

AGENDA
REGULAR MEETING OF THE CITY COUNCIL
480 S. ALLISON PARKWAY
CITY OF LAKEWOOD, COLORADO
HYBRID MEETING
OCTOBER 27, 2025
7:00 PM

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

City of Lakewood Website: [Lakewood.org/CouncilVideos](https://lakewood.org/CouncilVideos)

Lakewood Speaks: Lakewoodspeaks.org

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How to Connect to Provide Public Comment: Online participants may post written comments of any length to LakewoodSpeaks.org, an online forum for public comments. In accordance with City Council Policy 5.1(A), all virtual meeting participants are advised that technological issues, whether caused by the City's equipment or the user's equipment, shall not be grounds for canceling a public meeting.

ITEM 1 – CALL TO ORDER

ITEM 2 – ROLL CALL

ITEM 3 – OPENING ITEMS

ITEM A. – PLEDGE OF ALLEGIANCE

ITEM B. – STATEMENT OF CONFLICT OF INTEREST

ITEM C. – PROCLAMATION - SMALL BUSINESS SATURDAY

ITEM D. – INITIAL 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**

ITEM 4 – – RESOLUTIONS

ITEM A. – R-2025-62 – APPROVING AN AMENDED INTERGOVERNMENTAL

AGREEMENT WITH URBAN DRAINAGE AND FLOOD CONTROL DISTRICT D/B/A MILE HIGH FLOOD DISTRICT REGARDING CONSTRUCTION AND MAINTENANCE OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR LAKEWOOD GULCH DOWNSTREAM OF WELCH STREET

ITEM B. – R-2025-63 – A RESOLUTION APPROVING AN AMENDED INTERGOVERNMENTAL AGREEMENT WITH URBAN DRAINAGE AND FLOOD CONTROL DISTRICT D/B/A MILE HIGH FLOOD DISTRICT REGARDING DESIGN AND CONSTRUCTION OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS IN DRY GULCH FROM VANCE STREET TO TELLER STREET AND SIDEWALK IMPROVEMENTS ON W 10TH AVENUE FROM WADSWORTH BOULEVARD TO SAULSBURY STREET

- C. TO TERMINATE AND RELEASE THE CITY OF LAKEWOOD'S RIGHT OF FIRST OFFER AND RIGHT OF FIRST REFUSAL TO PURCHASE THE PROPERTY LOCATED AT 1800 PIERCE ST., LAKEWOOD, COLORADO 80214
- D. AUTHORITY TO EXERCISE, ASSIGN, OR WAIVE THE CITY OF LAKEWOOD'S STATUTORY RIGHT OF FIRST REFUSAL OR RIGHT OF FIRST OFFER
- E. ESTABLISHING EXPEDITED REVIEW POLICIES FOR AFFORDABLE HOUSING PROJECTS

ITEM 5 – – ITEMS REMOVED FROM CONSENT AGENDA

END OF CONSENT AGENDA

**ORDINANCES ON SECOND READING
AND PUBLIC HEARINGS**

ITEM 6 – – PUBLIC HEARINGS — ORDINANCES ON SECOND READING

ITEM 7 – O-2025-33 – AUTHORIZING THE PURCHASE OF REAL PROPERTY LOCATED AT 8745 AND 8755 W. 14TH AVE., LAKEWOOD, COLORADO FOR MUNICIPAL PURPOSES TO FACILITATE PERMANENT SUPPORTIVE HOUSING, INCLUDING ACCEPTANCE OF A DEED THEREFOR

ITEM 8 – O-2025-34 – AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR THE LEASE OF PROPERTY LOCATED AT 8745 AND 8755 W. 14TH AVE., LAKEWOOD, COLORADO BY AND BETWEEN THE CITY OF

LAKEWOOD, COLORADO AND THE ACTION CENTER

ITEM 9 – O-2025-35 – AUTHORIZING THE SALE OF REAL PROPERTY LOCATED AT 1275 S. TELLER ST., LAKEWOOD, COLORADO TO OPERATE AS A COMMUNITY SERVICE FACILITY, INCLUDING A DEED RESTRICTION THEREFOR

ITEM 10 – GENERAL PUBLIC COMMENT

ITEM 11 – GENERAL BUSINESS

A. CITY COUNCIL REQUEST

ITEM 12 – EXECUTIVE REPORT

ITEM 13 – MAYOR AND CITY COUNCIL REPORTS

ITEM 14 – ADJOURNMENT

[MEET_FOOT]

STAFF MEMO

DATE OF MEETING: OCTOBER 27, 2025 / AGENDA ITEM NO. 3

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: None

ALTERNATIVES: None

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: None

ATTACHMENTS: None

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

STAFF MEMO

DATE OF MEETING: OCTOBER 27, 2025 / AGENDA ITEM NO. 3C

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: None

ALTERNATIVES: None

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: None

ATTACHMENTS: None

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

STAFF MEMO

DATE OF MEETING: OCTOBER 27, 2025 / AGENDA ITEM NO. 3D

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: None

ALTERNATIVES: None

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: None

ATTACHMENTS: None

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

STAFF MEMO

DATE OF MEETING: OCTOBER 27, 2025 / AGENDA ITEM NO. 4

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: None

ALTERNATIVES: None

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: None

ATTACHMENTS: None

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

STAFF MEMO

DATE OF MEETING: OCTOBER 27, 2025 / AGENDA ITEM NO. 4A

To: Mayor and City Council
From: Maria D'Andrea, Director of Public Works
Subject: **MHFD IGA - Lakewood Gulch Flood Control Improvements**

SUMMARY STATEMENT: This resolution would authorize the City Manager to amend the intergovernmental agreement (IGA) with the Mile High Flood District (MHFD) for the design and construction of drainage and flood control improvements in Lakewood Gulch from Welch Street to approximately 450 feet east of Welch Street. This amendment will add funds to the project for construction. Total funding, including the original IGA and this first IGA amendment, is \$1,085,725. Funding is provided by the Mile High Flood District and the City of Lakewood's Stormwater Management Utility. The project cost is estimated at approximately \$2,000,000, and further IGA amendments will be needed to achieve full project funding.

BACKGROUND INFORMATION: The banks along the northern side of Lakewood Gulch have severe erosion that is causing loss of property and putting structures at risk of damage. These factors make this project a high priority for MHFD and Lakewood. In 2022, MHFD funded an alternative analysis, which confirmed the need for stabilization. MHFD proceeded with conceptual design in 2023 and 2024 to stabilize the embankments on the north side and raise the channel flow line to help prevent further erosion. In 2024, the City of Lakewood entered into an IGA with MHFD to fund the project's future construction. The City of Lakewood also authorized City Staff to negotiate the acquisition of easements necessary to construct and maintain the proposed improvements. The proposed IGA will add funds to the project for the construction phase.

The overall project consists of the design and construction of channel stabilization along Lakewood Gulch downstream of Welch Street for approximately 450 feet. The total estimated cost of the project is approximately \$2,000,000. This cost includes construction and right-of-way/easement acquisitions. If City Council approves this resolution, this first IGA amendment will add \$200,000 to the project funding, bringing the total project funding to \$1,085,725. The proposed IGA amendment would establish the City's 2025 contribution to the project at \$100,000 and Mile High Flood District's contribution at \$100,000. Funding for the City's contribution is budgeted in the Lakewood Stormwater Management Utility. Additional IGA amendments will be needed to achieve full project funding. IGA amendments may be brought to City Council annually until the project is fully funded. The City anticipates contributing 58% of the funds required for this project to be funded through the Stormwater Utility. It is anticipated that Mile High Flood District will contribute 42% to the total cost of the project.

Mile High Flood District allocates Maintenance Project funding on a yearly basis to partner with the Lakewood Stormwater Management Utility. Annual IGA amendments are spread across multiple years to make use of funds allocated by MHFD, until total project funding is met. Use of the funds will be for design and construction, which will be managed by the Mile High Flood District in coordination with City staff.

The anticipated timeline for the project is as follows:

- 2024: IGA initiation for future construction. Project status: Designer Selection
 - \$529,000 City Contribution
 - \$356,000 MHFD Contribution

- 2025: Project Status: Design, ROW and easement acquisitions, CLOMR Submittal
 - IGA Amendment 1 for future construction
 - \$100,000 City Contribution
 - \$100,000 MHFD Contribution

- 2026: Design, Q4 CLOMR Approval
 - Anticipated IGA Amendment 2 for future construction

- 2027: Q1 or Q4 Construction (dependent on CLOMR Approval)
 - Anticipated IGA Amendment 3 for future construction

BUDGETARY IMPACTS: Funding for the City's share of this IGA amendment (\$100,000) is available in the Stormwater Utility fund and was included in the approved 2025 budget.

STAFF RECOMMENDATIONS: Approval of the resolution.

ALTERNATIVES:

- Approve the resolution and authorize execution of the IGA First Amendment, allowing the project to proceed with design finalization and initial construction funding.
- Postpone action to a later date, delaying the project and affecting funding coordination with the Mile High Flood District.
- Decline to approve the resolution, resulting in indefinite postponement of the channel erosion and flood control improvements for Lakewood Gulch downstream of Welch Street.

PUBLIC OUTREACH: Public outreach for the funding associated with the current IGA amendment was included in the public budget adoption process last year and notice of this resolution has occurred through the normal City Council meeting notifications.

NEXT STEPS: If the resolution is approved, the Amendment to the IGA will be executed, design for the proposed project will continue, and project funding will be brought to \$1,085,725.

ATTACHMENTS:

1. Resolution R-2025-62
2. MHFD IGA Amendment
3. Exhibit A

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager

Alison McKenney Brown, City Attorney

R-2025-62

A RESOLUTION

APPROVING AN AMENDED INTERGOVERNMENTAL AGREEMENT
WITH URBAN DRAINAGE AND FLOOD CONTROL DISTRICT D/B/A MILE HIGH
FLOOD DISTRICT REGARDING CONSTRUCTION AND MAINTENANCE OF
DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR
LAKEWOOD GULCH DOWNSTREAM OF WELCH STREET

WHEREAS, pursuant to C.R.S. § 29-1-203 and § 29-1-203.5 as amended, the City of Lakewood (the “City”) and Mile High Flood District (the “District”) have the authority to enter into an Intergovernmental Agreement (IGA);

WHEREAS, pursuant to Ordinance O-2024-29, the City is acquiring interests in properties for the public purpose of installing stabilizing boulder walls, drop structures, and other improvements as needed to prevent the further erosion of Lakewood Gulch downstream of Welch Street (the “Project”);

WHEREAS, the City and District entered into an IGA in 2024, which was approved via Resolution R-2024-63, to begin the process of contributing and accruing the funding needed for Project construction;

WHEREAS, the City and District now desire to amend the IGA that was previously approved via Resolution R-2024-43 to incorporate additional funding for the future construction of the Project (the “Amended IGA”);

WHEREAS, the funding contributed pursuant to the Amended IGA shall be retained by the District until the City and District, via future IGA amendments, contribute additional funds sufficient for full Project construction;

WHEREAS, per the terms of the Amended IGA, the City and District shall each contribute one hundred thousand dollars (\$100,000.00) for future Project construction; and

WHEREAS, the City’s contribution of one hundred thousand dollars (\$100,000.00) will be contributed from Stormwater Utility funds that were appropriated in the 2025 Annual Budget.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakewood:

SECTION 1. The City Council hereby finds and determines that authorizing the City Manager to enter into the Amended Intergovernmental Agreement (Amended IGA), attached hereto as Attachment A and incorporated herein, between the City of Lakewood (the “City”) and Mile High Flood District (the “District”) regarding funding for the future construction of drainage and flood control improvements in Lakewood Gulch downstream of Welch Street is and shall be in the best interest of the residents of the City, and hereby

authorizes the City Manager to enter into the Amended IGA with the District on behalf of the City.

SECTION 2. This City's Chief Financial Officer is hereby authorized and directed to pay amounts not to exceed one hundred thousand dollars (\$100,000.00) for the City's required contribution.

SECTION 3. This Resolution shall become effective immediately upon its adoption.

INTRODUCED, READ AND ADOPTED by a vote of _ for and ___ against at a hybrid regular meeting of the City Council on October 27, 2025, at 7 o'clock p.m., at the Lakewood Civic Center, 480 South Allison Parkway, Lakewood, Colorado.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

AMENDMENT TO
AGREEMENT REGARDING
MAINTENANCE OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR
LAKEWOOD GULCH DOWNSTREAM OF WELCH STREET
CITY OF LAKEWOOD

Agreement No. 24-09.31A
Project No. 109010

THIS FIRST AMENDMENT TO AGREEMENT (hereinafter called "FIRST AMENDMENT"), by and between URBAN DRAINAGE AND FLOOD CONTROL DISTRICT D/B/A MILE HIGH FLOOD DISTRICT (hereinafter called "DISTRICT") and CITY OF LAKEWOOD (hereinafter called "CITY") and collectively known as "PARTIES";

WITNESSETH:

WHEREAS, PARTIES have entered into "Agreement Regarding Maintenance of Drainage and Flood Control Improvements for Lakewood Gulch Downstream of Welch Street, City of Lakewood" (Agreement No. 24-09.31) dated December 18, 2024, (hereinafter called "AGREEMENT"); and

WHEREAS, PARTIES now desire to continue with channel improvements for Lakewood Gulch Downstream of Welch Street (hereinafter called "PROJECT"); and

WHEREAS, PARTIES desire to increase the level of funding by \$200,000.00; and

WHEREAS, DISTRICT's Board of Directors reviewed and authorized expenditures for the 2025 Maintenance Work Program (Resolution No. 82, Series of 2024) which includes Stream Services; and

WHEREAS, the City Council of CITY and the Board of Directors of DISTRICT have authorized, by appropriation or resolution, all of PROJECT costs of the respective PARTIES.

NOW, THEREFORE, in consideration of the mutual promises contained herein, PARTIES hereto agree as follows:

1. Paragraph 4. PROJECT COSTS AND ALLOCATION OF COSTS is deleted and replaced as follows:

4. PROJECT COSTS AND ALLOCATION OF COSTS

A. PARTIES agree that for the purposes of this AGREEMENT, PROJECT costs shall consist of and be limited to the following:

1. Construction of improvements;
2. Construction related engineering services;
3. Contingencies mutually agreeable to PARTIES.

B. It is understood that PROJECT costs as defined above are not to exceed \$1,085,725.00 without amendment to this AGREEMENT.

PROJECT costs for the various elements of the effort are estimated as follows:

	<u>ITEM</u>	<u>AS AMENDED</u>	<u>ORIGINAL</u>
1.	Final Design	\$ -0-	\$ -0-
2.	Right-of-way	\$ -0-	\$ -0-
3.	Construction	\$ 1,085,725.00	\$ 885,725.00

4.	Contingency	\$	-0-	\$	-0-
	Grand Total	\$	1,085,725.00	\$	885,725.00

This breakdown of costs is for estimating purposes only. Costs may vary between the various elements of the effort without amendment to this AGREEMENT provided the total expenditures do not exceed the maximum contribution by all PARTIES plus accrued interest.

- C. Based on total PROJECT costs, the maximum percent and dollar contribution by each party shall be:

	<u>Percentage Share</u>	<u>Previously Contributed</u>	<u>Additional Contribution</u>	<u>Maximum Contribution</u>
DISTRICT	42.1%	\$356,725.00	\$100,000.00	\$456,725.00
CITY	57.9%	\$529,000.00	\$100,000.00	\$629,000.00
TOTAL	100.00%	\$885,725.00	\$200,000.00	\$1,085,725.00

2. Paragraph 5. MANAGEMENT OF FINANCES is deleted and replaced as follows:

5. MANAGEMENT OF FINANCES

As set forth in DISTRICT policy (Resolution No. 11, Series of 1973, Resolution No. 49, Series of 1977, and Resolution No. 37, Series of 2009), the funding of a local body's full share may come from its own revenue sources or from funds received from state, federal or other sources of funding without limitation and without prior DISTRICT approval.

Payment of each PARTY's full share (CITY - \$629,000.00; DISTRICT - \$456,725.00) shall be made to DISTRICT subsequent to execution of this Agreement and within 30 days of request for payment by DISTRICT. The payments by PARTIES shall be held by DISTRICT in a special fund to pay for increments of PROJECT as authorized by PARTIES, and as defined herein. DISTRICT shall provide a periodic accounting of PROJECT funds as well as a periodic notification to CITY of any unpaid obligations. Any interest earned by the monies contributed by PARTIES shall be accrued to the special fund established by DISTRICT for PROJECT and such interest shall be used only for PROJECT upon approval by the contracting officers (Paragraph 12).

Within one year of completion of PROJECT if there are monies including interest earned remaining which are not committed, obligated, or disbursed, each party shall receive a share of such monies, which shares shall be computed as were the original shares; or, at CITY request, CITY share of remaining monies shall be transferred to another special fund held by DISTRICT.

3. All other terms and conditions of this AGREEMENT shall remain in full force and effect.

WHEREFORE, PARTIES hereto have caused this FIRST AMENDMENT to be executed by properly authorized signatories as of the date and year written below.

URBAN DRAINAGE AND FLOOD CONTROL
DISTRICT
D/B/A
MILE HIGH FLOOD DISTRICT

By_____

Name Laura A. Kroeger

Title Executive Director

Date_____

Checked By

Checked By

CITY OF LAKEWOOD

Kathleen E. Hodgson, City Manager

ATTEST:

Jay Robb, City Clerk

Attestation Date

Recommended and approved as to content:

Approved as to form:

Maria D'Andrea, Director
Department of Public Works

Gus Schenck, Senior Assistant City Attorney

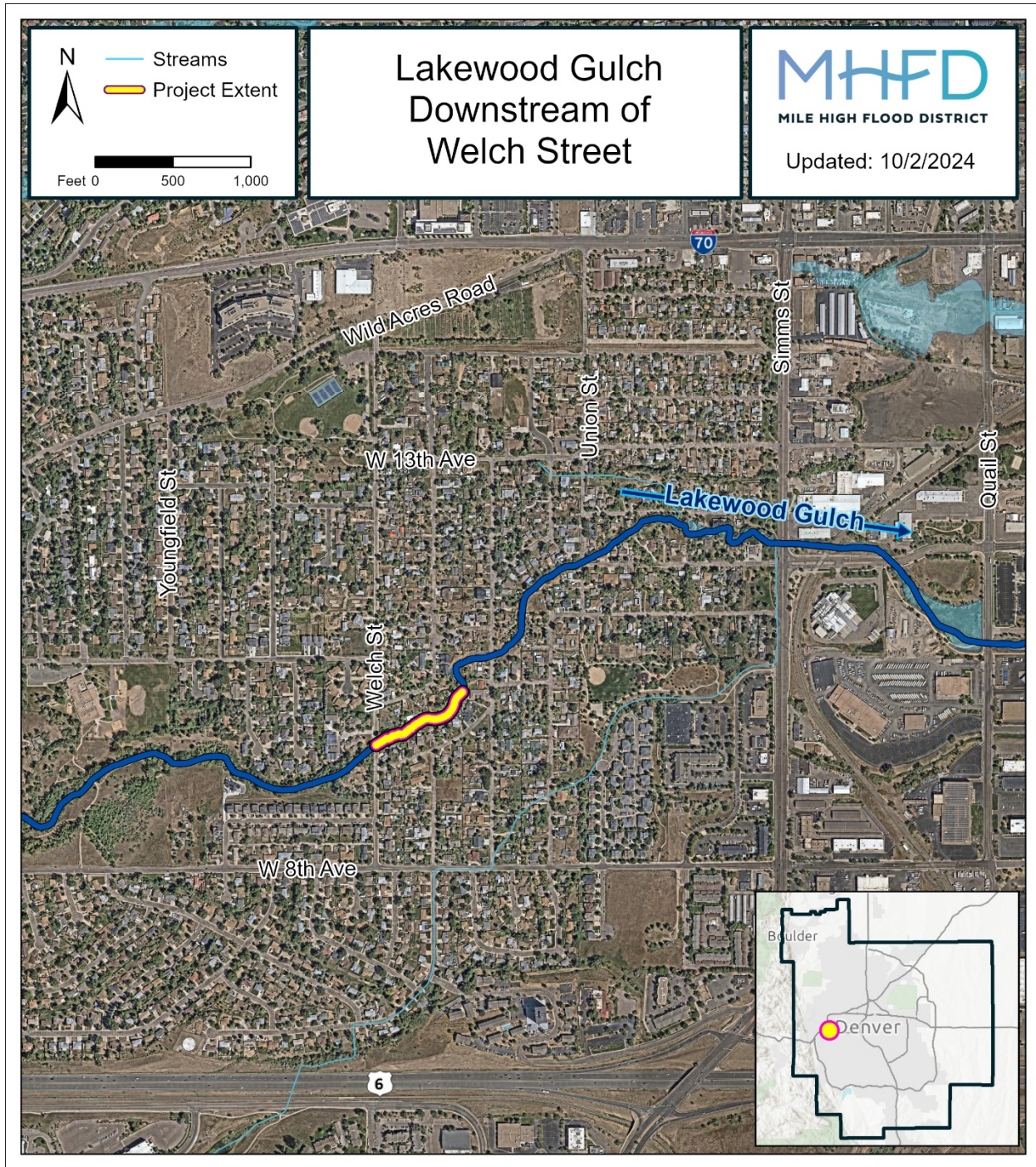
Approved as to Funding (if \$5,000 or greater):

Holly Bjorklund, Chief Financial Officer

AGREEMENT REGARDING
MAINTENANCE OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR
LAKEWOOD GULCH DOWNSTREAM OF WELCH STREET
CITY OF LAKEWOOD

Agreement No. 24-09.31

Exhibit A



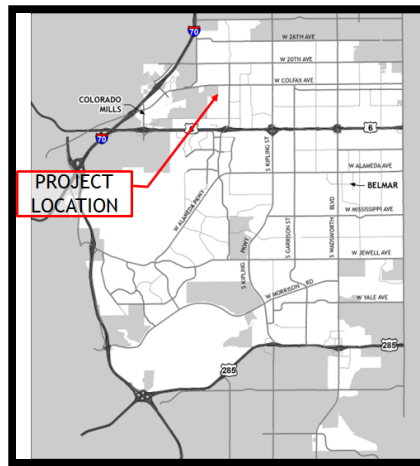


EXHIBIT A

STAFF MEMO

DATE OF MEETING: OCTOBER 27, 2025 / AGENDA ITEM NO. 4B

To: Mayor and City Council
From: Maria D'Andrea, Director of Public Works
Subject: **MHFD IGA - Dry Gulch Flood Control and Sidewalk Improvements**

SUMMARY STATEMENT: This resolution would authorize the City Manager to amend the intergovernmental agreement (IGA) with the Mile High Flood District for design and construction of drainage and flood control improvements in Dry Gulch from Vance Street to Teller Street along West 10th Avenue along with sidewalk improvements on West 10th Avenue from Wadsworth Boulevard to Saulsbury Street. This amendment will add funds to the project. Total funding, including the original IGA and this first IGA amendment, is \$880,000. Funding is provided by the Mile High Flood District, the City of Lakewood's Stormwater Management Utility, and the City of Lakewood's Bikeway and Sidewalk Capital Improvement funds. The total project cost is estimated at approximately \$8,000,000, and further IGA amendments will be needed to achieve full project funding.

BACKGROUND INFORMATION: Dry Gulch originates from tributaries along Colfax Avenue and flows south-east where it runs under Wadsworth Blvd just north of West 10th Avenue. The Gulch flows through the newly designed, and soon to be constructed, Two Creeks Park and then runs parallel to West 10th Avenue until Teller St where it veers north. Improvements to Dry Gulch, east of Saulsbury St were completed in 2023.

The section of Dry Gulch between Vance St and Teller St is inadequately sized and causes severe flooding of West 10th Avenue and the properties to the north. In addition to mitigating flooding, West 10th Avenue is in need of a sidewalk on the north side from Wadsworth to Saulsbury Street. This is a well-used path for residents and students of Jefferson County Open School on the west side of Wadsworth Blvd, who currently have to walk along the roadway without a sidewalk. Accordingly, the current conditions pose a safety hazard for pedestrians, bicyclists and cars.

The overall project consists of the design and construction of drainage, flood control, and sidewalk improvements along West 10th Avenue in and parallel to Dry Gulch. The total estimated cost of the project is approximately \$8,000,000. This cost includes design, construction (including utility relocation) and right-of-way/easement acquisitions. If City Council approves this resolution, this first IGA amendment will add \$550,000 to the project funding, bringing the total project funding to \$880,000. The proposed IGA amendment would establish the City's 2025 contribution to the project at \$275,000 and Mile High Flood District's contribution at \$275,000. Funding for the City's contribution is budgeted in the Bikeways and Sidewalks Program with Capital Improvement Funds. Additional IGA amendments will be needed to achieve full project funding. IGA amendments may be brought to City Council annually until the project is fully funded. Of the City's total anticipated contribution, approximately 85% will be funded through the Stormwater Utility and 15% through the Capital Improvement Fund for sidewalk and bikeways. It is anticipated that Mile High Flood District will contribute 30% to the total cost of the project.

Mile High Flood District allocates Capital Improvement Project funding on a yearly basis to partner with the Lakewood Stormwater Management Utility. Annual IGA amendments are spread across multiple years to make use of matching funds allocated by MHFD, until total project funding is met. Use of the funds will be for design and construction, which will be managed by the Mile High Flood District in coordination with City staff.

The anticipated timeline for the project is as follows:

- 2024: IGA initiation and Designer Selection
 - \$194,000 City Contribution
 - \$136,000 MHFD Contribution

- 2025: Project Status: Design
 - IGA Amendment 1 for future construction
 - \$275,000 City Contribution
 - \$275,000 MHFD Contribution

- 2026: Design, ROW and easement acquisitions, utility coordination, CLOMR Submittal
 - Anticipated IGA Amendment 2 for future construction

- 2027: Q4 CLOMR Approval
 - Anticipated IGA Amendment 3 for future construction

- 2028-2030: Construction
 - Anticipated IGA Amendment 4 for construction, dependent on funding availability.
-

BUDGETARY IMPACTS: Funding for the City's share of this IGA amendment (\$275,000) is available in the Capital Improvement Fund through the Bikeway and Sidewalks Program and are included in the approved 2025 budget.

STAFF RECOMMENDATIONS: Approval of the resolution.

ALTERNATIVES:

- Approve the resolution and authorize execution of the IGA First Amendment, allowing the project to proceed with design finalization and initial construction funding.
- Postpone action to a later date, delaying the project and affecting funding coordination with the Mile High Flood District.
- Decline to approve the resolution, resulting in indefinite postponement of the drainage, flood control, and sidewalk improvements for Dry Gulch between Vance Street and Teller Street.

PUBLIC OUTREACH: Public outreach for the funding associated with the current IGA amendment was included in the public budget adoption process last year and notice of this resolution has occurred through the normal City Council meeting notifications.

NEXT STEPS: If the resolution is approved, the Amendment to the IGA will be executed, design for the proposed project will continue, and project funding will be brought to \$880,000.

ATTACHMENTS:

1. Resolution R-2025-63
2. Dry Gulch Final Design MHFD IGA-Amendment A
3. Exhibit A

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

A RESOLUTION

APPROVING AN AMENDED INTERGOVERNMENTAL AGREEMENT WITH URBAN DRAINAGE AND FLOOD CONTROL DISTRICT D/B/A MILE HIGH FLOOD DISTRICT REGARDING DESIGN AND CONSTRUCTION OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS IN DRY GULCH FROM VANCE STREET TO TELLER STREET AND SIDEWALK IMPROVEMENTS ON W 10TH AVENUE FROM WADSWORTH BOULEVARD TO SAULSBURY STREET

WHEREAS, pursuant to C.R.S. § 29-1-203 and § 29-1-203.5 as amended, the City of Lakewood (the “City”) and Mile High Flood District (the “District”) have the authority to enter into an Intergovernmental Agreement (IGA);

WHEREAS, the City and District previously participated in a joint planning study titled “Dry Gulch Major Drainageway Plan” in 2017, which identified areas within Dry Gulch in need of additional drainage and flood control improvements to include a stretch within the City from Vance Street to Teller Street along W 10th Avenue;

WHEREAS, the City independently identified the need for sidewalk improvements on W 10th Avenue from Wadsworth Boulevard to Saulsbury Street, which is located near and parallel to the stretch of Dry Gulch along W 10th Avenue from Vance Street to Teller Street in need of drainage and flood control improvements;

WHEREAS, the City and District entered into an IGA in 2024, which was approved via Resolution R-2024-43, to begin the design process and select the designer for the design services needed for the drainage and flood control improvements in Dry Gulch along W 10th Avenue from Vance Street to Teller Street along with the sidewalk improvements needed on W 10th Avenue from Wadsworth Boulevard to Saulsbury Street (the drainage and sidewalk improvements shall collectively be referenced hereinafter as the “Improvements”);

WHEREAS, the City and District now desire to amend the IGA that was previously approved via Resolution R-2024-43 to incorporate funding for the future construction of the Improvements (the “Amended IGA”);

WHEREAS, the funding contributed pursuant to the Amended IGA shall be retained by the District until the City and District, via future IGA amendments, contribute additional funds sufficient to fully construct the Improvements;

WHEREAS, the City and District shall each contribute two hundred and seventy-five thousand dollars (\$275,00.00) for the future construction of the Improvements per the terms of the Amended IGA; and

WHEREAS, the City’s contribution of two hundred and seventy-five thousand dollars (\$275,000.00) will be paid out of previously appropriated Capital Improvement Funds from the City’s Bikeways and Sidewalks Program.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakewood:

SECTION 1. The City Council hereby finds and determines that authorizing the City Manager to enter into the Amended Intergovernmental Agreement (Amended IGA), attached hereto as Attachment A and incorporated herein, between the City of Lakewood (the "City") and Mile High Flood District (the "District") regarding funding for the future construction of drainage and flood control improvements in Dry Gulch from Vance Street to Teller Street and sidewalk improvements on W 10th Avenue from Wadsworth Boulevard to Saulsbury Street is and shall be in the best interest of the residents of the City, and hereby authorizes the City Manager to enter into the Amended IGA with the District on behalf of the City.

SECTION 2. The City's Chief Financial Officer is hereby authorized and directed to pay amounts not to exceed two hundred and seventy-five thousand dollars (\$275,000.00) for the City's required contribution.

SECTION 3. This Resolution shall become effective immediately upon its adoption.

INTRODUCED, READ AND ADOPTED by a vote of ___ for and ___ against at a hybrid regular meeting of the City Council on October 27, 2025, at 7 o'clock p.m., at the Lakewood Civic Center, 480 South Allison Parkway, Lakewood, Colorado.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

AMENDMENT TO
AGREEMENT REGARDING
DESIGN AND CONSTRUCTION
OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR
DRY GULCH AT VANCE STREET TO TELLER STREET

Agreement No. 24-04.37A
Project No. 110079

THIS FIRST AMENDMENT TO AGREEMENT (hereinafter called "FIRST AMENDMENT"), by and between URBAN DRAINAGE AND FLOOD CONTROL DISTRICT D/B/A MILE HIGH FLOOD DISTRICT (hereinafter called "DISTRICT") and CITY OF LAKEWOOD (hereinafter called "PROJECT SPONSOR") and collectively known as "PARTIES";

WITNESSETH:

WHEREAS, PARTIES have entered into "Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for Dry Gulch at Vance Street to Teller Street" (Agreement No. 24-04.37) dated October 24, 2024, (hereinafter called "AGREEMENT"); and

WHEREAS, PARTIES desire to continue with the design and construction of drainage and flood control improvements for Dry Gulch at Vance Street to Teller Street (hereinafter called "PROJECT"); and

WHEREAS, PARTIES desire to increase the level of funding by \$550,000.00; and

WHEREAS, DISTRICT's Board of Directors has authorized additional DISTRICT financial participation for PROJECT (Resolution No. 37, Series of 2025); and

WHEREAS, the governing board (officials) of PROJECT SPONSOR and the Board of Directors of DISTRICT have authorized, by appropriation or resolution, all of PROJECT costs of the respective PARTIES.

NOW, THEREFORE, in consideration of the mutual promises contained herein, PARTIES hereto agree as follows:

1. Paragraph 1.04. PROJECT COSTS AND ALLOCATION OF COSTS is deleted and replaced as follows:

1.04. PROJECT COSTS AND ALLOCATION OF COSTS

- A. PARTIES agree that for the purposes of this AGREEMENT, PROJECT costs shall consist of and be limited to the following:
 1. Final design services;
 2. Construction of improvements;
 3. Contingencies mutually agreeable to PARTIES.
- B. It is understood that PROJECT costs as defined above are not to exceed \$880,000.00 without amendment to this AGREEMENT.

PROJECT costs for the various elements of the effort are estimated as follows:

	<u>ITEM</u>	<u>AS AMENDED</u>	<u>ORIGINAL</u>
1.	Final Design	\$ 330,000.00	\$ 330,000.00
2.	Construction	\$ 550,000.00	\$ -0-

3.	Contingency	\$	-0-	\$	-0-
	Grand Total	\$	880,000.00	\$	330,000.00

This breakdown of costs is for estimating purposes only. Costs may vary between the various elements of the effort without amendment to this AGREEMENT provided the total expenditures do not exceed the maximum contribution by all PARTIES plus accrued interest.

- C. Based on total PROJECT costs, the maximum percent and dollar contribution by each party shall be:

	<u>Percentage Share</u>	<u>Previously Contributed</u>	<u>Additional Contribution</u>	<u>Maximum Contribution</u>
DISTRICT	46.70%	\$136,000	\$275,000.00	\$411,000.00
PROJECT SPONSOR	53.30%	\$194,000	\$275,000.00	\$469,000.00
TOTAL	100.00%	\$330,000	\$550,000.00	\$880,000.00

2. Paragraph 1.05. MANAGEMENT OF FINANCES is deleted and replaced as follows:

1.05. MANAGEMENT OF FINANCES

As set forth in DISTRICT policy (Resolution No. 11, Series of 1973, Resolution No. 49, Series of 1977, and Resolution No. 37, Series of 2009), the funding of a local body's full share may come from its own revenue sources or from funds received from state, federal or other sources of funding without limitation and without prior DISTRICT approval.

Payment of each PARTY's full share (PROJECT SPONSOR - \$469,000.00; DISTRICT - \$411,000.00) shall be made to DISTRICT subsequent to execution of this AGREEMENT and within 30 days of request for payment by DISTRICT. The payments by PARTIES shall be held by DISTRICT in a special fund to pay for increments of PROJECT as authorized by PARTIES, and as defined herein. DISTRICT shall provide a periodic accounting of PROJECT funds as well as a periodic notification to PROJECT SPONSOR of any unpaid obligations. Any interest earned by the monies contributed by PARTIES shall be accrued to the special fund established by DISTRICT for PROJECT and such interest shall be used only for PROJECT upon approval by the contracting officers (Section 2.06).

Within one year of completion of PROJECT if there are monies including interest earned remaining which are not committed, obligated, or disbursed, each party shall receive a share of such monies, which shares shall be computed as were the original shares; or, at PROJECT SPONSOR request, PROJECT SPONSOR share of remaining monies shall be transferred to another special fund held by DISTRICT.

3. All other terms and conditions of this AGREEMENT shall remain in full force and effect.

WHEREFORE, PARTIES hereto have caused this FIRST AMENDMENT to be executed by properly authorized signatories as of the date and year written below.

URBAN DRAINAGE AND
FLOOD CONTROL DISTRICT D/B/A
MILE HIGH FLOOD DISTRICT

By_____

Name Laura A. Kroeger

Title Executive Director

Date_____

Checked By

Checked By

CITY OF LAKEWOOD

Kathleen E. Hodgson, City Manager

ATTEST:

Jay Robb, City Clerk

Attestation Date

Recommended and approved as to content:

Approved as to form:

Maria D'Andrea, Director
Department of Public Works

Gus Schenck, Senior Assistant City Attorney

Approved as to Funding (if \$5,000 or greater):

Holly Bjorklund, Chief Financial Officer

AGREEMENT REGARDING
DESIGN AND CONSTRUCTION
OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR
DRY GULCH AT VANCE STREET TO TELLER STREET

Agreement No. 24-04.37

Exhibit A



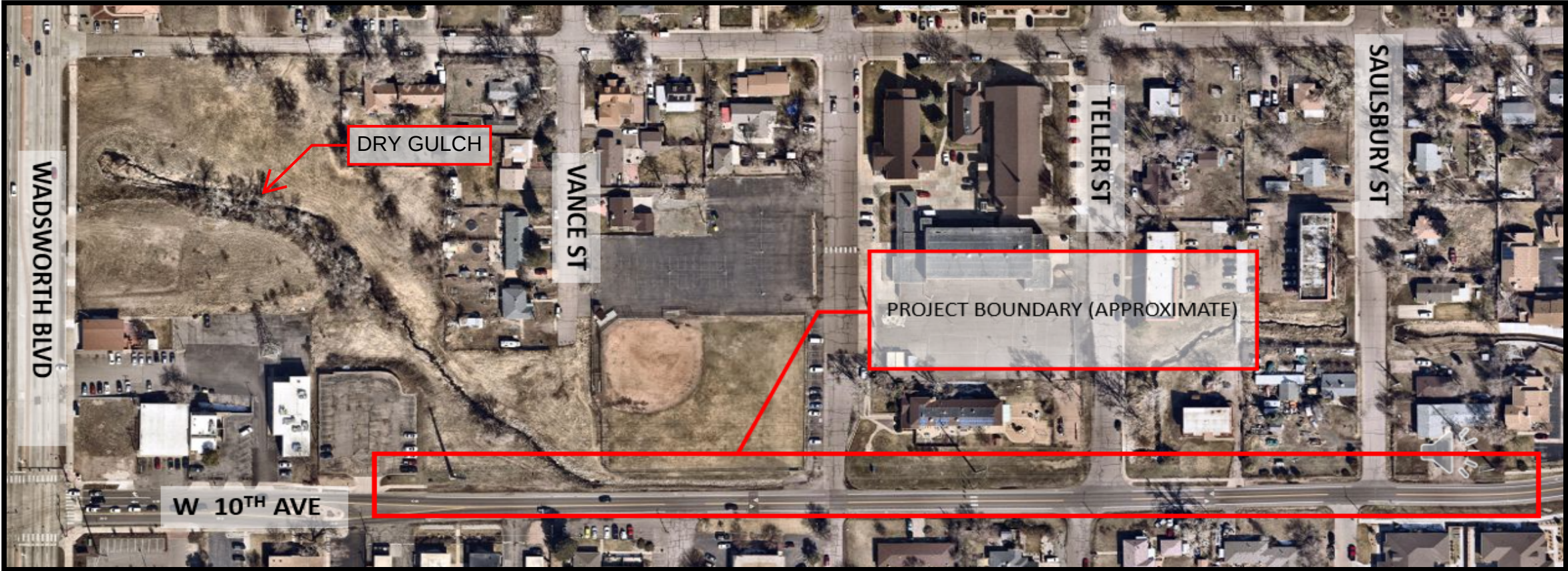
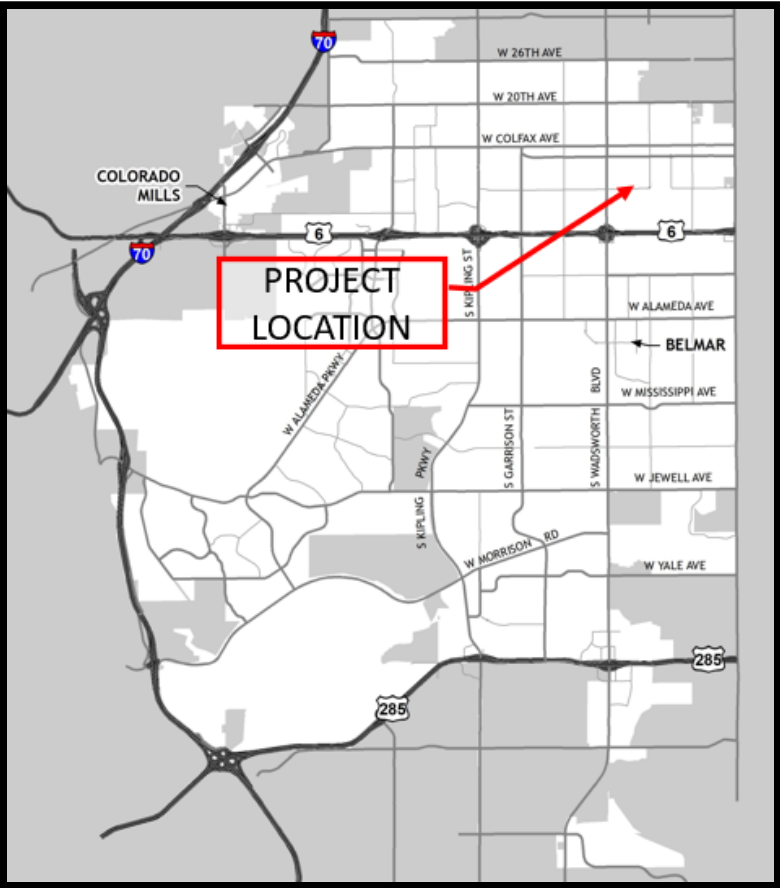


EXHIBIT A

STAFF MEMO

DATE OF MEETING: OCTOBER 27, 2025 / AGENDA ITEM NO. 4C

To: Mayor and City Council
From: Travis Parker, Chief of the Sustainability & Community Development Branch
Subject: **Release of Right of First Refusal at 1800/1881 Pierce St**

SUMMARY STATEMENT: Through the adoption of R-2025-64, the City Council is requested to release the right of first refusal for the properties at 1800 & 1881 Pierce Street.

BACKGROUND INFORMATION: The state of Colorado owns the property at 1800 & 1881 Pierce Street. The building on the property contains Department of Motor Vehicle offices. Earlier this year, the state issued an RFP looking for developers for vacant property at these addresses. The state has identified two affordable housing developers, including Metro West Housing, to provide affordable and attainable housing on the site.

Belatedly, the state and city realized that Lakewood has a right of first refusal to purchase this property. The city is not currently interested in purchasing the property and supports the goal of affordable housing on the site.

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: None

ALTERNATIVES: City Council could decline to release the right of first refusal.

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: If the Council approves the resolution, the state will move forward with its plans to redevelop the property into affordable housing in partnership with Metro West Housing Solutions and Oakwood Homes.

ATTACHMENTS:

1. Resolution R-2025-64
2. Lakewood - Parcel 2 ROFR-ROFO Release Agreement
3. 1800 Reed Street ROFR

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

A RESOLUTION

TO TERMINATE AND RELEASE THE CITY OF LAKEWOOD'S RIGHT OF FIRST OFFER AND RIGHT OF FIRST REFUSAL TO PURCHASE THE PROPERTY LOCATED AT 1800 PIERCE ST., LAKEWOOD, COLORADO 80214

WHEREAS, back in 2002, the City of Lakewood (the "City") and the State of Colorado (the "State") executed and recorded a "Right of First Offer and Right of First Refusal" document ("ROFO/ROFR") (Reception No. F1547346);

WHEREAS, the ROFO/ROFR grants the City the right to make an offer on property owned by the State and located at 1800 Pierce St., Lakewood, CO 80214 (the "Property");

WHEREAS, the State intends to sell the Property and notified the City of its intent to sell the Property;

WHEREAS, the State has a plan to redevelop the Property into affordable rental properties as part of a larger redevelopment in partnership with Metro West Housing Solutions and Oakwood Homes;

WHEREAS, the City Council believes the current plan to redevelop the Property to include affordable rental units aligns with the City Council's goals of increasing affordable housing within the City;

WHEREAS, as a result, the City Council does not want to exercise its ROFO or ROFR to purchase the Property; and

WHEREAS, the City Council hereby finds and determines that waiving its ROFO/ROFR for the Property is in the best interests of the residents of the City.

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

SECTION 1. The City Council hereby finds and determines that waiving its ROFO/ROFR as applied to the Property shall be in the best interests of the residents of the City.

SECTION 2. The City Manager or designee is hereby authorized to sign a termination and release and execute all other documentation required to waive the City's ROFO/ROFR on behalf of the City.

SECTION 3. This Resolution shall become effective immediately upon its adoption by the City Council.

INTRODUCED, READ AND ADOPTED by a vote of ___ for and ___ against at a hybrid regular meeting of the City Council on October 27, 2025, at 7 o'clock p.m., at the Lakewood Civic Center, 480 South Allison Parkway, Lakewood, Colorado.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

TERMINATION AND RELEASE OF RIGHT OF FIRST REFUSAL AND RIGHT OF FIRST OFFER AGREEMENT

THIS TERMINATION AND RELEASE OF RIGHT OF FIRST REFUSAL AND RIGHT OF FIRST OFFER AGREEMENT (this “Release”) is made effective as of [_____], 2025 (the “Effective Date”) by THE CITY OF LAKEWOOD, a home rule municipal corporation of the State of Colorado (“City of Lakewood”) and THE STATE OF COLORADO ACTING BY AND THROUGH THE DEPARTMENT OF PERSONNEL & ADMINISTRATION (“Colorado DPA”).

RECITALS

A. Colorado DPA holds title to certain real property in Lakewood, Colorado as more particularly described in Exhibit A (*Legal Description of the Property*) (the “Property”) pursuant to a certain Warranty Deed recorded the records of Jefferson County (the “Records”) on August 20, 2002 at Reception Number F1547343.

B. The Property is subject to that certain Right of First Refusal and Offer Agreement, by and between the City of Lakewood and the Colorado DPA dated August 16, 2002, recorded in the Records on August 20, 2002 at Reception Number F1547346 (the “ROFR/ROFO Agreement”). Any capitalized term used but not defined herein shall have the meaning assigned to it in the ROFR/ROFO Agreement.

C. The City of Lakewood and the Colorado DPA now desire to terminate and release the ROFR/ROFO Agreement upon the terms and conditions set forth in this Release.

TERMINATION AND RELEASE

NOW, THEREFORE, in consideration of the mutual covenants herein contained and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, City of Lakewood and Colorado DPA hereby terminate and release the ROFR/ROFO Agreement, as follows:

1. Termination. As of the Effective Date, the ROFR/ROFO Agreement is terminated in its entirety, and the ROFR/ROFO Agreement is of no further force and effect. City of Lakewood and Colorado DPA hereby acknowledge and agree that the ROFR/ROFO Agreement shall be deemed discharged and cancelled of record upon recordation of this Release in the Records. Neither City of Lakewood nor Grantor shall have any further rights or obligations under the ROFR/ROFO Agreement.

2. Release. Subject to the terms and conditions hereof, City of Lakewood and Colorado DPA, on behalf of themselves, and their successors and assigns, each waives, releases and discharges the other party from any and all of its obligations and liabilities under the ROFR/ROFO Agreement as of the Effective Date.

3. Miscellaneous. This Release constitutes the entire agreement of the parties hereto pertaining to the termination of the ROFR/ROFO Agreement and supersedes all prior agreements, undertakings, and understandings of the parties in connection with the termination of the ROFR/ROFO Agreement. City of Lakewood and Colorado DPA each represent and warrant that its signatory to this Release has the full authority to sign this Release and that, by signing this Release, City of Lakewood and Colorado DPA, and each of their successors and assigns shall be fully bound by the terms and conditions of this Release. This Release shall be recorded in the Records and binding upon and inure to the benefit of the parties hereto, and the respective successors, assigns, personal representatives and heirs.

[Signature page follows]

IN WITNESS WHEREOF, the parties have caused this Release to be executed as of the Effective Date.

CITY OF LAKEWOOD

Kathleen E. Hodgson, City Manager

ATTEST:

Jay Robb, City Clerk

Attestation Date

Approved as to form:

Lauren Stanek, Senior Assistant City Attorney

Recommended for approval:

Travis Parker, Chief of Sustainability and Community Development
Sustainability and Community Development Department

STATE OF COLORADO)
) ss.
COUNTY OF JEFFERSON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2025, by Kathleen E. Hodgson, as City Manager of the City of Lakewood, a municipal corporation of the State of Colorado.

Witness my hand and official seal.

My commission expires: _____

Notary Public

Colorado DPA:

STATE OF COLORADO

Jared S. Polis, Governor

Colorado Department of Personnel and Administration

By: _____

Name: Tobin Follenwieder

Title: Deputy Executive Director

STATE OF COLORADO)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2025, by Tobin Follenwieder as Deputy Executive Director of the State of Colorado Acting by and through the Department of Personnel & Administration.

Witness my hand and official seal.

My commission expires: _____

Notary Public

EXHIBIT A
LEGAL DESCRIPTION OF THE PROPERTY
[SEE ATTACHED]

PARCEL 1

A parcel of land lying in the southeast one-quarter (SE ¼) of Section 35, Township 3 South, Range 69 West of the 6th Principal Meridian, City of Lakewood, County of Jefferson, State of Colorado, described as follows:

Beginning at the southeast corner of said Section 35; thence S 89°56'34" W, 1321.95 feet along the south line of said southeast one-quarter to the west line of the west one-half of the east one-half of said southeast one-quarter; thence N 00°03'33" W, 1653.10 feet along said west line to the common line (extended) between Tracts 6 and 7, Grand View Acres, Jefferson County Records; thence N 89°57'46" E, 342.37 feet along the north line of said Tract 6 to the west line of the east one-half of said Tract 6; thence S 00°04'49" E, 165.30 feet along said west line to the south line of the north one-half said Tract 6, the True Point of Beginning;

thence S 00°04'49" E, 82.65 feet along said west line to the north line of the south one-half of the south one-half said Tract 6;
thence N 89°57'36" E, 287.47 feet, more or less, along said north line;
thence N 00°06'06" W, 82.64 feet along a line that lies 30 feet west of and parallel with the east line of the west one-half of the east one-half said southeast one-quarter to said south line;
thence S 89°57'39" W, 297.44 feet along said south line to the True Point of Beginning.

Said parcel of land contains 23,760 square feet (0.545 acres), more or less.

Basis of bearings is the south line of said southeast one-quarter with an assumed value of S 89°56'34" W.

Illustration shown on Sheet 2 of 2 is attached hereto and made a part hereof.

The author of this description is Mr. John S. Lambert, PLS 13212, prepared on behalf of Sellards & Grigg, Inc., 390 Union Boulevard, Suite 630, Lakewood, CO 80228, on January 4, 2002 under S&G No. 1998452-24 for the City of Lakewood and is not to be construed as representing a monumented land survey.

PARCEL 2

A parcel of land lying in the southeast one-quarter (SE ¼) of Section 35, Township 3 South, Range 69 West of the 6th Principal Meridian, City of Lakewood, County of Jefferson, State of Colorado, described as follows:

Beginning at the southeast corner of said Section 35; thence S 89°56'34" W, 1321.95 feet along the south line of said southeast one-quarter to the west line of the west one-half of the east one-half of said southeast one-quarter; thence N 00°03'33" W, 1653.10 feet along said west line to the common line (extended) between Tracts 6 and 7, Grand View Acres, Jefferson County Records; thence N 89°57'46" E, 230.50 feet, more or less, along the south line of said Tract 7 to the True Point of Beginning;

thence N 00°03'33" W, 330.60 feet along a line that lies 205.50 feet east of and parallel with the west line of said Tract 7 to the north line of said Tract 7;
thence N 89°58'00" E, 111.75 feet along said north line to the west line of the east one-half of Tract 8, said Grand View Acres;
thence N 00°04'49" W, 165.30 feet along said west line to the north line of the south one-half of said Tract 8;
thence N 89°58'07" E, 297.19 feet, more or less, along said north line;
thence S 00°06'06" E, 661.14 feet along a line that lies 20 feet west of and parallel with the east line of said Tracts 8, 7, and 6 to the south line of the north one-half of said Tract 6;
thence S 89°57'39" W, 297.44 feet along said south line to the west line of the east one-half of said Tract 6;
thence N 00°04'49" W, 165.30 feet along said west line to the south line of said Tract 7;
thence S 89°57'46" W, 111.87 feet along said south line to the True Point of Beginning;

Said parcel of land contains 233,540 square feet (5.361 acres), more or less.

Basis of bearings is the south line of said southeast one-quarter with an assumed value of S 89°56'34" W.

Illustration shown on Sheet 3 of 3 is attached hereto and made a part hereof.

The author of this description is Mr. John S. Lambert, PLS 13212, prepared on behalf of Sellards & Grigg, Inc., 390 Union Boulevard, Suite 630, Lakewood, CO 80228, on January 4, 2002 under S&G No. 1998452-24 for the City of Lakewood and is not to be construed as representing a monumented land survey.

RIGHT OF FIRST OFFER AND RIGHT OF FIRST REFUSAL

55°
THIS RIGHT OF FIRST OFFER AND RIGHT OF FIRST REFUSAL (the "Agreement") is made and entered into this 16th day of August, 2002 between **THE CITY OF LAKEWOOD**, a municipal corporation of the State of Colorado (the "City"), and **THE STATE OF COLORADO**, acting by and through the Department of Personnel and Administration, also known as the Department of Personnel, for the use and benefit of the Department of Revenue (the "State"), with respect to the following facts:

The State is the owner of those certain parcels of land, the legal descriptions of which are attached hereto as Exhibits A and B and made a part hereof (referred to hereinafter collectively as the "Property"). Whenever the term "Property" is used in this Agreement it shall refer to all or any portion of the Property.

The State desires to grant to the City a right of first offer and a right of first refusal to purchase the Property on the terms and conditions set forth below.

NOW THEREFORE, for Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Right of First Offer. State hereby grants to the City a right of first offer ("Right of First Offer") to purchase the Property from the State on the following terms and conditions.

A. If, at any time after the date of this Agreement, the State shall receive a recommendation for sale of the Property from the Capital Development Committee of the State of Colorado General Assembly, the State shall notify the City in writing that the Property is available for purchase (the "Availability Notice"). In the event the City desires to purchase the Property, the City shall submit to the State within thirty (30) days of receipt of the Availability Notice (the "Right of First Offer Period") a fully executed non-binding letter of intent to purchase the Property for fair market value (the "Letter of Intent"). The Letter of Intent shall be explicitly subject to the necessary approvals by the Lakewood City Council and subject to appropriation of funds necessary to finance the purchase.

B. The State and the City shall agree to conduct exclusive negotiations for the purchase and sale of the Property in good faith for a period not to exceed ninety (90) days following receipt by the State of the Letter of Intent (the "First Offer Negotiation Period").

C. If the City does not submit the Letter of Intent within the Right of First Offer Period, or if the State and the City, despite their good faith efforts, are unable to reach agreement regarding the purchase and sale of the Property during the First Offer Negotiation Period, then the State shall be free to negotiate for the sale of the Property to third parties.

2. Right of First Refusal. State hereby grants to the City a right of first refusal ("Right of First Refusal") to purchase the Property on the following terms and conditions.

A. In the event that State shall at any time receive an offer to purchase the Property which the State desires to accept (a "Qualified Offer") the State shall notify the City in writing of its receipt of a Qualified Offer and shall provide a copy of the Qualified Offer to City (collectively, the "Offer Notice"). Upon receipt of the Offer Notice, City shall have thirty (30) days within which to notify State of the City's election to exercise its Right of First Refusal to purchase the Property for the purchase price and otherwise on substantially the same terms and conditions as set forth in the Qualified Offer, which election shall be evidenced by written notice to State (the "Notice of Exercise").

B. Following delivery of the Notice of Exercise, City and State shall work together in good faith to prepare and enter into a purchase and sale agreement for the purchase of the Property by the City ("Contract"). Such Contract shall include, without limitation, a provision which makes the City's obligation to purchase the Property subject to appropriation of the necessary funds therefor by the Lakewood City Council.

C. In the event that the City shall fail to deliver its Notice of Exercise to State in the time and manner set forth herein, then the State shall be free to sell the Property to the purchaser under the Qualified Offer, and this Right of First Refusal shall be void and of no further force or effect; provided, however, that if the State shall enter into any modifications or amendments to the Qualified Offer which change any material provision of the Qualified Offer including, without limitation, any reduction of the purchase price, then this Right of First Refusal shall remain in full force and effect and the City shall have the right to exercise its Right of First Refusal with respect to such modified or amended Qualified Offer.

3. General Provisions

A. Notwithstanding the terms of this Agreement, the State may accept an offer to purchase the Property from the City at any time.

B. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective personal representatives, heirs, successors and assigns.

C. All notices pursuant to this Agreement shall be deemed given when personally delivered to the party to whom it is directed during business hours on a business day or in lieu of personal delivery on the second business day after the same is deposited in the United States mail, postage prepaid, sent certified mail, return receipt requested, addressed as follows:

3

To State: State of Colorado Department of Personnel & Administration
State Buildings and Real Estate Programs
Attn: Donna Barr
1525 Sherman Street, Suite 250
Denver, Colorado 80202
Phone No.: 303-866-4564
Fax No.: 303-866-2201

To City: City of Lakewood
Department of Finance
Attn: Mike Connor
480 South Allison Parkway
Lakewood, Colorado 80226
Phone No.: 303-987-7659
Fax No.: 303-987-7662

4. Miscellaneous Provisions

A. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

B. This Agreement may not be amended or modified except by written agreement signed by the City and the State.

C. The parties pledge to utilize their best good faith efforts to act in a timely and reasonable manner to consummate the transaction herein contemplated.

D. Timely performance by the parties is of the essence of this Agreement.

E. The section headings utilized herein are for reference purposes only and are not intended in any way to describe, interpret, define or limit the scope, extent or intent of this Agreement or any part hereof.

F. The failure by either party to enforce against the other party any term or provision of this Agreement shall be deemed not to be a waiver of the right of either party to enforce against the other party the same or any other such term or provision.

G. The laws of the State of Colorado and rules and regulations issued pursuant thereto shall be applied in the interpretation, execution and enforcement of this contract. In the event that litigation is initiated to enforce any provision of this Agreement, venue for such litigation shall be with the District Court in Jefferson County, Colorado. Any provision of this contract whether or not incorporated herein by reference which provides for arbitration by any extra-judicial body or person or which is otherwise in conflict with said laws, rules and regulations shall be considered null and void. Nothing contained in any provision incorporated herein by reference which purports to negate this or any other special provision in whole or in part shall be valid or enforceable or available in any action at law whether by way of complaint, defense or otherwise. Any provision rendered null and void by the operation of this provision will not invalidate the remainder of this contract to the extent that the contract is capable of execution.

H. The parties hereto understand and agree that liability for claims for injuries to persons or property arising out of the negligence of either party, its departments, institutions, agencies, enterprises, boards, officials, and employees is controlled and limited by the provisions of the Colorado Governmental Immunity Act, §24-10-101, *et seq.* C.R.S. and §24-30-1501, *et seq.* C.R.S. Any provision of this Agreement, whether or not incorporated herein by reference, shall be controlled, limited and otherwise modified so as to limit any liability of the City and the State to the above cited laws.

I. The signatories aver that to their knowledge, no City or State employee has a personal or beneficial interest whatsoever in the service or property described herein.

J. This Agreement may be recorded with the Clerk and Recorder of Jefferson County, State of Colorado.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF the parties executed this Agreement as of the date and year first above written.

POOR COPY

[NEED TO SUBSTITUTE CORRECT SIGNATURE BLOCK FOR THE CITY - TO BE PROVIDED]

5

ATTEST:

CITY OF LAKEWOOD, a municipal
corporation of the State of Colorado

for Pharon Bachstach
Margy Greer, City Clerk

By: Michael J. Rock
Michael J. Rock, City Manager



RECOMMENDED AND APPROVED:

Jacqueline Scott
Jacque Wedding-Scott, Finance Director

APPROVED AS TO FORM:

Roger W. Noonan
Roger Noonan, City Attorney

RECOMMENDED AND APPROVED
AS TO CONTENT:

Mike Connor
Mike Connor, Property Manager

STATE OF COLORADO

Bill Owens, Governor

Acting by and through

The Department of Personnel &
Administration

By: Paul Farley for the
Executive Director

STATE OF COLORADO

Bill Owens, Governor

Acting by and through

The Department of Revenue

By: Gary R. Krueger
Executive Director

6

APPROVED:

STATE OF COLORADO

The Department of Personnel &
Administration

State Buildings and Real Estate Programs

By: Donna
Executive Director

APPROVED:

STATE OF COLORADO

Ken Salazar, Attorney General

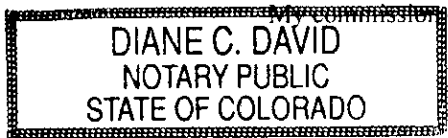
By: N/A

State of Colorado

County of Denver

The foregoing instrument was acknowledged before me this 16th day of August, 2002 by 7

Gary R. Krueger of the State of Colorado acting by and through the Department of
Revenue.



My commission expires: 5/09/06

Diane C. David

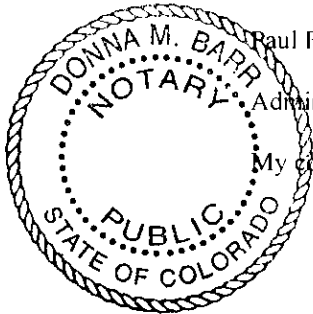
My Commission Expires 5/9/2002 ~~2002~~ 2006

State of Colorado

County of Denver

The foregoing instrument was acknowledged before me this 16th day of August, 2002 by

Paul Farley of the State of Colorado acting by and through the Department of Personnel
Administration.



My commission expires:

9/19/03

Donna M. Barr

Exhibit "A"
PARCEL B

Sheet 1 of 2

A parcel of land lying in the southeast one-quarter (SE ¼) of Section 35, Township 3 South, Range 69 West of the 6th Principal Meridian, City of Lakewood, County of Jefferson, State of Colorado, described as follows:

Beginning at the southeast corner of said Section 35; thence S 89°56'34" W, 1321.95 feet along the south line of said southeast one-quarter to the west line of the west one-half of the east one-half of said southeast one-quarter; thence N 00°03'33" W, 1653.10 feet along said west line to the common line (extended) between Tracts 6 and 7, Grand View Acres, Jefferson County Records; thence N 89°57'46" E, 342.37 feet along the north line of said Tract 6 to the west line of the east one-half of said Tract 6; thence S 00°04'49" E, 165.30 feet along said west line to the south line of the north one-half said Tract 6, the True Point of Beginning;

thence S 00°04'49" E, 82.65 feet along said west line to the north line of the south one-half of the south one-half said Tract 6;

thence N 89°57'36" E, 287.47 feet, more or less, along said north line;

thence N 00°06'06" W, 82.64 feet along a line that lies 30 feet west of and parallel with the east line of the west one-half of the east one-half said southeast one-quarter to said south line;

thence S 89°57'39" W, 297.44 feet along said south line to the True Point of Beginning.

Said parcel of land contains 23,760 square feet (0.545 acres), more or less.

Basis of bearings is the south line of said southeast one-quarter with an assumed value of S 89°56'34" W.

Illustration shown on Sheet 2 of 2 is attached hereto and made a part hereof.

The author of this description is Mr. John S. Lambert, PLS 13212, prepared on behalf of Sellards & Grigg, Inc., 390 Union Boulevard, Suite 630, Lakewood, CO 80228, on January 4, 2002 under S&G No. 1998452-24 for the City of Lakewood and is not to be construed as representing a monumented land survey.

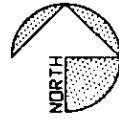


Mr. John S. Lambert, PLS 13212

P:\SURVEYING\1998452-24 aviation club\par_b_legal.doc

ILLUSTRATION FOR PARCEL B

A PARCEL OF LAND IN THE SOUTHEAST ONE-QUARTER OF SECTION 35,
TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO
SHEET 2 OF 2



0 50 100
1"=100'
scale feet

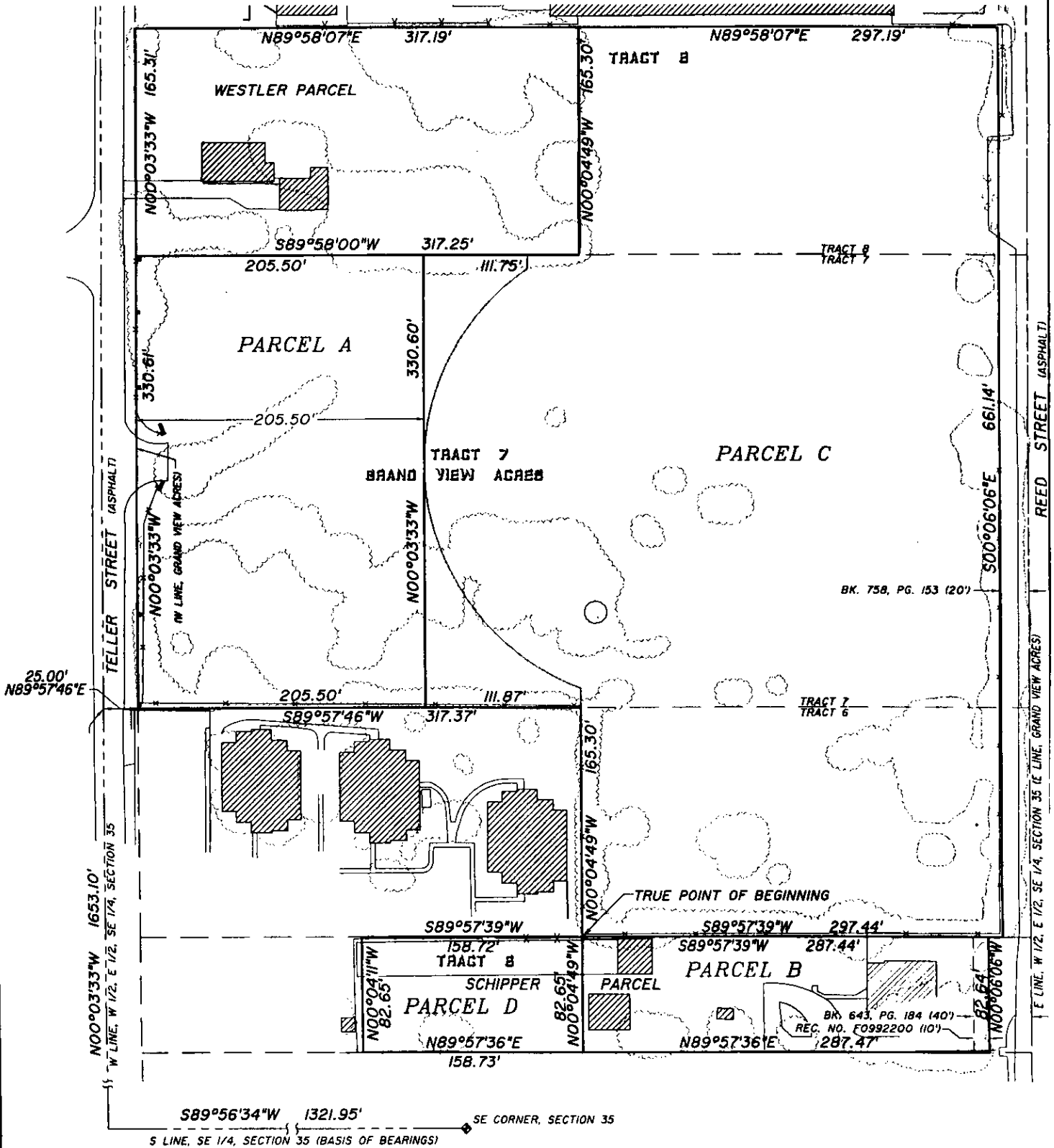


Exhibit "B"
PARCEL C

Sheet 1 of 2

10

A parcel of land lying in the southeast one-quarter (SE ¼) of Section 35, Township 3 South, Range 69 West of the 6th Principal Meridian, City of Lakewood, County of Jefferson, State of Colorado, described as follows:

Beginning at the southeast corner of said Section 35; thence S 89°56'34" W, 1321.95 feet along the south line of said southeast one-quarter to the west line of the west one-half of the east one-half of said southeast one-quarter; thence N 00°03'33" W, 1653.10 feet along said west line to the common line (extended) between Tracts 6 and 7, Grand View Acres, Jefferson County Records; thence N 89°57'46" E, 230.50 feet, more or less, along the south line of said Tract 7 to the True Point of Beginning;

thence N 00°03'33" W, 330.60 feet along a line that lies 205.50 feet east of and parallel with the west line of said Tract 7 to the north line of said Tract 7;

thence N 89°58'00" E, 111.75 feet along said north line to the west line of the east one-half of Tract 8, said Grand View Acres;

thence N 00°04'49" W, 165.30 feet along said west line to the north line of the south one-half of said Tract 8;

thence N 89°58'07" E, 297.19 feet, more or less, along said north line;

thence S 00°06'06" E, 661.14 feet along a line that lies 20 feet west of and parallel with the east line of said Tracts 8, 7, and 6 to the south line of the north one-half of said Tract 6;

thence S 89°57'39" W, 297.44 feet along said south line to the west line of the east one-half of said Tract 6;

thence N 00°04'49" W, 165.30 feet along said west line to the south line of said Tract 7;

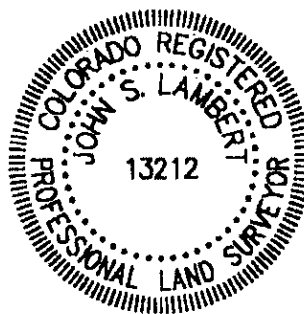
thence S 89°57'46" W, 111.87 feet along said south line to the True Point of Beginning;

Said parcel of land contains 233,540 square feet (5.361 acres), more or less.

Basis of bearings is the south line of said southeast one-quarter with an assumed value of S 89°56'34" W.

Illustration shown on Sheet 3 of 3 is attached hereto and made a part hereof.

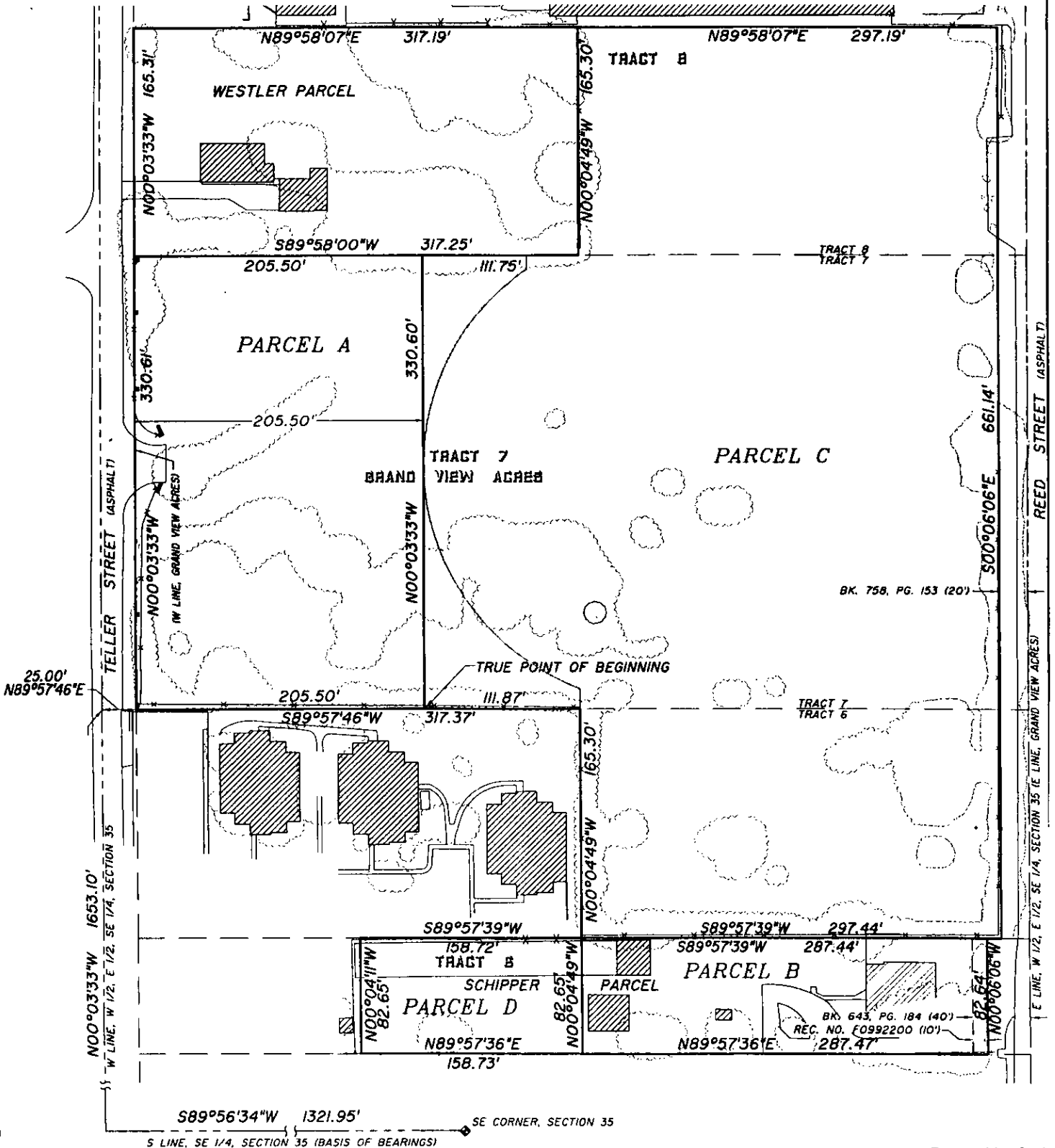
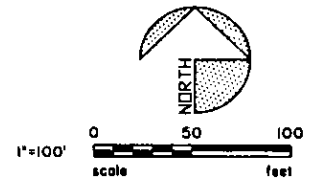
The author of this description is Mr. John S. Lambert, PLS 13212, prepared on behalf of Sellards & Grigg, Inc., 390 Union Boulevard, Suite 630, Lakewood, CO 80228, on January 4, 2002 under S&G No. 1998452-24 for the City of Lakewood and is not to be construed as representing a monumented land survey.



Mr. John S. Lambert, PLS 13212

ILLUSTRATION FOR PARCEL C

A PARCEL OF LAND IN THE SOUTHEAST ONE-QUARTER OF SECTION 35,
TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO
SHEET 3 OF 3



STAFF MEMO

DATE OF MEETING: OCTOBER 27, 2025 / AGENDA ITEM NO. 4D

To: Mayor and City Council
From: Travis Parker, Chief of the Sustainability & Community Development Branch
Subject: **Authorizing the Right of First Refusal for Affordable Housing Acquisitions**

SUMMARY STATEMENT: State HB24-1175 provides City of Lakewood rights of first refusal, or first offer for qualifying residential or mixed-use properties. These rights may also be assigned through City of Lakewood to the local or regional housing authority or Colorado Housing Finance and Authority. Upon approval, the resolution provides the City Manager, or designee, authority to exercise, assign, or waive right of first refusal or right of first offer to qualifying properties pursuant to HB24-1175 and outlines the conditions through which any offer to purchase property may be enacted.

BACKGROUND INFORMATION: Qualifying properties within HB24-1175 include multifamily or mixed-use rental properties of no less than 5 units that is existing affordable housing, excluding mobile home parks. Status as "existing affordable housing" is determined by the property being subject to restricted use covenants or other recorded agreements that assure affordability consistent with Affordable Housing Finance Assistance requirements. The right of first offer or refusal on sale of these properties may assist localities' preservation efforts in affordable housing by providing opportunity to consider acquisition, or to assign that consideration to a local or regional housing authority.

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: Staff recommends approval of the resolution

ALTERNATIVES: Council could decline the resolution and decline authority to City Manager or designee to exercise, assign, or waive rights associated with HB 24-1175.

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: Upon approval, city staff would refine procedures involved in exercising, assigning, or waiving rights associated with HB 24-1175.

ATTACHMENTS: 1. Resolution R-2025-65

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

A RESOLUTION

AUTHORITY TO EXERCISE, ASSIGN, OR WAIVE THE CITY OF LAKEWOOD'S
STATUTORY RIGHT OF FIRST REFUSAL OR RIGHT OF FIRST OFFER

WHEREAS, recent legislation was passed to preserve and create long-term affordable housing by granting local governments a right of first refusal and a right of first offer to purchase certain multi-family rental properties (HB24-1175 codified as C.R.S. §§ 29-4-1202 and 1203);

WHEREAS, C.R.S. § 29-4-1202 provides the City of Lakewood (the "City") with a right of first refusal with respect to multifamily residential properties and mixed-use rental properties;

WHEREAS, C.R.S. § 29-4-1203 provides the City with a right of first offer with respect to certain multifamily residential properties and mixed-use rental properties;

WHEREAS, the City has the right to exercise, assign, or waive either its right of first offer or right of first refusal as applied to qualifying properties pursuant to C.R.S. §§ 29-4-1202 and 1203;

WHEREAS, if the City elects to assign its right of first offer or right of first refusal, the only eligible entities that may accept this assignment are Metro West Housing Solutions, Foothills Regional Housing Authority, and/or the Colorado Housing and Finance Authority ("CHFA");

WHEREAS, the short statutory timelines contained within C.R.S. §§ 29-4-1202 and 1203 may make City Council authorization for individual qualifying properties cumbersome and/or impractical;

WHEREAS, to ensure the City is in the best position to quickly exercise, assign, or waive its right of first offer or right of first refusal in order to meet the deadlines required by statute, the City Council finds that it should delegate its authority to the City Manager or designee; and

WHEREAS, the City Council finds and determines that delegating its authority to the City Manager or designee for this limited purpose is in the best interests of the City.

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

SECTION 1. The City Council for the City of Lakewood hereby authorizes the City Manager or designee to exercise, assign, or waive either its right of first offer or right of first refusal to purchase a qualifying property pursuant to C.R.S. §§ 29-4-1202 and 1203.

SECTION 2. The City Manager or designee is authorized to execute any documents necessary to accomplish the exercise, assignment, or waiver of the City's right of first offer or right of first refusal to purchase a qualifying property pursuant to C.R.S. §§ 29-4-1202 and 1203 following approval of the City Attorney's Office of all documents as to form.

SECTION 3. In the event the City Manager or designee exercises the City's right of first offer to purchase a qualifying property, any offer shall be contingent upon City Council approving the acquisition in the form of an ordinance.

SECTION 4. This Resolution shall become effective immediately upon its adoption.

INTRODUCED, READ AND ADOPTED by a vote of ___ for and ___ against at a hybrid regular meeting of the City Council on October 27, 2025, at 7 o'clock p.m., at the Lakewood Civic Center, 480 South Allison Parkway, Lakewood, Colorado.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: OCTOBER 27, 2025 / AGENDA ITEM NO. 4E

To: Mayor and City Council
From: Travis Parker, Chief of the Sustainability & Community Development Branch
Subject: **Creating Policies for Expedited Review of Affordable Housing Projects**

SUMMARY STATEMENT: This resolution involves the creation of development review policies that expedite review of affordable housing projects to 90 days or less in alignment with the goals and objectives of C.R.S. § 29-32-101.

BACKGROUND INFORMATION: State of Colorado's Proposition 123 supports local governments' creation and preservation of affordable housing through a State Affordable Housing Fund. To remain eligible for these funds local communities must create development review procedures by the end of 2026 that provide affordable housing permit decisions within a 90-day timeline from submittal. In 2025 City Council established a goal to create a 90-day permit review process to meet this requirement for State Affordable Housing Fund awards. The resolution accounts for this alignment and will advance procedures developed by City of Lakewood staff in consultation with Colorado Department of Local Affairs.

BUDGETARY IMPACTS: State of Colorado Department of Local Affairs (DOLA) provides a bonus of ~\$50,000 to local governments who create expedited review procedures by the end of 2025. These funds would be applied to an existing DOLA award to Sustainability and Community Development. The resolution helps comply with the requirements for the bonus.

STAFF RECOMMENDATIONS: Staff recommends approval of the resolution

ALTERNATIVES: Council could deny the resolution, which would not account for alignment with the Proposition 123 goals.

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council. Procedures for expedited review have been provided a courtesy review by Department of Local Affairs.

NEXT STEPS: Upon approval, City staff would start integrating procedures for expedited review in Development Review workflows. Housing and Thriving Communities will also integrate personnel to implement procedures upon hire of an Affordable Housing Planner in the first quarter of 2026.

ATTACHMENTS: 1. Resolution R-2025-66

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

R-2025-66

A RESOLUTION

ESTABLISHING EXPEDITED REVIEW POLICIES
FOR AFFORDABLE HOUSING PROJECTS

WHEREAS, the voters of Colorado approved Proposition 123 in 2022 creating the State Affordable Housing Fund which uses existing state tax revenue to support local governments in developing and preserving affordable housing through various programs;

WHEREAS, the City of Lakewood (the “City”) is a municipal corporation duly organized as a home rule city under Article XX of the Colorado Constitution and under the Charter for the City and is eligible for Proposition 123 funding and programming;

WHEREAS, the City Council for the City established a 2025 goal to increase “incentives to support reduced costs and affordability” by “work[ing] toward a ninety-day approval process for affordable housing units”;

WHEREAS, to further this goal, the City applied for and received Proposition 123 grant funds to fund a Planning Coordinator for Fast Track & Affordable Housing;

WHEREAS, the City is committed to developing a policy for expedited review of affordable projects which would ensure affordable projects are reviewed and a decision rendered within ninety (90) days of a complete application in alignment with the requirements of C.R.S. § 29-32-105;

WHEREAS, the City recognizes that an affordable housing development project which has at least fifty percent (50%) of the units identified as affordable, as defined in statute, would be eligible for expedited review;

WHEREAS, the City’s expedited review process for affordable housing projects does not apply if a developer chooses to opt-out of the process or when the City is the applicant;

WHEREAS, the City recognizes the allowable extensions in C.R.S. § 29-32-105(2), both for applicants and for the City, and recognizes the circumstances under which the expedited review timeline may be extended or the application may be removed from the expedited review process; and

WHEREAS, the City Council hereby finds and determines that creating a ninety-day expedited review process for affordable development projects is in the best interests of the City.

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

SECTION 1. The City Council hereby finds and determines that creating a ninety-day expedited review process for affordable development projects shall be in the best interests of the City.

SECTION 2. The City Council hereby directs the City Manager or designee to finalize a ninety-day expedited review process that is compliant with C.R.S. § 29-32-105.

SECTION 3. This Resolution shall become effective immediately upon its adoption.

INTRODUCED, READ AND ADOPTED by a vote of ___ for and ___ against at a hybrid regular meeting of the City Council on October 27, 2025, at 7 o'clock p.m., at the Lakewood Civic Center, 480 South Allison Parkway, Lakewood, Colorado.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: OCTOBER 27, 2025 / AGENDA ITEM NO. 5

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: None

ALTERNATIVES: None

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: None

ATTACHMENTS: None

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

STAFF MEMO

DATE OF MEETING: OCTOBER 27, 2025 / AGENDA ITEM NO. 6

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: None

ALTERNATIVES: None

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: None

ATTACHMENTS: None

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

STAFF MEMO

DATE OF MEETING: OCTOBER 27, 2025 / AGENDA ITEM NO. 7

To: Mayor and City Council
From: Travis Parker, Chief of the Sustainability & Community Development Branch
Subject: **Property Purchase at 8745 and 8755 W. 14th Ave. (Action Center)**

SUMMARY STATEMENT: The ordinance would approve of the purchase of land and buildings at 8745 and 8755 W 14th Avenue.

BACKGROUND INFORMATION: As part of the relocation of the Action Center to 1275 S Teller Street, the City of Lakewood has the opportunity to purchase the land and buildings at the current Action Center location for \$4,000,000. This land transaction would be contingent upon the condition precedent of the City deeding a portion of the Emory School site to the Action Center. This ordinance authorizes the City Manager to accept a deed and execute any other documents associated with this transaction.

In a separate action, the City Council would approve a lease back of the facility so that the Action Center could continue to use this location for 18-24 months while their new building is being renovated. At the conclusion of the lease back period, the purchase of this site will provide Lakewood with the opportunity for the establishment of transitional housing or other affordable housing options in the near future.

BUDGETARY IMPACTS: The purchase price of the site would be partially offset by the sale of the Emory School building. The remaining cost would come from the general fund.

STAFF RECOMMENDATIONS: Staff recommends approval of this ordinance.

ALTERNATIVES: The City Council may choose not to approve the ordinance.

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: None

ATTACHMENTS: 1. Ordinance O-2025-33

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

AN ORDINANCE

AUTHORIZING THE PURCHASE OF REAL PROPERTY
LOCATED AT 8745 AND 8755 W. 14TH AVE., LAKEWOOD, COLORADO FOR
MUNICIPAL PURPOSES TO FACILITATE PERMANENT SUPPORTIVE HOUSING,
INCLUDING ACCEPTANCE OF A DEED THEREFOR

WHEREAS, the City of Lakewood (the “City”) desires to purchase approximately 1.96 acres of land generally located in the Northeast One-quarter of Section 3 Township 4 South, Range 69 West, City of Lakewood, County of Jefferson, State of Colorado, and as identified in Exhibit A (the “Property”) for municipal purposes;

WHEREAS, the City will acquire the Property in accordance with the terms of a Purchase and Sale Agreement between the City and The Action Center (the “Purchase Agreement”);

WHEREAS, the City intends to acquire the entire 1.96 acres for permanent supportive housing;

WHEREAS, the purchase price for the Property is not to exceed four million dollars (\$4,000,000.00);

WHEREAS, the City is acquiring this parcel in “as-is” condition but will perform a “due diligence” inspection of the Property that includes a title commitment, ALTA survey, Phase 1 environmental site assessment, and review of existing environmental reports and other documentation;

WHEREAS, the City Attorney’s Office will review and approve the final Purchase Agreement as to form; 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. The City Council for the City hereby declares its intent to purchase the Property as identified in Exhibit A, attached hereto and incorporated herein, in fee simple for municipal purposes.

SECTION 2. The purchase of the Property will serve a public purpose and further the health and welfare of the residents of the City by providing necessary resources to residents.

SECTION 3. The City Council hereby authorizes the City Manager or designee to execute all documents necessary to finalize the Purchase Agreement and other documents related to the acquisition of the Property.

SECTION 4. The City Manager or designee is hereby authorized to accept the instruments of conveyance and execute a deed and all other documents necessary to finalize the purchase of the Property.

SECTION 5. The City Council hereby authorizes the expenditure of up to four million dollars (\$4,000,000.00) from the General Fund for fiscal year 2025 for the purchase of the Property.

SECTION 6. The City's Chief Financial Officer is hereby authorized and directed to pay amounts not to exceed four million dollars (\$4,000,000.00) for the acquisition of the Property upon receipt of appropriate documentation.

SECTION 7. This property acquisition is contingent upon the City acquiring 1275 S. Teller St. from the Jefferson County School District R-1 and deeding a portion of that property to The Action Center to operate a Community Service Facility.

SECTION 8. 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 9. This Ordinance shall take effect thirty (30) days after final publication.

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 13th day of October, 2025; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 16th day of October, 2025; set for public hearing to be held on the 27th day of October, 2025; read, finally passed and adopted by the City Council on the 27th day of October, 2025; and signed by the Mayor on the ___ day of October, 2025.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

EXHIBIT A

Lot 1, RUTHSCHER SUBDIVISION, the plat of which was recorded in Plat Book 58 at Page 26, of the records of the Jefferson Country Clerk and Recorder,
Containing an area of 0.877 acres +/-
Known and addressed as 8745 W 14th Avenue, Lakewood, CO

That part of the Southwest quarter of the Northwest quarter of the Northeast quarter of the Northeast quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 3, Township 4 South, Range 69 West of the 6th Principal Meridian, City of Lakewood, County of Jefferson, State of Colorado. Being more particularly described as follows:

BEGINNING at a point on the North-line of West 14th Avenue, which Point is 634.55 feet South and 144 feet East of the Northwest corner of the West $\frac{1}{2}$ of the Northeast quarter of the Northeast quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) of said Section 3;

Thence East along the North-line of West 14th Avenue, a distance of 123 feet;

Thence North a distance of 209 feet, more or less, to a point 425 feet South of the North-line of the West $\frac{1}{2}$ of the Northeast quarter of the Northeast quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) of said Section 3;

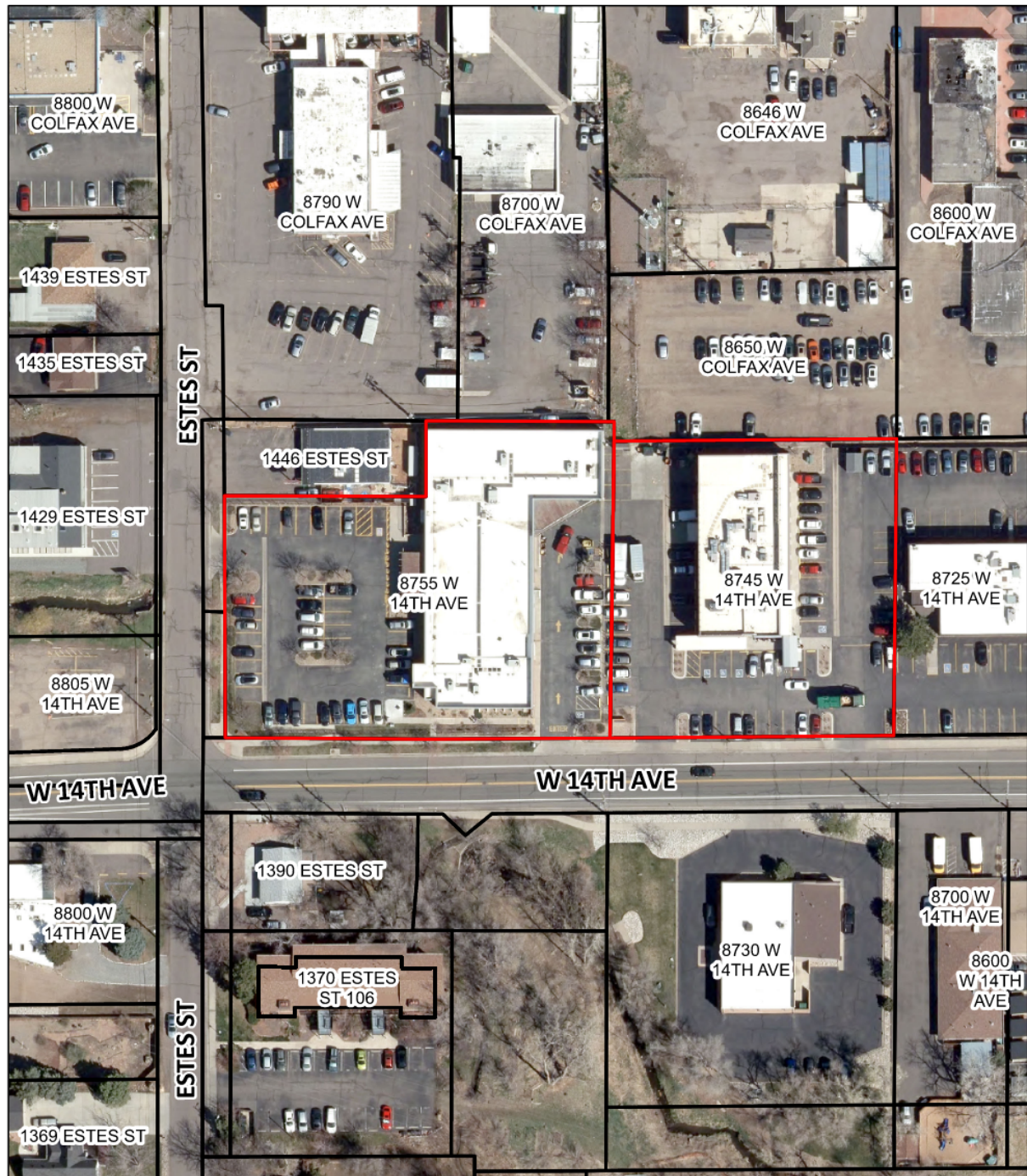
Thence West a distance of 123 feet;

Thence South a distance of 209 feet, more or less, to the Point of Beginning.

Containing an area of 1.079 acres +/-

Known and addressed as 8755 W 14th Avenue, Lakewood, CO

EXHIBIT A CONTINUED



**EXHIBIT A: JEFFCO ACTION CENTER
8745 & 8755 WEST 14TH AVENUE**

STAFF MEMO

DATE OF MEETING: OCTOBER 27, 2025 / AGENDA ITEM NO. 8

To: Mayor and City Council
From: Travis Parker, Chief of the Sustainability & Community Development Branch
Subject: **Lease of Purchase at 8745 and 8755 W. 14th Ave. (Action Center)**

SUMMARY STATEMENT: The ordinance would approve the lease of land and buildings at 8745 and 8755 W 14th Avenue to the Action Center for up to two years.

BACKGROUND INFORMATION: The Action Center has met the needs of Lakewood residents by providing free clothing, food, nutrition, family services, support groups, and financial assistance for more than fifty years. The Action Center anticipates continuing to carry out this mission in the larger site currently known as Emory Elementary School. The City is considering the purchase of the Action Center's current site for potential transitional housing needs. If the City Council approves the purchase of these buildings, this ordinance would allow the lease back of this property to the Action Center for up to two years, with a possibility of a month-to-month extension if necessary. Leasing this property back to the Action Center will allow the Action Center to continue meeting of the needs of the community without interruption during time in which the renovation of the new location will occur.

BUDGETARY IMPACTS: No budgetary impact is anticipated.

STAFF RECOMMENDATIONS: Staff recommends approval of the ordinance.

ALTERNATIVES: City Council may opt not to lease the property.

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: None

ATTACHMENTS: 1. Ordinance O-2025-34

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

AN ORDINANCE

AUTHORIZING THE EXECUTION OF AN AGREEMENT
FOR THE LEASE OF PROPERTY LOCATED AT 8745 AND 8755 W. 14TH AVE.,
LAKEWOOD, COLORADO BY AND BETWEEN THE CITY OF LAKEWOOD,
COLORADO AND THE ACTION CENTER

WHEREAS, the City of Lakewood (the "City") is a municipal corporation duly organized and existing as a home rule city under Article XX of the Colorado Constitution and under the Charter of the City (the "Charter");

WHEREAS, subject to certain exceptions, all legislative powers possessed by the City, conferred by Article XX of the State Constitution or contained in the Charter, as either has from time to time been amended, or otherwise existing by operation of law, are vested in the City Council of the City (the "City Council");

WHEREAS, the City is authorized pursuant to Article XX of the State Constitution and Section 14.3(a) of the Charter and its plenary grant of powers as a home rule city, to enter into lease agreements to lease public buildings and real property held or used for any municipal purpose;

WHEREAS, it is anticipated the City will acquire property located at 8745 and 8755 W. 14th Ave., Lakewood, Colorado 80215, legally described as the Northeast One-quarter of Section 3 Township 4 South, Range 69 West (the "Property");

WHEREAS, the current owner, The Action Center, has requested to lease the Property from the City until it can relocate to its new facility;

WHEREAS, the City Council finds and determines that the lease of the Property is authorized by the Colorado Constitution and the Charter and is in the best interests of the City and its residents; 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. The City Council hereby finds and determines that it is in the best interests of the City and its residents to lease the Property to The Action Center.

SECTION 2. The City Manager or designee is hereby authorized to execute a lease agreement, and all other related documents, in a form approved by the City Attorney, between the City and The Action Center.

SECTION 3. The lease shall be until December 31, 2027 unless otherwise extended by both parties in writing.

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

SECTION 5. This Ordinance shall take effect thirty (30) days after final publication.

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 13th day of October, 2025; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 16th day of October, 2025; set for public hearing to be held on the 27th day of October, 2025; read, finally passed and adopted by the City Council on the 27th day of October, 2025; and signed by the Mayor on the ___ day of October, 2025.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: OCTOBER 27, 2025 / AGENDA ITEM NO. 9

To: Mayor and City Council
From: Travis Parker, Chief of the Sustainability & Community Development Branch
Subject: **Property Purchase at 8745 and 8755 W. 14th Ave. (Action Center)**

SUMMARY STATEMENT: This ordinance approves the sale of the Emory School building to the Action Center for the purpose of a community service facility following the City's completion of purchase of such site.

BACKGROUND INFORMATION: In March 2025, the City Council authorized the City Manager to take those steps necessary to purchase the 17-acre site containing Emory School for \$4,000,000 from Jefferson County Public Schools. The purchasing process requires a significant amount of time to meet the legal requirements of both governmental entities involved in the transaction.

Although the purchase is not yet finalized, the City Council is being requested to authorize the City Manager to sell ten acres of the property containing the school building to the Action Center upon completion of the purchase. If this ordinance is approved, the actual transfer of property between the parties would take place immediately following the City's purchase of the land from the school district.

The deed requires that the property be used for a community service facility and that no overnight housing or sheltering would be allowed. Lakewood will retain ownership of the remaining land for municipal purposes.

BUDGETARY IMPACTS: The sale proceeds would help offset the cost of purchasing the existing Action Center site.

STAFF RECOMMENDATIONS: Staff recommends approval of the ordinance.

ALTERNATIVES: None

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: None

ATTACHMENTS: 1. Ordinance O-2025-35

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

AN ORDINANCE

AUTHORIZING THE SALE OF REAL PROPERTY LOCATED AT 1275 S. TELLER ST., LAKEWOOD, COLORADO TO OPERATE AS A COMMUNITY SERVICE FACILITY, INCLUDING A DEED RESTRICTION THEREFOR

WHEREAS, the City of Lakewood (the “City”) desires to sell approximately nine point eight three (9.83) acres of land generally located in the Northeast one-quarter of Section 23, Township 4 South, Range 69 West, of the 6th Principal Meridian, City of Lakewood, County of Jefferson, State of Colorado, and as identified in Attachment A (the “Property”);

WHEREAS, the City intends to acquire the Property from the Jefferson County School District R-1 and immediately sell it to The Action Center to be used as a Community Service Facility;

WHEREAS, a “Community Service Facility” is defined, in part, in the updated Zoning Code as “a building or campus used by a government, non-profit organization, or non-commercial institution that offers a collective public or social benefit by providing free goods, services, support, or assistance to and for vulnerable populations;”

WHEREAS, The Action Center desires to purchase the Property to continue its mission of providing resources and services to the City’s most vulnerable populations by providing free clothing, free food and nutrition, family services, support groups, financial and benefits assistance, and more;

WHEREAS, the City will sell the Property in accordance with the terms of a Purchase and Sale Agreement between the City and The Action Center (the “Agreement”);

WHEREAS, the 9.83 acre site will be deed restricted by the Jefferson County School District R-1 and the City to ensure the site shall be used for its intended purpose;

WHEREAS, the sale price for the Property is one million dollars (\$1,000,000.00) which may be deferred or offset by the acquisition of the current Action Center property by the City located at 8745 and 8755 W. 14th Ave., Lakewood, Colorado;

WHEREAS, the City is selling this Property in “as-is” condition;

WHEREAS, the City Attorney’s Office will prepare, review, and approve the final Agreement as to form; 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. The City Council for the City of Lakewood hereby declares its intent to sell the Property at 1275 S. Teller St., Lakewood, Colorado, identified in Attachment A, attached hereto and incorporated herein, in fee simple to The Action Center for use as a Community Service Facility.

SECTION 2. The sale of the Property will serve a public purpose and further the health and welfare of the residents of the City by providing necessary services and resources to the City's most vulnerable residents.

SECTION 3. The City Council hereby authorizes the City Manager or designee to execute all documents necessary to finalize the Agreement and other documents related to the sale of the Property, including language within the deed prohibiting the use of this property for overnight sheltering, camping or any similar use .

SECTION 4. The City Council grants the City Manager or designee the authority to defer or offset the one million dollar (\$1,000,000.00) sale price for the sale of the Property pending the acquisition of the current Action Center property.

SECTION 5. 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 6. This Ordinance shall take effect thirty (30) days after final publication.

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 13th day of October, 2025; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 16th day of October, 2025; set for public hearing to be held on the 27th day of October, 2025; read, finally passed and adopted by the City Council on the 27th day of October, 2025; and signed by the Mayor on the ___ day of October, 2025.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

ATTACHMENT A

LAND DESCRIPTION

PARCEL 2

A PARCEL LOCATED IN THE NORTHEAST QUARTER OF SECTION 23, 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:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 23, THENCE ALONG THE NORTHERLY LINE OF SAID NORTHEAST QUARTER, S89°10'20"W A DISTANCE OF 1535.74 FEET;
THENCE S00°35'45"E A DISTANCE OF 130.00 FEET TO A POINT ON THE NORTHERLY LINE OF GREEN GABLES TOWNHOUSE RECORDED JULY 19, 1966 AT RECEPTION NO. 196806 SAID POINT BEING THE POINT OF BEGINNING;

THENCE ALONG SAID NORTHERLY LINE, S74°45'31"E A DISTANCE OF 24.90 FEET;
THENCE S10°32'36"E A DISTANCE OF 627.48 FEET TO A POINT ON THE NORTHERLY LINE OF THE BARGAIN AND SALE DEED RECORDED JANUARY 30, 1995 AT RECEPTION NO. F0010642;
THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING FIVE (5) CONSECUTIVE COURSES:

- 1) N63°25'49"W A DISTANCE OF 104.70 FEET;
- 2) THENCE N10°25'54"W A DISTANCE OF 24.44 FEET;
- 3) THENCE S80°15'43"W A DISTANCE OF 75.16 FEET;
- 4) THENCE S30°00'49"W A DISTANCE OF 126.02 FEET;
- 5) THENCE S20°47'11"W A DISTANCE OF 284.63 FEET TO A POINT ON THE NORTHERLY LINE OF GREENWOOD LANE FILING NO. 1 RECORDED APRIL 03, 1963 AT RECEPTION NO. 971724;

THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING FOUR (4) CONSECUTIVE COURSES:

- 1) N79°48'36"W A DISTANCE OF 70.40 FEET;
- 2) THENCE N66°32'36"W A DISTANCE OF 90.00 FEET;
- 3) THENCE N54°07'36"W A DISTANCE OF 148.40 FEET;
- 4) THENCE N88°55'36"W A DISTANCE OF 244.87 FEET TO THE SOUTHEAST CORNER OF THE WARRANTY DEED RECORDED APRIL 11, 2000 AT RECEPTION NO. F1040731;

THENCE ALONG THE EASTERLY LINE OF SAID WARRANTY DEED, N01°28'36"W A DISTANCE OF 445.65 FEET TO A POINT ON THE SOUTHERLY LINE OF THE JEFFERSON RECORDED DECEMBER 27, 1973 AT RECEPTION NO. 613009;

THENCE ALONG SAID SOUTHERLY LINE OF THE JEFFERSON AND THE SOUTHERLY AND SOUTHEASTERLY LINE OF RICHTERS SUBDIVISION RECORDED JUNE 11, 1951 AT RECEPTION NO. 51504755 FOUR (4) CONSECUTIVE COURSES:

- 1) N89°10'24"E A DISTANCE OF 374.77 FEET;
- 2) THENCE N53°14'24"E A DISTANCE OF 300.87 FEET;
- 3) THENCE N25°14'24"E A DISTANCE OF 174.80 FEET;
- 4) THENCE N71°53'24"E A DISTANCE OF 37.30 FEET TO THE POINT OF BEGINNING.

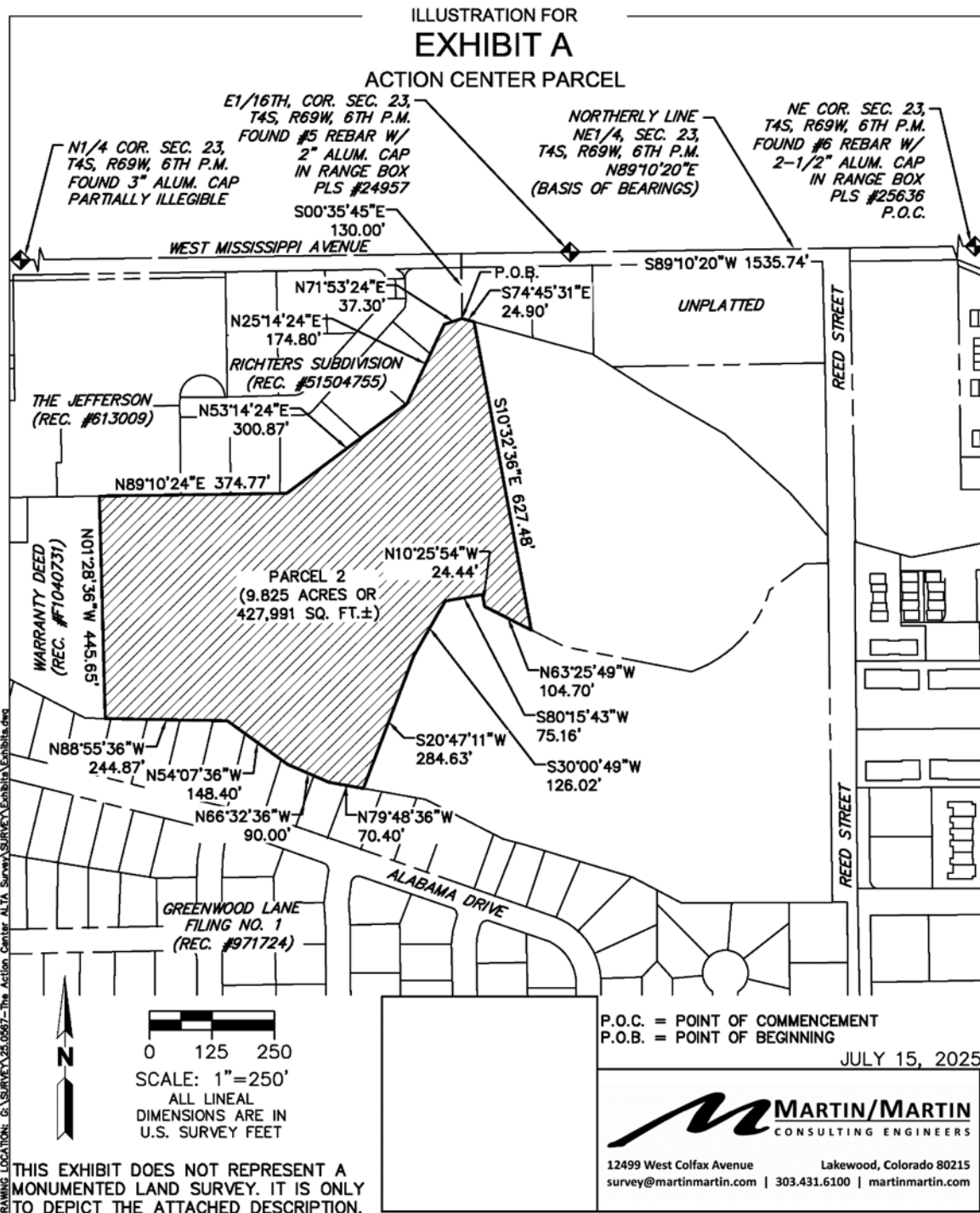
SAID PARCEL CONTAINS 9.825 ACRES OR 427,993 SQUARE FEET MORE OR LESS.

ALL LINEAL DIMENSIONS ARE IN U.S. SURVEY FEET.

BASIS OF BEARINGS

BEARINGS ARE BASED ON THE NORTHERLY LINE OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 4 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN ASSUMED TO BEAR N89°10'20"E AND BEING MONUMENTED BY A FOUND 3" ALUMINUM CAP PARTIALLY ILLEGIBLE AT THE NORTH QUARTER CORNER A AND A FOUND #6 REBAR WITH 2-1/2" ALUMINUM CAP IN RANGE BOX PLS #25636 AT THE NORTHEAST CORNER.

PREPARED BY SCOTT A. AREHART, PLS
FOR AND ON BEHALF OF
MARTIN/MARTIN, INC.
12499 WEST COLFAX AVENUE
LAKEWOOD, CO. 80215
303-431-6100
JULY 15, 2025
PROJECT NO. 25.0567



STAFF MEMO

DATE OF MEETING: OCTOBER 27, 2025 / AGENDA ITEM NO. 10

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: None

ALTERNATIVES: None

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: None

ATTACHMENTS: None

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