

RESOLUTION NO. 1390

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLDEN DECLARING THE INTENT TO ACQUIRE INTERESTS IN REAL PROPERTIES RELATED TO THE CITY'S WATER UTILITY SYSTEM AND AUTHORIZING THE CONTINUATION OF NEGOTIATIONS AND PROCEEDINGS, INCLUDING LITIGATION, IF NECESSARY, FOR SUCH ACQUISITION

WHEREAS, the City has been upgrading and improving its water utility system and water resources for many years; and

WHEREAS, a significant part of improving the system is to provide more storage capacity and facilities; and

WHEREAS, the City has secured by lease the right to store water in a facility known as the Guanella Reservoir in Clear Creek County; and

WHEREAS, the City has committed to the commencement of construction of such reservoir in the spring of 2003; and

WHEREAS, in order to secure the long term stability of the water distribution system, it is necessary that the City have ownership and control of the properties and facilities constituting the reservoir system and related utility facilities; and

WHEREAS, the City has engaged in negotiations with the owners of the Guanella properties and has been attempting to acquire ownership of the properties; and

WHEREAS, acquisition of properties for the City's water utility system is a long recognized public purpose to provide for the City's health, safety and well-being.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO:

Section 1. The Council hereby declares its intent to acquire interests in real property in private ownership of the parcels of real property described in Exhibits A and B hereto.

Section 2. Acquisition of such interests is necessary for the public purpose of improving, maintaining, operating and preserving the water utility system for the City of Golden.

Section 3. The staff, consultants, special counsels and attorney are authorized to continue to attempt to acquire ownership of real properties and to take all necessary steps for acquisition of interests in the real properties referred to in Exhibits A & B hereto, including, without limitation, good faith negotiations with the owner(s) of the property or their representative(s) and the initiation of legal proceedings, including eminent domain or other legal actions, if required, for such acquisition.

Adopted the 10th day of April, 2003.

Charles J. Baroch
Charles J. Baroch, Mayor

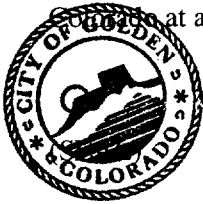


Susan M. Brooks
Susan M. Brooks, MMC
City Clerk

APPROVED AS TO FORM:

James A. Windholz
James A. Windholz
City Attorney

I, Susan M. Brooks, City Clerk of the City of Golden, Colorado, do hereby certify that the foregoing is a true copy of a certain Resolution adopted by the City Council of the City of Golden, at a regular meeting thereof held on the 10th day of April, A.D., 2003.



ATTEST: Susan M. Brooks
Susan M. Brooks, City Clerk of the City of
Golden, Colorado

EXHIBIT A

Guanella Reservoir - Parcel #1 - Reservoir Site

That Portion of the Lindstrom Placer, Survey No. 1648 and the Salmon Placer, Survey No. 1642 located in Township 3 South, Range 74 West, 6th Principal Meridian, Clear Creek County, Colorado, more particularly described as follows:

Beginning at the common point, Lindstrom 1 and Salmon 5, and considering the common line of Lindstrom 1 and Salmon 5 as bearing North 00° 45' 00" West, with all other bearings herein relative thereto:

| | | | | |
|--------------|-------------|-------|---------|-----------------------------|
| Thence North | 76° 09' 11" | West, | 2899.76 | feet; |
| Thence North | 02° 02' 45" | West, | 584.48 | feet; |
| Thence North | 16° 04' 29" | East, | 223.32 | feet; |
| Thence South | 40° 46' 38" | East, | 47.27 | feet; |
| Thence South | 45° 00' 50" | East, | 149.08 | feet; |
| Thence South | 90° 00' 00" | East, | 64.63 | feet; |
| Thence North | 51° 16' 37" | East, | 198.37 | feet; |
| Thence South | 83° 39' 46" | East, | 46.20 | feet; |
| Thence South | 37° 49' 12" | East, | 124.81 | feet; |
| Thence South | 69° 52' 21" | East, | 54.34 | feet; |
| Thence North | 75° 13' 56" | East, | 160.05 | feet; |
| Thence South | 71° 34' 24" | East, | 145.20 | feet; |
| Thence South | 48° 13' 45" | East, | 107.17 | feet; |
| Thence South | 83° 32' 39" | East, | 90.71 | feet; |
| Thence North | 56° 56' 49" | East, | 389.58 | feet; |
| Thence South | 85° 44' 03" | East, | 114.26 | feet; |
| Thence South | 62° 56' 30" | East, | 145.94 | feet; |
| Thence South | 74° 09' 34" | East, | 274.01 | feet; |
| Thence South | 84° 27' 22" | East, | 144.82 | feet; |
| Thence South | 84° 15' 54" | East, | 427.83 | feet; |
| Thence North | 89° 00' 00" | East, | 560.00 | feet; |
| Thence South | 53° 50' 00" | East, | 500.00 | feet; |
| Thence North | 70° 45' 00" | East, | 470.00 | feet; |
| Thence South | 88° 35' 00" | East, | 106.28 | feet; |
| Thence South | 59° 42' 03" | West, | 436.33 | feet; |
| Thence South | 25° 28' 50" | East, | 597.28 | feet; |
| Thence South | 70° 59' 57" | West, | 316.04 | feet; |
| Thence South | 77° 35' 01" | West, | 176.41 | feet; |
| Thence South | 03° 07' 05" | West, | 92.52 | feet; |
| Thence South | 74° 43' 43" | West, | 558.44 | feet to point of beginning. |

Said parcel of land contains 85.46 acres, more or less.

Prepared for and on behalf of the City of Golden by Gregory E. Gulley, E.I.T., W. W. Wheeler and Associates, Inc.. This Legal Description does not represent a land survey by W. W. Wheeler and Associates, Inc. of the described tract. This legal description was prepared for the purpose of defining the boundaries of individual tracts for the construction of the Guanella Dam and Reservoir and should be surveyed by a professional land surveyor if it is to be used to convey real property.

EXHIBIT A

Guanella Reservoir - Parcel #3 - Inlet Parcel

That Portion of the Lindstrom Placer, Survey No. 1648 located in Township 3 South, Range 74 West, 6th Principal Meridian, Clear Creek County, Colorado, more particularly described as follows:

Beginning at Corner No. 3 of the Lindstrom Placer, with all other bearings herein relative thereto:

| | | | | |
|--------------|-------------|-------|--------|-----------------------------|
| Thence North | 84° 34' 13" | West, | 868.36 | feet; |
| Thence North | 00° 00' 00" | East, | 278.22 | feet; |
| Thence North | 81° 28' 01" | East, | 116.10 | feet; |
| Thence South | 68° 52' 49" | East, | 226.11 | feet; |
| Thence South | 85° 25' 38" | East, | 120.22 | feet; |
| Thence North | 67° 45' 23" | East, | 227.88 | feet; |
| Thence South | 83° 59' 33" | East, | 91.58 | feet; |
| Thence South | 55° 34' 10" | East, | 118.05 | feet; |
| Thence South | 21° 11' 57" | East, | 59.21 | feet; |
| Thence South | 50° 16' 41" | East, | 72.28 | feet; |
| Thence South | 16° 25' 03" | West, | 203.39 | feet to point of beginning. |

Said parcel of land contains 5.94 acres, more or less.

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EXHIBIT B

Guanella Reservoir - Parcel #4 - South Abutment Slurry Wall Easement

That Portion of Township 3 South, Range 74 West, 6th Principal Meridian, Clear Creek County, Colorado, more particularly described as follows:

Beginning at Corner No. 1 of the Lindstrom Placer:

| | | | | |
|--------------|-------------|-------|--------|-----------------------------|
| Thence North | 67° 43' 33" | East, | 683.14 | feet to the starting point; |
| Thence North | 77° 35' 01" | East, | 85.88 | feet; |
| Thence North | 70° 59' 57" | East, | 120.95 | feet; |
| Thence South | 26° 57' 32" | East, | 302.44 | feet; |
| Thence South | 84° 50' 12" | West, | 215.46 | feet; |
| Thence North | 27° 35' 16" | West, | 260.76 | feet to point of beginning. |

Said parcel of land contains 1.29 acres, more or less.

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EXHIBIT B

Guanella Reservoir - Parcel #5 - Northern Slurry Wall Easement

That Portion of Township 3 South, Range 74 West, 6th Principal Meridian, Clear Creek County, Colorado, more particularly described as follows:

Beginning at Corner No. 9 of the Lindstrom Placer:

| | | | | |
|--------------|-------------|-------|--------|-----------------------------|
| Thence South | 64° 15' 03" | West, | 451.52 | feet to the starting point; |
| Thence South | 89° 09' 29" | East, | 408.02 | feet; |
| Thence South | 89° 25' 49" | West, | 123.61 | feet; |
| Thence North | 88° 47' 10" | East, | 174.08 | feet; |
| Thence South | 02° 48' 41" | East, | 100.31 | feet; |
| Thence South | 88° 51' 17" | West, | 184.53 | feet; |
| Thence North | 89° 22' 51" | West, | 411.26 | feet; |
| Thence South | 03° 14' 32" | West, | 172.44 | feet; |
| Thence South | 01° 35' 51" | West, | 341.16 | feet; |
| Thence South | 89° 00' 00" | West, | 54.06 | feet; |
| Thence North | 84° 15' 54" | West, | 27.72 | feet; |
| Thence North | 02° 36' 58" | East, | 342.10 | feet; |
| Thence North | 03° 09' 01" | East, | 171.55 | feet; |
| Thence North | 05° 39' 53" | West, | 55.09 | feet; |
| Thence North | 35° 48' 27" | West, | 57.29 | feet to point of beginning. |

Said parcel of land contains 2.49 acres, more or less.

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EXHIBIT A

Guanella Reservoir - Parcel #6 - Outlet Works

That Portion of the Salmon Placer, Survey No. 1648 located in Township 3 South, Range 74 West, 6th Principal Meridian, Clear Creek County, Colorado, more particularly described as follows:

Beginning at Corner No. 1-10 of the Guanella Reservoir Parcel #1, with all other bearings herein relative thereto:

| | | | | |
|--------------|-------------|-------|--------|-----------------------------|
| Thence North | 87° 36' 00" | West, | 104.83 | feet; |
| Thence South | 70° 45' 00" | West, | 470.00 | feet; |
| Thence North | 53° 50' 00" | West, | 59.22 | feet; |
| Thence North | 59° 48' 05" | East, | 587.34 | feet; |
| Thence South | 64° 39' 52" | East, | 1.86 | feet; |
| Thence South | 78° 22' 19" | East, | 52.56 | feet; |
| Thence North | 88° 02' 14" | East, | 132.57 | feet; |
| Thence North | 72° 41' 00" | East, | 79.46 | feet; |
| Thence South | 26° 50' 24" | East, | 83.12 | feet; |
| Thence South | 59° 48' 05" | West, | 243.43 | feet to point of beginning. |

Said parcel of land contains 2.42 acres, more or less.

Prepared for and on behalf of the City of Golden by Gregory E. Gulley, E.I.T., W. W. Wheeler and Associates, Inc.. This Legal Description does not represent a land survey by W. W. Wheeler and Associates, Inc. of the described tract. This legal description was prepared for the purpose of defining the boundaries of individual tracts for the construction of the Guanella Dam and Reservoir and should be surveyed by a professional land surveyor if it is to be used to convey real property.

EXHIBIT A

Guanella Reservoir - Parcel #7a - Monitoring Well No.1

That Portion of Township 3 South, Range 74 West, 6th Principal Meridian, Clear Creek County, Colorado, more particularly described as follows:

Beginning at Corner No. 3 of the Lindstrom Placer:

Thence North 16° 32' 25" West, 582.59 feet to the starting point;
Thence North 00° 00' 00" East, 100.00 feet;
Thence North 90° 00' 00" East, 100.00 feet;
Thence South 00° 00' 00" West, 100.00 feet;
Thence South 90° 00' 00" West, 100.00 feet to point of beginning.

Said parcel of land contains 0.23 acres, more or less.

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EXHIBIT A

Guanella Reservoir - Parcel #7b - Monitoring Well No. 2

That Portion of Township 3 South, Range 74 West, 6th Principal Meridian, Clear Creek County, Colorado, more particularly described as follows:

Beginning at Corner No. 3 of the Lindstrom Placer:

Thence North 53° 35' 11" East, 800.61 feet to the starting point;
Thence North 00° 00' 00" East, 100.00 feet;
Thence North 90° 00' 00" East, 100.00 feet;
Thence South 00° 00' 00" West, 100.00 feet;
Thence South 90° 00' 00" West, 100.00 feet to point of beginning.

Said parcel of land contains 0.23 acres, more or less.

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EXHIBIT A

Guanella Reservoir - Parcel #7c - Monitoring Well No. 3

That Portion of Township 3 South, Range 74 West, 6th Principal Meridian, Clear Creek County, Colorado, more particularly described as follows:

Beginning at Corner No. 3 of the Lindstrom Placer:

| | | | | |
|--------------|-------------|-------|---------|-----------------------------|
| Thence North | 74° 53' 21" | East, | 1471.38 | feet to the starting point; |
| Thence North | 00° 00' 00" | East, | 100.00 | feet; |
| Thence North | 90° 00' 00" | East, | 100.00 | feet; |
| Thence South | 00° 00' 00" | West, | 100.00 | feet; |
| Thence South | 90° 00' 00" | West, | 100.00 | feet to point of beginning. |

Said parcel of land contains 0.23 acres, more or less.

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EXHIBIT A

Guanella Reservoir - Parcel #7d - Monitoring Well No. 4

That Portion of Township 3 South, Range 74 West, 6th Principal Meridian, Clear Creek County, Colorado, more particularly described as follows:

Beginning at Corner No. 9 of the Lindstrom Placer:

Thence South 58° 07' 27" West, 814.03 feet to the starting point;
Thence North 00° 00' 00" East, 100.00 feet;
Thence North 90° 00' 00" East, 100.00 feet;
Thence South 00° 00' 00" West, 100.00 feet;
Thence South 90° 00' 00" West, 100.00 feet to point of beginning.

Said parcel of land contains 0.23 acres, more or less.

Prepared for and on behalf of the City of Golden by Gregory E. Gulley, E.I.T., W. W. Wheeler and Associates, Inc.. This Legal Description does not represent a land survey by W. W. Wheeler and Associates, Inc. of the described tract. This legal description was prepared for the purpose of defining the boundaries of individual tracts for the construction of the Guanella Dam and Reservoir and should be surveyed by a professional land surveyor if it is be used to convey real property.

EXHIBIT B

Guanella Reservoir - Parcel #7e - Monitoring Wells Access Easement

That Portion of Township 3 South, Range 74 West, 6th Principal Meridian, Clear Creek County, Colorado, more particularly described as follows:

Beginning at Corner No. 3 of the Lindstrom Placer:

| | | | | |
|--------------|-------------|-------|--------|-----------------------------|
| Thence North | 05° 59' 07" | West, | 631.59 | feet to the starting point; |
| Thence North | 00° 00' 00" | East, | 19.95 | feet; |
| Thence South | 88° 21' 27" | East, | 401.07 | feet; |
| Thence South | 75° 11' 43" | East, | 319.86 | feet; |
| Thence South | 00° 00' 00" | East, | 25.49 | feet; |
| Thence North | 74° 10' 05" | West, | 322.38 | feet; |
| Thence North | 88° 27' 01" | West, | 400.15 | feet to point of beginning. |

Said parcel of land contains 0.34 acres, more or less.

Prepared for and on behalf of the City of Golden by Gregory E. Gulley, E.I.T., W. W. Wheeler and Associates, Inc.. This Legal Description does not represent a land survey by W. W. Wheeler and Associates, Inc. of the described tract. This legal description was prepared for the purpose of defining the boundaries of individual tracts for the construction of the Guanella Dam and Reservoir and should be surveyed by a professional land surveyor if it is to be used to convey real property.

EXHIBIT B

Guanella Reservoir - Parcel #7f - Monitoring Wells Access Easement

That Portion of Township 3 South, Range 74 West, 6th Principal Meridian, Clear Creek County, Colorado, more particularly described as follows:

Beginning at Corner No. 3 of the Lindstrom Placer:

| | | | | |
|--------------|-------------|-------|--------|-----------------------------|
| Thence North | 53° 47' 21" | East, | 922.47 | feet to the starting point; |
| Thence North | 00° 00' 00" | East, | 24.24 | feet; |
| Thence South | 81° 52' 44" | East, | 289.34 | feet; |
| Thence North | 28° 08' 51" | West, | 192.50 | feet; |
| Thence North | 88° 01' 28" | East, | 64.61 | feet; |
| Thence South | 27° 01' 51" | East, | 18.22 | feet; |
| Thence South | 83° 40' 24" | West, | 40.54 | feet; |
| Thence South | 28° 08' 51" | East, | 175.52 | feet; |
| Thence South | 81° 52' 44" | East, | 368.91 | feet; |
| Thence South | 00° 00' 00" | East, | 24.24 | feet; |
| Thence North | 81° 52' 44" | West, | 683.06 | feet to point of beginning. |

Said parcel of land contains 0.48 acres, more or less.

Prepared for and on behalf of the City of Golden by Gregory E. Gulley, E.I.T., W. W. Wheeler and Associates, Inc.. This Legal Description does not represent a land survey by W. W. Wheeler and Associates, Inc. of the described tract. This legal description was prepared for the purpose of defining the boundaries of individual tracts for the construction of the Guanella Dam and Reservoir and should be surveyed by a professional land surveyor if it is to be used to convey real property.

EXHIBIT A

The water right for 12 cfs decreed in 1936 to the Lindstrom No. 2 Ditch from the West (a/k/a North) Fork of Clear Creek for irrigation and domestic purposes, with an appropriation date of 1876, having an Administration Number of 16718.09862, together with all ditch rights, easements, permits, headgates, diversion dams, control gates and diversions and delivery structures and rights related thereto.

Prepared for and on behalf of the City of Golden by Gregory E. Gulley, E.I.T., W. W. Wheeler and Associates, Inc.. This Legal Description does not represent a land survey by W. W. Wheeler and Associates, Inc. of the described tract. This legal description was prepared for the purpose of defining the boundaries of individual tracts for the construction of the Guanella Dam and Reservoir and should be surveyed by a professional land surveyor if it is to be used to convey real property.