

RESOLUTION NO. 1801

A RESOLUTION OF THE GOLDEN CITY COUNCIL
AUTHORIZING THE EXECUTION OF A LICENSE
AGREEMENT WITH MICHAEL CRUSON OF 1717
WASHINGTON LLC, OWNER OF 1717 WASHINGTON
AVENUE

WHEREAS, Michael Cruson of 1717 Washington LLC, owner of 1717 Washington Avenue has requested approval to use a portion of the Washington Avenue right-of-way, City of Golden, Colorado; and

WHEREAS, the City of Golden, Colorado is the owner of the Washington Avenue right-of-way, including the 1,050 square foot area in question; and

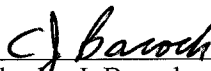
WHEREAS, the portion of Washington Avenue right-of-way requested for the temporary private use is not being used for public municipal purposes; and

WHEREAS, Michael Cruson of 1717 Washington LLC wishes to agree as to certain conditions and provisions under which a portion of the public right-of-way of Washington Avenue may be utilized by Michael Cruson for parking uses.

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


That a license agreement with Michael Cruson, substantially in the form attached hereto as Exhibit A is approved. The Mayor is authorized to execute on behalf of the City of Golden.

Adopted this 11th day of October, 2007.



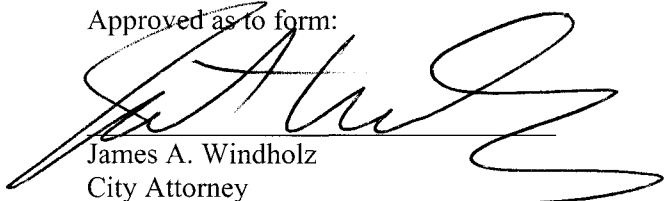
Charles J. Baroch
Mayor





Susan M. Brooks, MMC
City Clerk

Approved as to form:



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, Colorado at a rescheduled regular meeting thereof held on the 11th day of October, A.D., 2007.

(SEAL)

ATTEST:

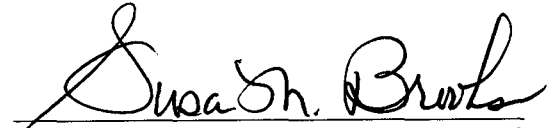

Susan M. Brooks, City Clerk of the City of
Golden, Colorado

EXHIBIT A

LICENSE AGREEMENT

THIS AGREEMENT is entered into the ___ day of ___, 2007 by and between the City of Golden, Colorado, a municipal corporation organized under the laws of the State of Colorado (the "City"), with offices at 911 Tenth Street, Golden, Colorado 80401 and Michael Cruson, whose address is 1717 Washington Avenue, Golden, Colorado 80401.

- A. Michael Cruson of 1717 Washington LLC the owner of certain properties located at 1717 Washington Avenue and the City of Golden is the owner of the Washington Avenue right of way.
- B. Michael Cruson desires to use a portion of the City right-of-way, which includes a paved parking area within the Washington Avenue right of way.
- C. The parties hereto wish to agree as to the nature, terms and conditions under which Michael Cruson may construct improvements within the Washington Avenue right of way.

THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES HEREIN, THE CITY AND MICHAEL CRUSON AGREE AS FOLLOWS:

- 1. License. The City grants to Michael Cruson a non-exclusive revocable license to maintain a parking area ("improvements") within the affected right of way area as shown in the attached Exhibit A.
- 2. Maintenance. Michael Cruson, shall, at his expense, maintain the improvements in good condition including the hardscape elements within the above described area.
- 3. General Obligations with Respect to Initial Construction and Maintenance Work.
 - a. All work performed by Michael Cruson pursuant to this Agreement shall be done:
 - 1) In a good workmanlike manner; and
 - 2) In a timely and expeditious manner; and
 - 3) In a manner which minimizes inconveniences to the public and individuals; and
 - 4) In accordance with all applicable codes, rules and regulations of the City.
 - b. Inspection. All work performed by Michael Cruson within the right-of-way shall be subject to inspection by the City. Michael Cruson shall promptly perform reasonable remedial action as required by the City pursuant to the inspection.
- 4. Indemnification and Release. Michael Cruson shall hold harmless, indemnify and defend the City from and against all liabilities, damages and claims that result from the design, initial construction or maintenance of the improvements.
- 5. Compliance with laws. This Agreement relates only to permission to encroach onto a public right-of-way under the terms and conditions set forth. The execution of this license agreement shall not relieve Michael Cruson from complying with any provision of the

Golden Municipal Code, including compliance with zoning ordinances, land use regulations, or building codes, nor shall this Agreement be construed as approval by the City to construct the improvements contemplated by Michael Cruson to the extent that City approvals or permits are otherwise required by the Golden Municipal Code or statute. The execution of this license agreement, and the improvements constructed pursuant to this agreement, shall not relieve Michael Cruson, or otherwise be construed as a release or waiver, with respect to any obligation of Michael Cruson to not interfere with the subjacent lateral support of the City's right-of-way.

- 6. Police Power Reserved. The rights granted herein shall not limit or otherwise restrict the right of the City to exercise its police power with respect to its control of the right-of-way.
- 7. Termination. Either party may terminate this Agreement, with or without cause, by providing the other party with ninety (90) days written notice. Upon termination, and at the request of the City, Michael Cruson shall remove at his expense all improvements located within the right-of-way pursuant to this Agreement if the City determines, in its sole discretion, that such improvements may, now or in the future, constitute a hazardous condition or otherwise interfere with a public use of the right-of-way. All property and improvements affected by such a removal shall be restored by Michael Cruson to substantially its former condition after said removal.
- 8. Assignment. With the prior written permission of the City, such permission not to be unreasonably withheld, Michael Cruson may assign any or all of his duties and responsibilities set forth in this Agreement.

CITY OF GOLDEN

MICHAEL CRUSON

Chuck J. Baroch
Mayor

Michael Cruson
owner, 1717 Washington, LLC

Date: _____

Date: _____

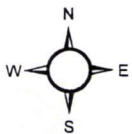
ATTEST:

Susan M. Brooks, MMC
City Clerk

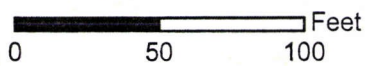
Date: _____



Area of license agreement
15' x 70'
from property line to curb



Vicinity Map
1717 Washington Ave.



Case: PC07-49

Location: 1717 Washington Ave.

Applicant: Michael Cruson

Action: ROW License Agreement