest corner of the intersection. The fee simple interest is required for widening and wall construction to allow for a right turn lane with a widened sidewalk, signal pole and better sight distance at the intersection. It is anticipated that temporary easements for the construction period, illustrated in orange on the maps, will be required from six properties. The temporary easements are required to perform minor re-grading and landscape restoration to blend the area behind the new sidewalk into the surrounding site features and yards.

BUDGETARY IMPACTS: The project is funded by federal Grant funds and City Capital Improvement Funds.

STAFF RECOMMENDATION: Approval of the ordinance.

ALTERNATIVES: If this Ordinance is not approved, the City may lose grant funds and the following existing conditions will remain: Pedestrian facilities along the east side of the Wadsworth will not exist with no accessible connection to the new Peakview Park. The southwest corner of Wadsworth Boulevard and Morrison Road intersection will continue to function as it currently does with no pedestrian connection from Morrison

Road to Peakview Park. Existing rip rap walls at 2323 S. Wadsworth Boulevard will continue to deteriorate and resulting in rip rap intermittently falling into the adjacent roadways and the traffic signal at Wadsworth Boulevard and Morrison Road will not be improved to provide left turn access into the Peakview Park.

PUBLIC OUTREACH: City staff has contacted the affected property owners seeking to discuss the project. Notification of City Council's consideration of this ordinance has been mailed to each property owner. The notification includes clear language that there could be no discussion of value at the City Council hearing about this ordinance because this is the very start of the acquisition process and no values have yet been determined.

NEXT STEPS: Begin the acquisition process and complete preparation of construction bid documents.

ATTACHMENTS: Ordinance O-2022-13
Maps

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

O-2022-13

AN ORDINANCE

DECLARING THE INTENT OF THE CITY OF LAKEWOOD TO ACQUIRE INTEREST IN PROPERTY FOR PUBLIC PURPOSES FOR THE CONSTRUCTION OF HIGHWAY AND PEDESTRIAN FACILITIES FROM WEST VASSAR AVE TO THE MORRISON ROAD INTERCHANGE ON BOTH SIDES OF SOUTH WADSWORTH BOULEVARD AND AUTHORIZING NEGOTIATIONS WITH PROPERTY OWNERS, ACCEPTANCE OF CONVEYANCE INSTRUMENTS AND CONDEMNATION OF REAL PROPERTY INTERESTS (SUBJECT TO FURTHER COUNCIL APPROVAL)

WHEREAS, to enhance motor-vehicle safety and pedestrian and bicycle connectivity along both sides of South Wadsworth Boulevard, the City of Lakewood (the "City") desires to implement the South Wadsworth Boulevard and Morrison Road Improvement Project (the "Project"), which will widen Wadsworth Boulevard and install sidewalk improvements from the existing sidewalk on the north end of the Project at the Green Gables development south to West Vassar Avenue (the "Improvements");

WHEREAS, in order to install the Improvements, the City must acquire certain property interests from the owners of property adjacent to the Project (the "Property Interests");

WHEREAS, in order to acquire the Property Interests in compliance with State law, the City Council desires to:

- a. Declare the City's intent to acquire the Property Interests for public purposes in fulfillment of the requirements of Section 38-1-121, C.R.S.;
- b. Authorize negotiations for, and acquisitions of, the Property Interests;
- c. Accept the instruments of conveyance for the Property Interests; and
- d. Authorize the City Attorney to initiate condemnation proceedings (subject to further Council approval) to acquire the Property Interests in the event the City is unable to acquire the Property Interests despite good faith efforts to do so;

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 identified herein; 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 any particular proposal related to this proposal identified herein.

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

SECTION 1. City Council hereby finds that the Project will serve a public purpose by enhancing motor vehicle safety and improving pedestrian and bicycle connectivity along both sides of South Wadsworth Boulevard from the existing sidewalk at the Green Gables development south to West Vassar Avenue. The City Council further finds it necessary to acquire certain Property Interests, further described in Section 2 herein, to advance such public purpose.

SECTION 2. City Council hereby declares its intent to acquire the Property Interests in the form of (i) fee simple parcels, (ii) permanent easements; (iii) temporary construction easements; or (iv) any other interests as may be warranted for the Project, with any improvements contained herein. The properties from which the Property Interests are currently anticipated to be acquired are identified in Exhibit A, attached hereto and incorporated herein by this reference. At such time as the City Manager or designee (the "City Manager") identifies the particular Property Interests necessary for the Project, the City Manager may revise Exhibit A and give notice of intent to acquire the Property Interests as required by Section 38-1-121, C.R.S.

SECTION 3. The City Manager is hereby authorized to negotiate in good faith to acquire the Property Interests. Negotiations shall be based upon appraisal reports or valuations approved by the City Manager. The City Manager is hereby authorized to make offers to any property owner based upon such appraisal reports or valuations to execute agreements for the acquisition of the Property Interests.

SECTION 4. The City Council hereby accepts on behalf of the City, upon recordation, the instruments of conveyance of the Property Interests acquired hereunder.

SECTION 5. The City's Chief Financial Officer is hereby authorized and directed to pay, upon receipt of appropriate documentation, the amounts set forth in the contracts and agreements provided for herein.

SECTION 6. In the event the City Manager is unable to negotiate an agreement for the acquisition of any necessary Property Interest, despite good faith efforts to do so, the City Manager shall bring to the City Council a resolution identifying the Property Interests to be acquired by condemnation, and the City Council shall thereby authorize or deny the exercise of the City's eminent domain power over such Property Interests pursuant to Section 14.4 of the City of Lakewood home rule charter.

SECTION 7. If the City Council approves the exercise of the City's eminent domain power over one or more Property Interests identified in such resolution, the City Attorney, on behalf of the City, shall commence condemnation proceedings with respect to such Property Interests and shall be authorized to apply to the proper court of immediate possession of the Property Interests to be acquired by condemnation, and the City's Chief Financial Officer and all other officers and agents of the City shall cooperate with the City Attorney in the condemnation action, make any deposits and payments as may be necessary for acquisition of the Property Interests, and pay the costs thereof and any condemnation award as it may be finally determined. The City Attorney shall

additionally be authorized to employ such expert witnesses, including appraisers, as the City Attorney determines necessary for the purposes of the condemnation authorized by this Ordinance and the aforesaid resolution, and the City's Chief Financial Officer is directed to pay the costs and expenses of employing such expert witnesses and appraisers.

SECTION 8. Nothing herein is intended to authorize the expenditure of monies in excess of the funds appropriated for the Project.

SECTION 9. 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 such remaining portions or application of the Ordinance are not determined by the court to be inoperable.

SECTION 10. This Ordinance shall take effect 30 days after final publication.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a regular hybrid meeting of the Lakewood City Council on the 11th day of July, 2022; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 14th day of July, 2022; set for public hearing on the 25th day of July, 2022, read, finally passed and adopted by the City Council on the ____ day of July, 2022 and, signed and approved by the Mayor on the ____ day of July, 2022.

Adam Paul, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

EXHIBIT A

Property Interests for the following addresses:

49-263-01-001
2323 South Wadsworth Boulevard

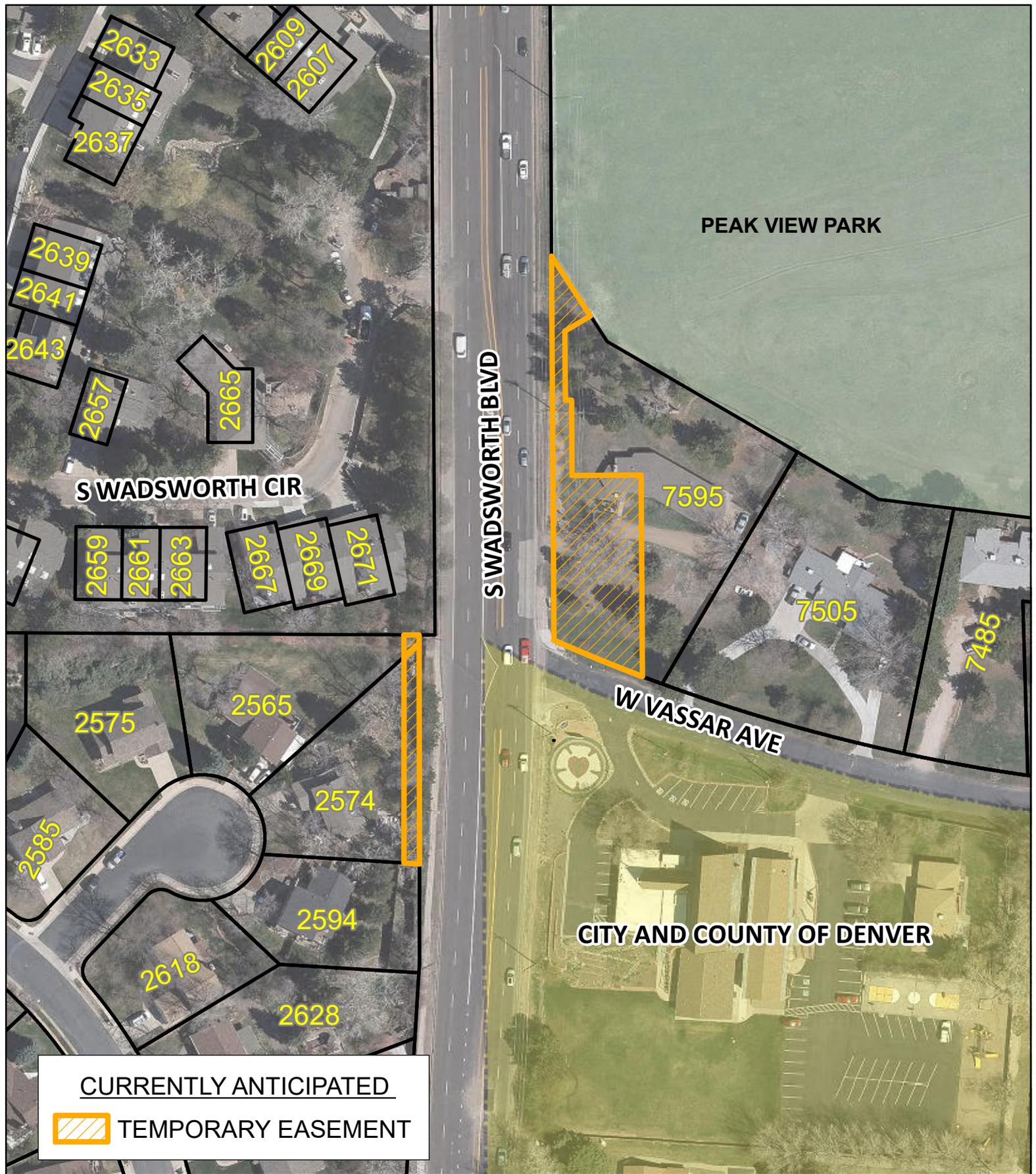
49-263-01-002
2525 South Wadsworth Boulevard

49-263-01-059
2565 South Wadsworth Court

49-263-01-058
2574 South Wadsworth Court

49-264-00-005 & 009
6900 West Lakeridge Road

49-264-01-001
7595 West Vassar Avenue



**CITY OF LAKEWOOD ORDINANCE MAP
PROPERTY INTEREST AT INTERSECTION
OF WADSWORTH BLVD AND VASSAR AVE**

JULY 11, 2022



W WOODARD DR

7700

S WADSWORTH BLVD

6900

2255

W MORRISON RD

2316

2323

2328

2525

PEAK VIEW PARK

CURRENTLY ANTICIPATED



FEE SIMPLE PARCEL



TEMPORARY EASEMENT



CITY OF LAKEWOOD ORDINANCE MAP PROPERTY INTEREST AT INTERSECTION OF WADSWORTH BLVD AND MORRISON ROAD

JULY 11, 2022