

Resolution No. 2024 - 15

RESOLUTION OF THE BOARD OF DIRECTORS OF THE LA PLATA ELECTRIC ASSOCIATION, INC.

RESOLUTION OF NECESSITY

11/20/2024

RECITALS

WHEREAS, the La Plata Electric Association, Inc. (“LPEA”) is an electric distribution cooperative organized and existing under the provisions of §§ 40-9.5-101, et seq.; and

WHEREAS, LPEA is obligated to provide electric energy to its members within its service territory and is authorized to construct public improvements for that purpose, including to rebuild in place and convert the 69kV line to a 115kV line from Bayfield, Colorado, to Pagosa Springs, Colorado, bringing a transmission line of adequate capacity that will increase the reliability of power from the Tri-State Generation and Transmission substation in La Plata County, Colorado (at which LPEA’s substation is located) to LPEA’s Ponderosa substation on the western side of Archuleta County, Colorado, along with the installation of fiber for improved internet connectivity to operate the electric transmission facilities (the “Archuleta Reliability Upgrade” or the “Project”); and

WHEREAS, the Archuleta Reliability Upgrade will create redundancy and improve reliability in the communities in La Plata and Archuleta Counties; and

WHEREAS, it is necessary for LPEA to acquire construction easements of various dimensions and perpetual easements over properties along the Bayfield to Ponderosa transmission line, Capital Project 800-13, with terms sufficient for the construction and continued operation, maintenance, inspection, repair, alteration, and replacement of electric transmission and distribution facilities, together with rights of ingress and egress, vegetation management, and other rights necessary for the full and complete use of such easements (the “Easements”); and

WHEREAS, pursuant to §§ 38-2-101, 38-4-103, and 38-5-105, C.R.S., LPEA has the power to acquire the Easements through the exercise of eminent domain; and

WHEREAS, pursuant LPEA Policy No. 102 – Functions of the Board of Directors, the Board of Directors of LPEA (the “Board”) may authorize eminent domain proceedings by LPEA as required, and the Board may assign that function to the Chief Executive Officer of LPEA (the “CEO”).

NOW, THEREFORE, BE IT RESOLVED, by the Board that:

1. It is necessary for the public health, safety, and welfare of its members for LPEA to

construct and install the Archuleta Reliability Upgrade and to acquire the Easements in connection with the Project, either through negotiation and purchase, or by exercising its power of eminent domain.

2. The Board hereby delegates to the CEO the power to determine the Easements that are necessary for the Project and to engage in good faith negotiations to acquire such Easements.
3. To the extent that the Easements are not acquired by negotiation and purchase, the Board delegates to the CEO the power to acquire the Easements through the exercise of eminent domain and to take all necessary legal measures to do so, including condemnation and immediate possession pursuant to §§ 38-1-101, et seq., C.R.S., as may be required to timely construct the Archuleta Reliability Upgrade.
4. The CEO is authorized to retain consultants, including appraiser(s), to determine compensation for any acquisitions.
5. The CEO is authorized to determine and negotiate specific terms and conditions of the Easements, to modify the specific boundaries of the Easements, and to add temporary construction easements in a manner consistent with this resolution as may be necessary to facilitate acquisition of the Easements or completion of the Archuleta Reliability Upgrade.

[Remainder intentionally left blank; signature page to follow]

Adopted this 20th day of November, 2024.

LA PLATA ELECTRIC ASSOCIATION, INC.



President, Board of Directors

ATTEST:

APPROVED AS TO FORM:
Alderman Bernstein



By: _____
Jody Harper Alderman
Special Counsel to LPEA