

**RESOLUTION NO. 1880**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO APPROVING A SECOND AMENDMENT TO AGREEMENT AND LEASE WITH JEFFERSON COUNTY FOR AUTHORIZATION TO LICENSE TEMPORARY SLASH OPERATIONS ON PROPERTY ADJACENT TO THE RECYCLING CENTER**

WHEREAS, by Resolution No. 1658, City Council authorized an agreement and lease with Jefferson County pertaining to property generally located west of Rooney Road and north of I-70 for purposes including the operation and maintenance of a sports complex, open space and a potential dog park ("Property"); and

WHEREAS, by contract dated April 18, 2006, Jefferson County and the City of Golden entered into an agreement to lease the Property to the City; and

WHEREAS, on August 1, 2007, the City and Jefferson County entered into the First Amendment to the Agreement and Lease pertaining to the Property; and

WHEREAS, the Property surrounds but does not include property upon which a recycling center is operated by the Rooney Road Recycling Center Authority ("the Authority"); and

WHEREAS, the Authority has requested it be permitted to use, on a temporary basis, a portion of the Property for temporary "slash" storage in conjunction with its recycling program; and

WHEREAS, Jefferson County has requested that the City entertain allowing such a use by the Authority; and

WHEREAS, City Council wishes to amend their lease with Jefferson County to allow the City of Golden to enter into a license agreement to allow temporary slash operations on City leased property adjacent to the Recycling Center.

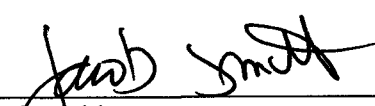
THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO:

The Second Amendment to Agreement and Lease between the City and Jefferson County, in the form substantially as attached hereto as Exhibit A, is approved, subject to the following condition:

- (1) Approval by Jefferson County of the terms and conditions of the license.

The Mayor is authorized to execute the Second Amendment to Agreement and Lease on behalf of the City upon satisfaction of the above condition.


Adopted this 10<sup>th</sup> day of July, 2008.

  
\_\_\_\_\_  
Jacob Smith  
Mayor


Resolution No. 1880

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Susan M. Brooks, MMC  
City Clerk

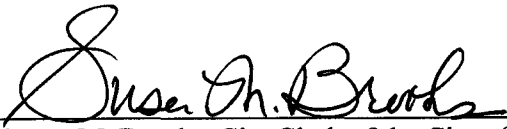
APPROVED AS TO FORM:

  
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 10th day of July, A.D., 2008.



ATTEST:

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

SECOND AMENDMENT TO AGREEMENT AND LEASE

THIS SECOND AMENDMENT TO AGREEMENT AND LEASE, dated for reference purposes only this 8<sup>th</sup> day of July, 2008, is made and entered into by and between the COUNTY OF JEFFERSON, a body politic and corporate (the "County") and the CITY OF GOLDEN, a Colorado municipal corporation (the "City").

**WITNESSETH:**

WHEREAS, the County and City entered into an Agreement and Lease dated April 18, 2006, as amended by the First Amendment to Agreement and Lease dated August 1, 2007, (collectively, the "Agreement and Lease") to lease certain property described therein (the "**Property**") to the City upon the terms and conditions set forth in the Agreement and Lease; and

WHEREAS, the parties desire to amend the Agreement and Lease to permit a temporary slash operation on a portion of the **Property** and to revise the access road maintenance obligations.

NOW, THEREFORE, for and in consideration of the covenants and conditions set forth herein, and for other good and valuable consideration, the sufficiency of which is hereby acknowledged, the County and the City agree as follows:

1. The Agreement and Lease is hereby amended by the addition of the following paragraph 21.(k):

(k) Notwithstanding any provision of this Agreement and Lease to the contrary, the City may enter into a license ("License") with the Rooney Road Recycling Center Authority (the "Authority") under which the Authority may contract for a temporary slash operation on the **Property**. The slash operation shall be generally located south of the Authority's recycling facility and the City's sports fields. The License shall define the specific location of the slash operation and include such other terms and conditions acceptable to the City and the County. In no event shall the duration of the License exceed two (2) years. Any compensation the City receives from the Authority for the License shall be used for park and open space purposes.

2. The Agreement and Lease is hereby amended by the addition of the following sentence at the end of paragraph 1(d):

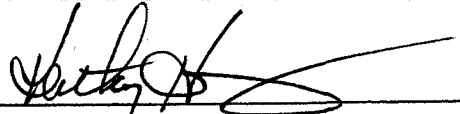
Notwithstanding any provision of this Agreement and Lease to the contrary, the County assumes the responsibility to keep that portion of the access road identified in Exhibit F, attached hereto and incorporated by reference, in good repair and in accordance with the County's standard practices for the

maintenance and repair of similar roads within its jurisdiction; provided, however, that the City shall continue to be responsible for snow removal on the access road.

3. Except as amended herein, the Agreement and Lease shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Second Amendment to Agreement and Lease to be executed.

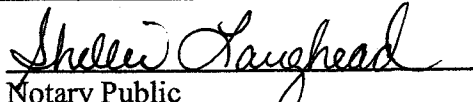
COUNTY OF JEFFERSON  
STATE OF COLORADO

By   
Kathy Hartman, Chairman  
Board of County Commissioners


STATE OF COLORADO )  
                                      ).ss  
COUNTY OF JEFFERSON )

Subscribed and sworn to before me this 8 day of July, 2008, by Kathy Hartman as Chairman of the Jefferson County Board of Commissioners.

WITNESS my hand and official seal.  
My commission expires: 9/20/08

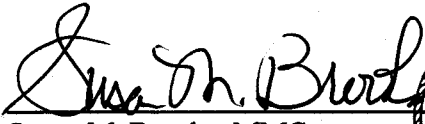
  
Notary Public

APPROVED AS TO FORM:

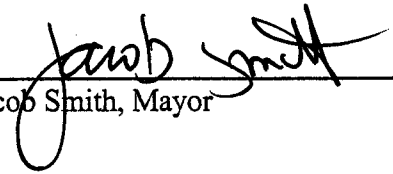
  
Steven L. Snyder  
Assistant County Attorney

ATTEST:

CITY OF GOLDEN

  
Susan M. Brooks, MMC  
City Clerk



By:   
Jacob Smith, Mayor

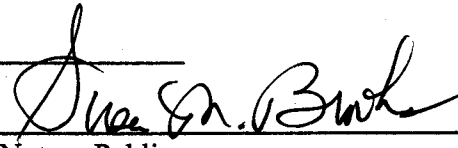
STATE OF COLORADO    )  
  ).ss  
COUNTY OF JEFFERSON )

Subscribed and sworn to before me this 17<sup>th</sup> day of July, 2008, by Jacob Smith as Mayor of the City of Golden.

WITNESS my hand and official seal.

My commission expires: \_\_\_\_\_



  
Notary Public

My Commission Expires 10/06/09

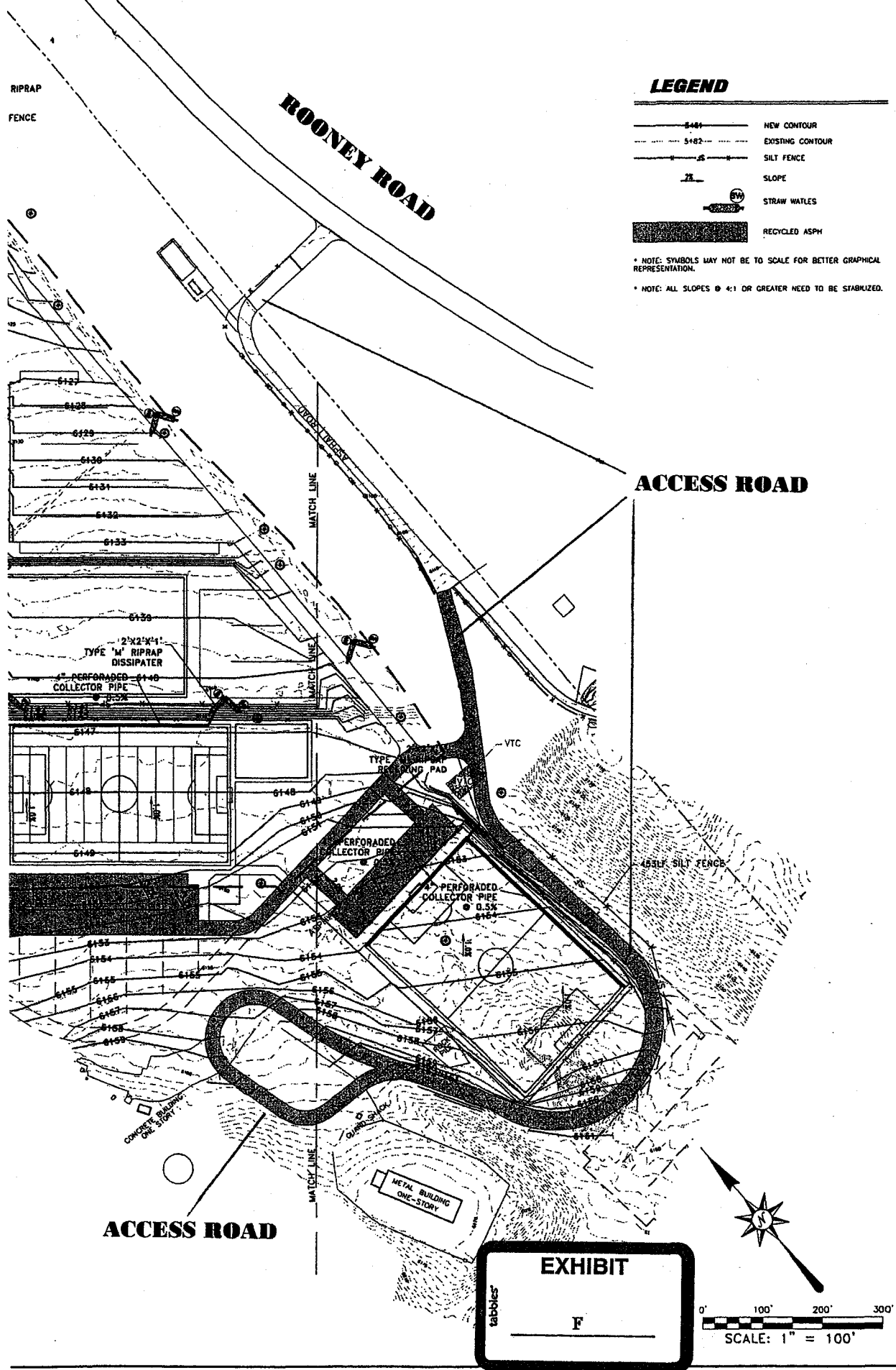
RIPRAP  
FENCE

ROONEY ROAD

**LEGEND**

- NEW CONTOUR
- EXISTING CONTOUR
- SILT FENCE
- SLOPE
- STRAW MATES
- RECYCLED ASPH

\* NOTE: SYMBOLS MAY NOT BE TO SCALE FOR BETTER GRAPHICAL REPRESENTATION.  
 \* NOTE: ALL SLOPES @ 4:1 OR GREATER NEED TO BE STABILIZED.



**ACCESS ROAD**

**ACCESS ROAD**

**EXHIBIT**

F

TABLETS

SCALE: 1" = 100'

0' 100' 200' 300'



**R&R ENGINEERS-SURVEYORS, INC.**  
 710 WEST COLFAX AVENUE  
 DENVER, COLORADO 80204  
 PH 303-753-6730 FX 303-753-6568

WWW.RRENCEINERS.COM

**GRADING & EROSION CONTROL PLAN**

**SITE:** ROONEY ROAD SPORTS COMPLEX  
 SOUTH WEST CORNER OF ROONEY RD & HWY. 40

**FOR:** AMERICAN CIVIL CONTRACTORS  
 4901 SOUTH WINDMERE ST.  
 LITTLETON, CO 80120

**REVISIONS**

NO.	DATE	DESCRIPTION

File Name: AC06074-SITE  
 Plot Date: 11/27/2008  
 Date: 07/20/08 Sheet: C1.2  
 Drawn: CD  
 Checked: ROC  
 Job No.:  
 AC06074 of 8

Commissioner McCasky moved that the following Resolution be adopted:

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF THE COUNTY OF JEFFERSON

STATE OF COLORADO

RESOLUTION NO. CC08-315

RE: Development & Transportation – Lease Amendment – City of Golden for Slash  
Collection Program

Resolved that the Board of County Commissioners hereby approves the amendment to the Rooney lease with the City of Golden so that the slash collection program can be temporarily moved and operations can continue.

Authorization for the Chairman of the Board to execute the lease amendment.

Commissioner Congrove seconded the adoption of the foregoing Resolution. The roll having been called, the vote was as follows:


Commissioner J. Kevin McCasky	Aye
Commissioner Jim Congrove	Aye
Commissioner Kathy Hartman, Chairman	Aye

The Resolution was adopted by unanimous vote of the Board of County Commissioners of the County of Jefferson, State of Colorado.

Dated: July 8, 2008

MEMORANDUM

TO: Honorable Chairman and Members of the Board of County Commissioners

FROM: Jim Moore, County Administrator 

RE: **Slash Collection Program**

DATE: July 8, 2008

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**Staff Recommendation:** That the Board of County Commissioners approve the amendment to the Rooney lease with the City of Golden so that the slash collection program can be temporarily moved and operations can continue.

Authorization for: the Chairman of the Board to execute the lease amendment.


Resolution No. **CC 08 - 315**

**Background:** This is a follow up to the 2/20/08 briefing to amend the Rooney lease with the City of Golden ("City") which would allow them to enter into a license ("License") with the Rooney Road Recycling Center Authority (the "Authority") under which the Authority may contract for a temporary slash operation on a portion of the lease property. The slash operation shall be generally located south of the Authority's recycling facility and the City's sports fields. The License shall define the specific location of the slash operation and include such other terms and conditions acceptable to the City and the County. In no event shall the duration of the License exceed two (2) years. Any compensation the City receives from the Authority for the License shall be used for park and open space purposes. Under the lease amendment the County is agreeing to maintain a portion of the access road at the Rooney site.

BCC Briefing Presented \_\_\_\_\_ 6/17/08 .

Prepared by: Wade Yates

**Distribution**

Original returned to: Tim Carl   
Copies to: Steve Snyder, Ralph Schell



## PURCHASE TRANSMITTAL FORM

Form to be completed for acquisitions over \$25,000 and contracts of any value including non-encumbering.

<b>TO BE COMPLETED BY REQUESTING DIVISION</b> (Complete this section and forward to Purchasing with Requisition for Purchase)												
Requesting Division			Development & Transportation					Requisition Number				
Estimated Expenditure			N/A					Funds Available		Yes		No
Budget Account Number			N/A					Project Number				
Capital Expenditure Item			Yes		No	<input checked="" type="checkbox"/>	Previously Approved in Budget Process			Yes		No
If no, explain												
Multi-Year Contract			Yes	<input checked="" type="checkbox"/>	No		Amount of Contract Budgeted in Current Year					
<b>Goods or Services Required:</b>												
<b>Justification for Purchase (Will be used as background statement in agenda memorandum if applicable.)</b>												
Amend existing lease agreement with the City of Golden so the slash collection program can be temporarily moved and operations can continue.												
<b>Attach justification for Bid Waiver, if applicable</b>												
Originating Division Contact							Extension					

<b>TO BE COMPLETED BY PURCHASING</b>				Written Bid or Cooperative Bid Number			
Purchasing Contact				Extension			
Recommended Vendor				Cost			
Third Party Authorized Rep							
Remittance Address							
Phone		Fax		Third Party Tax ID			
<b>Attachments, if applicable:</b>							
Bid Recap		Division Recommendation		Bid Waiver		Recommended Firm's Proposal Sheet	
Comments							

<b>ROUTING/APPROVAL (Purchasing to check applicable approval routing)</b>					
		Date Received		Date Forwarded	
Division Director		Date:		Date:	
Department Director		Date: 6.30.08		Date:	
County Attorney		Date: 6/30/08		Date:	
Purchasing Director		Date:		Date:	
Elected Official		Date:		Date:	
County Administrator Approval:		Date:		Date:	
Board of County Commissioners:		Date:		Date:	

**Contract Distribution:**

- Original Contracts:  Clerk to the Board  Purchasing (for transmittal to Contractor)
- Contract Copies: County Administrator for Publication, Accounting Director for Payment, County Attorney, Contract Authorized Representative (the originating division is responsible for additional distribution that may be necessary).
- Purchase Transmittal Form: Original – Purchasing; Copies – Risk Management, Accounting

**Return to Purchasing upon Completion**

(Revised 04/2008)