

RESOLUTION NO. 1783

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLDEN ACCEPTING AN AGREEMENT CONVEYING AN EASEMENT TO THE CITY OF GOLDEN FROM TEBO-GOLDEN**

WHEREAS, the City of Golden desires to access the kayak structure in Clear Creek adjacent to the Golden Hotel; and

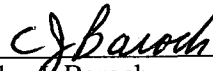
WHEREAS, Tebo-Golden has provided an easement agreement conveying the easement necessary for such access; and

WHEREAS, City Council has considered the easement conveyance to the City of Golden.

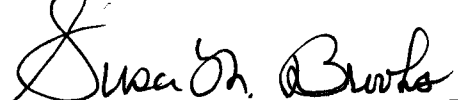
THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO:

City Council accepts the easement agreement, substantially in the form attached hereto as Exhibit A. The Mayor is authorized to execute such agreement.

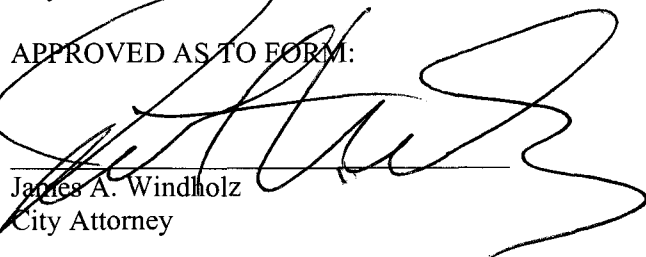
Adopted this 12th day of July, 2007.

  
\_\_\_\_\_  
Charles J. Baroch  
Mayor

ATTEST:

  
\_\_\_\_\_  
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 12th day of July, A.D., 2007.

(SEAL)

ATTEST:

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

**Exhibit A**

**EASEMENT DEED**

This EASEMENT DEED is made this \_\_\_\_ day of \_\_\_\_\_, 2007, by and between Tebo-Golden, LLC, a Colorado limited liability company located at 800 11<sup>th</sup> Street, Golden, CO (“Grantor”) and the City of Golden, a Colorado municipal corporation (“Grantee”).

For Ten Dollars and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor hereby quit claims unto Grantee, a perpetual nonexclusive easement to occupy and use the bed, banks and channel of Clear Creek and land immediately adjacent thereto, on the property owned by Grantor generally located on the South side of Clear Creek, immediately West of Washington Avenue, as more specifically described in Exhibit A attached hereto (the “Property”), for the limited purpose of a whitewater boating park which the parties recognize adds value to Grantor’s property.

This easement includes the right of Grantee to construct, maintain, repair and replace the whitewater boating park, including improvements on and/or under the bed, banks and channel of Clear Creek that are part of or appurtenant to the boating park, such as stone and grout boating structures, the placement of large rocks and boulders on the bed and banks, excavation of pools, and other components of the whitewater boating park. This easement shall also allow part of the stone and grout boating structures and other rocks to be located on and under the Property immediately adjacent to the banks. This easement further allows the use of the bed, banks and channel of Clear Creek through the Property by the general public for boating and other purposes associated with the whitewater boating park, and allows access to the boating park by Grantee and the general public, including spectators, on the Property that lies between Clear Creek and the public trail on the South side of Clear Creek.

To have and to hold said Easement unto Grantee, its successors and assigns forever.

Executed as of the date first set forth above.

TEBO-GOLDEN LLC

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF COLORADO            )  
  ) ss.  
COUNTY OF JEFFERSON        )

Acknowledged, subscribed, and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2007, by  
\_\_\_\_\_, as the \_\_\_\_\_ for Tebo-Golden LLC.

WITNESS my hand and official seal. My Commission expires: \_\_\_\_\_.

\_\_\_\_\_  
Notary Public



**LEGAL DESCRIPTION**

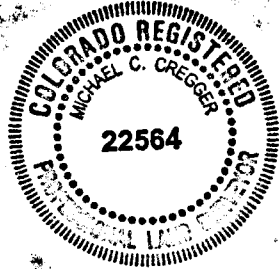
**That portion of the Southeast quarter of the Southeast quarter of Section 28, Township 3 South, Range 70 West of the 6<sup>th</sup> Principal Meridian and of Block D and of the vacated right-of-way of Arapahoe Street, South Side of Clear Creek, City of Golden, according to the recorded plat thereof, Jefferson County, Colorado, being described as follows:**

**That portion of said Southeast quarter of the Southeast quarter and of said Block D and of said vacated right-of-way of Arapahoe Street, lying North of the South bank of Clear Creek and lying South of the centerline of Clear Creek and lying West of the Southwest right-of-way line of Washington Avenue and lying East of the Southwest right-of-way line of said Arapahoe Street as extended to said centerline of Clear Creek.**

**SURVEYOR'S CERTIFICATE**

**I, Michael C. Cregger, do hereby certify that this legal description was prepared by me or under my direct supervision.**

6/28/2007  
Date



Michael C. Cregger  
Michael C. Cregger  
Professional Land Surveyor  
Colorado Registration No. 22564