

ORDINANCE NO. 2023-004

**AN ORDINANCE APPROVING A GROUND LEASE AGREEMENT
BETWEEN THE TOWN OF CASTLE ROCK AND CORE ELECTRIC
COOPERATIVE**

WHEREAS, the Town of Castle Rock, Colorado (the “Town”) and CORE Electric Cooperative (“CORE”) have agreed to the terms and conditions of a Ground Lease Agreement (the “Lease”); and

WHEREAS, pursuant to Section 14.02.050 of the Town of Castle Rock Municipal Code (the “Code”), the lease of any real property interests for a term of greater than one year shall be authorized and approved by ordinance; and

WHEREAS, the Town is the owner of approximately 223.068 acres of land located in Douglas County, Colorado (the “Property”); and

WHEREAS, CORE desires to lease a portion of the Property for the purposes of placing an Electric Vehicle Charger and the Town desires to lease to CORE a portion of the Property for a five (5)-year term, as more particularly described in the Lease.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:

Section 1. Authorization and Approval. The Lease between the Town and CORE is hereby approved in substantially the same form attached as *Exhibit 1*, with such technical changes, additions, modifications, or deletions as the Town Manager may approve upon consultation with the Town Attorney. The Mayor and other proper Town officials are hereby authorized to execute the Lease by and on behalf of the Town.

Section 2. Public Purpose Finding. Pursuant to its authority under Section 15.01.030 of the Code, Town Council hereby finds and determines that: (i) a public purpose is served by placement of an Electric Vehicle Charger on the Property and (ii) as such, there are unique and compelling circumstances that render the imposition of fees in strict accordance with Chapter 15.01 inequitable with respect to this particular application. The waiver of fees imposed in Chapter 15.01 is hereby approved as set forth in *Exhibit 1*.

Section 3. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this Ordinance.

Section 4. Safety Clause. The Town Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and this Ordinance bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this 21st day of February, 2023, by a vote of 7 for and 0 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this _____ day of _____, 2023, by the Town Council of Castle Rock by a vote of ___ for and ___ against.

ATTEST:

TOWN OF CASTLE ROCK

Lisa Anderson, Town Clerk

Jason Gray, Mayor

Approved as to form:

Approved as to content:

Michael J. Hyman, Town Attorney

David L. Corliss, Town Manager