

**CITY OF LEADVILLE, COLORADO
RESOLUTION 28
Series of 2017**

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LEADVILLE, COLORADO APPROVING THE
COMMITMENT OF 1% FUNDS TO THE MOUNTAIN VIEW
EXTENSION/RAILYARD PROJECT**

WHEREAS, pursuant to Ordinance No. 6, Series 2014, the City of Leadville approved that certain Franchise Agreement between the City and Public Service Company of Colorado for gas and electric services (“Franchise Agreement”); and

WHEREAS, the Franchise Agreement was approved for a 20-year period commencing on September 22, 2014 and terminating on September 21, 2034; and

WHEREAS, Section 11.2 of the Franchise Agreement provides as follows:

§ 11.2 Underground Conversion at Expense of Company.

A. Underground Fund. The Company shall budget and allocate an annual amount, equivalent to one percent (1%) of the preceding year’s Electric Gross Revenues . . . for the purpose of undergrounding its existing overhead electric distribution facilities in the City in City Streets and Other City Property, as may be requested by the City Designee.

(the “1% Fund”); and

WHEREAS, the City desires to underground certain existing overhead electric distribution facilities in City Streets and Other City Property, specifically overhead electric distribution facilities in the vicinity of the US 24/Mountain View Extension Project and the Railyard at Leadville Project (collecting, the “Undergrounding Project”); and

WHEREAS, the City Council hereby desires to approve the commitment of up to four hundred thousand dollars (\$400,000.00) in the 1% Fund to the Undergrounding Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Leadville, Colorado as follows:

Section 1. The City Council of the City of Leadville hereby: (a) approves the commitment of the 1% Fund in an amount not to exceed four hundred thousand dollars (\$400,000.00) to the Undergrounding Project described above; (b) authorizes the City Administrative Services Manager, in consultation with the City Attorney, to execute any future agreements necessary to complete the Undergrounding Project on behalf of the City so long as such agreements do not obligate the City to commit any balance in the 1% Fund in excess of the amount approved by this Resolution.

Section 2. Pursuant to the delegation of authority set forth in Section 1 of this Resolution, and following the review and approval of same by the City Attorney, the City Administrative Services Manager shall be authorized to enter into a written agreement with High Country Developers, LLC or its successors or assigns (“Developer”), through which Developer will be responsible for any and all costs of the Undergrounding Project which exceed \$400,000.00.

Section 3. Effective Date. This Resolution shall take effect upon its adoption by the City Council.

0 ADOPTED the 2nd day of January, 2018, by a vote of 6 in favor, 1 against, and 0 absent.

CITY OF LEADVILLE, COLORADO

By: _____

Greg Labbe, Mayor

ATTEST:

De M
City Clerk