

RESOLUTION NO. 2072

**A RESOLUTION OF THE GOLDEN CITY COUNCIL
AUTHORIZING THE EXECUTION OF AN AMENDMENT TO A
LICENSE AGREEMENT WITH THE CANYON VIEW HOA**


WHEREAS, by Resolution 1620, dated November 17, 2005, the City of Golden, Colorado approved a License Agreement for the installation and maintenance of certain entry improvements related to the final plat for the Canyon View Subdivision Filing No. 2; and

WHEREAS, the City and the Canyon View HOA wish to agree as to conditions under which an additional improvement within the Mesa Drive right of way may be installed and maintained.

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


Section 1. The Golden City Council hereby approves an Amendment to a License Agreement with the Canyon View HOA, substantially in the form attached hereto as Exhibit A. The Mayor is authorized to execute on behalf of the City of Golden, and the City Clerk to record such Amendment with the Jefferson County Clerk and Recorder.

Adopted this 12th day of August, 2010.




Jacob Smith
Mayor





Susan M. Brooks, MMC
City Clerk

Approved as to form:

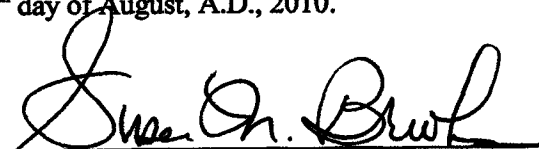


David S. Williamson
City Attorney

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 regular business meeting thereof held on the 12th day of August, A.D., 2010.



ATTEST:



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

AMENDMENT TO LICENSE AGREEMENT

THIS AMENDMENT TO LICENSE AGREEMENT is entered into this _____ day of _____, 2010 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 10th Street, Golden, Colorado and The Canyon View HOA (referred to as "Licensee").

- A. The Golden City Council approved a final subdivision plat for the subdivision entitled Canyon View Subdivision Filing No. 2 on June 9, 2005, by Resolution No. 1569.
- B. In said Canyon View Subdivision Filing No. 2 final subdivision plat, the original subdivider dedicated lands to the City for roadway purposes for the creation of Joseph Circle.
- C. In the course of said subdivision development, KB Homes as developer proposed to the City that it be permitted to erect and maintain a subdivision entry feature with signage and landscaping improvements, in the Joseph Circle right-of-way, Tract A and Tract B.
- D. City Council approved the request and authorized a License Agreement by Resolution 1620 dated November 17, 2005 ("Original License").
- E. Licensee, as successor to KB Homes, desires to make a small adjustment to the area of improvements covered by the License.

NOW, THEREFÔRE, IN CONSIDERATION OF THE MUTUAL PROMISES HEREIN, THE CITY AND the Canyon View HOA AGREE AS FOLLOWS:

1. License Amendment. The Original License is amended to grant to Licensee an expanded non-exclusive revocable license to add a small berm at the east end of Mesa Drive, as depicted on Exhibit A, in addition to the installation and maintenance of improvements authorized by the original License Agreement.

2. Construction. Plans for the construction of the additional berm shall be submitted to and approved by the City. The design, construction and maintenance of the improvements shall be the sole responsibility of The Licensee.

3. Acknowledgement of future Mesa Drive Extension. Licensee acknowledges and specifically recognizes that the City of Golden may in the future extend Mesa Drive to Ford Street thereby connecting said Mesa Drive from State Highway 93 to Ford Street as a public street. Licensee agrees that the installation and maintenance of the additional landscaped berm at the current terminus of Mesa Drive will have no bearing on a decision whether or not to extend the street.

4. Only Amendment. All other provisions and responsibilities of the original License Agreement as approved by Resolution 1620 remain in full force and effect.

CITY OF GOLDEN

CANYON VIEW HOA

Jacob Smith
Mayor

Douglas J. Shelton,
President

Resolution No. 2072

Page 3

ATTEST:

Susan M. Brooks, MMC
City Clerk

ATTEST:

By:
Secretary

AMENDMENT TO LICENSE AGREEMENT

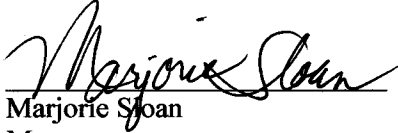
THIS AMENDMENT TO LICENSE AGREEMENT is entered into this 12th day of August, 2010 by and between the CITY OF GOLDEN, COLORADO, a municipal corporation organized under the laws of the State of Colorado, (the "City"), with offices at 911 10th Street, Golden, Colorado and The Canyon View HOA (referred to as "Licensee").

- A. The Golden City Council approved a final subdivision plat for the subdivision entitled Canyon View Subdivision Filing No. 2 on June 9, 2005, by Resolution No. 1569.
- B. In said Canyon View Subdivision Filing No. 2 final subdivision plat, the original subdivider dedicated lands to the City for roadway purposes for the creation of Joseph Circle.
- C. In the course of said subdivision development, KB Homes as developer proposed to the City that it be permitted to erect and maintain a subdivision entry feature with signage and landscaping improvements, in the Joseph Circle right-of-way, Tract A and Tract B.
- D. City Council approved the request and authorized a License Agreement by Resolution 1620 dated November 17, 2005 ("Original License").
- E. Licensee, as successor to KB Homes, desires to make a small adjustment to the area of improvements covered by the License.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES HEREIN, THE CITY AND the Canyon View HOA AGREE AS FOLLOWS:

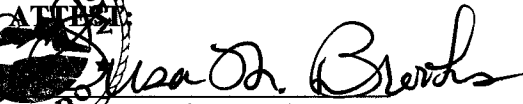
1. License Amendment. The Original License is amended to grant to Licensee an expanded non-exclusive revocable license to add a small berm at the east end of Mesa Drive, as depicted on Exhibit A, in addition to the installation and maintenance of improvements authorized by the original License Agreement.
2. Construction. Plans for the construction of the additional berm shall be submitted to and approved by the City. The design, construction and maintenance of the improvements shall be the sole responsibility of The Licensee.
3. Acknowledgement of future Mesa Drive Extension. Licensee acknowledges and specifically recognizes that the City of Golden may in the future extend Mesa Drive to Ford Street thereby connecting said Mesa Drive from State Highway 93 to Ford Street as a public street. Licensee agrees that the installation and maintenance of the additional landscaped berm at the current terminus of Mesa Drive will have no bearing on a decision whether or not to extend the street.
4. Only Amendment. All other provisions and responsibilities of the original License Agreement as approved by Resolution 1620 remain in full force and effect.

CITY OF GOLDEN



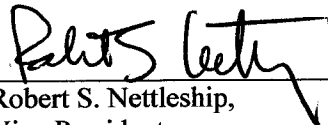
Marjorie Sloan
Mayor






Susan M. Brooks, MMC
City Clerk

CANYON VIEW HOA



Robert S. Nettleship,
Vice-President

ATTEST:



By: Jon Rieger,
Secretary

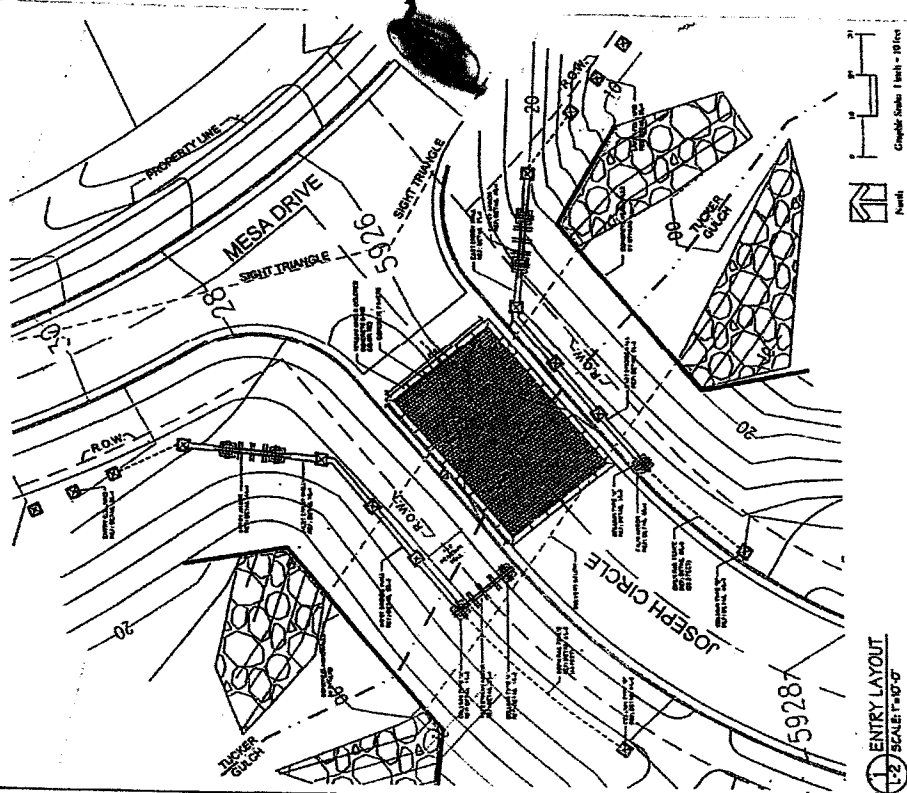
EXHIBIT A

LANDSCAPE OF MESA DRIVE TERMINATION Canyon View Community Project

Proposed: Construction of an earth mound approximately 6-8' at tallest point at end of Mesa Drive as shown on attached plan drawing. Mound will be covered with native grass and 3 to 5 evergreen trees (spruce, pine, fir) and one or two boulders if available.

Canyon Views HOA irrigation system will be extended from existing "monument" to provide watering for plant material. The HOA will also expand its grounds contract to provide for maintenance of the developed area.

Silt barriers will be installed to prevent erosion runoff until developed area is stabilized.



ENTRY LAYOUT
1/2" SCALE 1"=10'-0"