

RESOLUTION NO. 1504

**A RESOLUTION OF THE GOLDEN CITY COUNCIL
ACKNOWLEDGING A LICENSE AGREEMENT BETWEEN
L.H.KILGROE CONSTRUCTION COMPANY AND CANYON VIEW
BUSINESS PARK LLC PERTAINING TO THE INSTALLATION OF
UTILITIES ACROSS PROPERTY CONTAINED IN A LEASE
PURCHASE AGREEMENT BY THE CITY OF GOLDEN**

WHEREAS, the City of Golden entered into a contract dated August 31, 2000 with the L.H. Kilgroe Construction Company pertaining to the lease purchase of approximately 26 acres of land for the potential future relocation of State Highway 93; and


WHEREAS, the L.H. Kilgroe Construction Company currently is the owner of record for the property, and wishes to allow installation of utilities across the property included in the lease purchase agreement; and

WHEREAS, the City Council wishes to approve the License Agreement, since the planned utilities were previously anticipated.

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

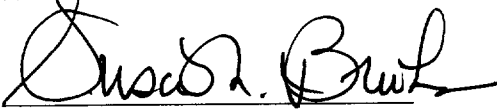
The License Agreement between L.H. Kilgroe Construction Company and Canyon View Business Park LLC, which license requires the approval of the City of Golden is approved substantially in the form attached hereto. The Mayor is authorized to execute the License Agreement on behalf of the City of Golden.

Adopted the 9th day of September, 2004.



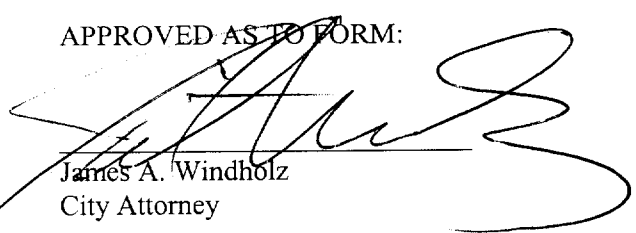
Charles J. Baroch
Mayor

ATTEST:



Susan M. Brooks, MMC
City Clerk

APPROVED AS TO FORM:



James A. Windholz
City Attorney

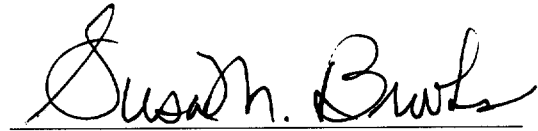
Resolution No. 1504

Page 2

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 meeting thereof held on the 9th day of September, A.D., 2004.

(SEAL)

ATTEST:

A handwritten signature in black ink, appearing to read "Susan M. Brooks", written over a horizontal line.

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

LICENSE AGREEMENT

Agreement made, this _____, 2004, by and between L. H. KILGROE CONSTRUCTION COMPANY, a Colorado general partnership, of 4500 Pine Ridge Road, Golden, Colorado 80403 (hereinafter referred to as "Licensor") and CANYON VIEW BUSINESS PARK, LLC, a Colorado limited liability company, of 4500 Pine Ridge Road, Golden, Colorado 80403 (hereinafter referred to as "Licensee").

For good and valuable consideration, the sufficiency and receipt of which are hereby acknowledged, the parties agree as follows:

1. Licensor grants to Licensee an irrevocable license to occupy and use the real property located in the County of Jefferson, State of Colorado and described in Exhibit "A" attached hereto and incorporated herein by reference for the construction, installation, removal, replacement, maintenance, repair, operation of underground utilities and appurtenances to serve the real property known as Kilgroe Residential Filing No. 3, City of Golden, County of Jefferson, State of Colorado (hereinafter the "Benefited Property").

2. The above-described property may be occupied and used by Licensee solely for the purposes set forth above and for incidental purposes related to such purposes.

3. a. The parties acknowledge that property described in Exhibit "A" is subject to that certain Lease Purchase Agreement between Grantor and the City of Golden. In consideration of the City of Golden's approval of this License Agreement, as acknowledged below, Licensee, for itself and its successors and assigns in ownership of the Benefited Property agree that if, in The City of Golden's sole and absolute discretion, it becomes necessary to remove and replace or relocate the underground utilities installed to serve the Benefited Property to accommodate a project undertaken by the City of Golden within the area described in Exhibit "A", Licensee shall undertake and complete such removal and replacement or relocation at its owns cost and expense and without contribution from the City of Golden.

b. Prior to installation of any utility facilities pursuant to this License, the plans for such installation shall be submitted to the City of Golden for its approval. Upon completion of any installation, the City of Golden will be provided with "as-built" plans.

c. Following initial installation of the utilities, Licensee shall obtain permission from The City of Golden prior to entry upon the license area for the purpose of maintenance of the utility facilities. Golden will not unreasonably withhold such permission

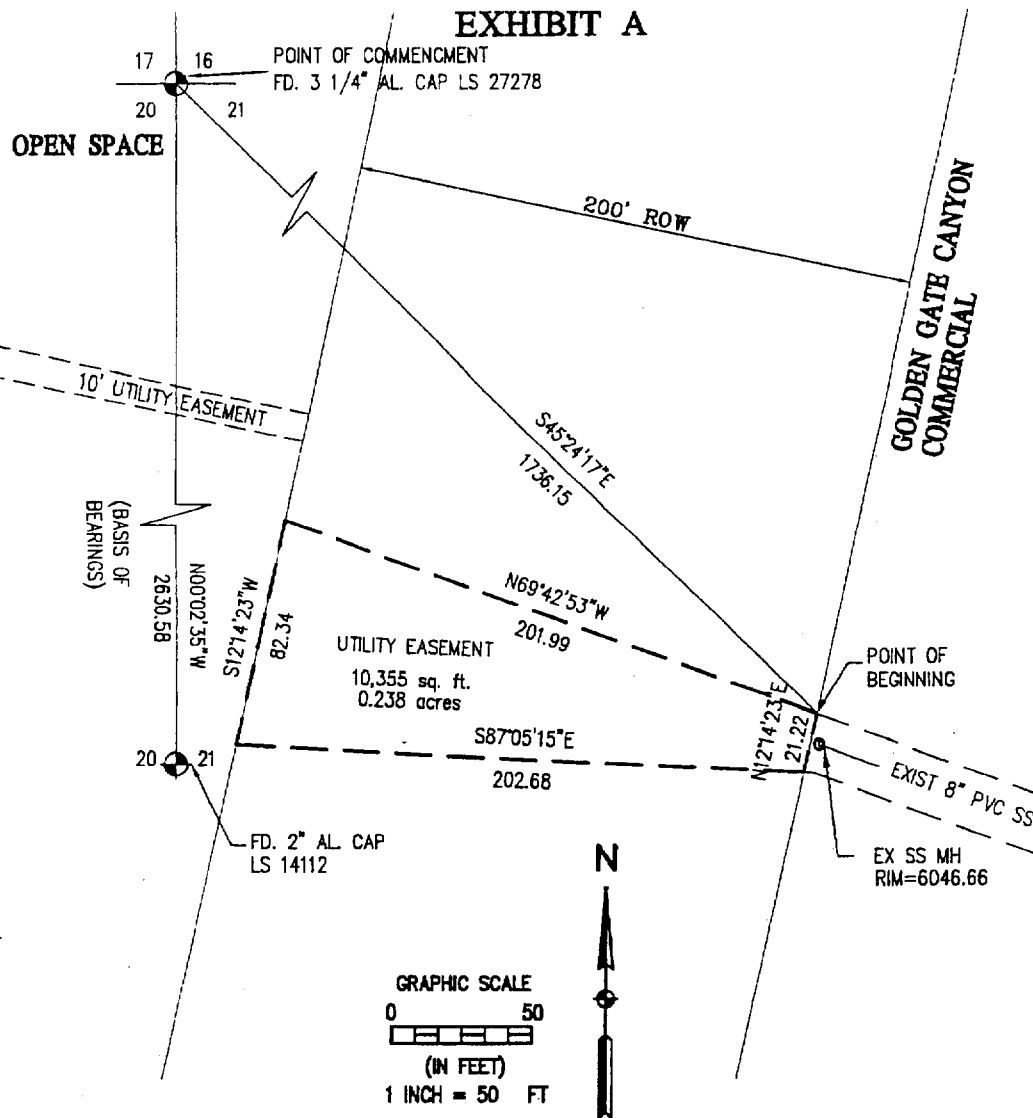
4. Neither party may terminate this Agreement without the express written consent of the other.

5. It is agreed that this agreement shall be governed by, construed, and enforced in accordance with the laws of the State of Colorado.

8. This Agreement shall be recorded in the real estate records of the County of Jefferson, State of Colorado.

By: _____
Title: _____

EXHIBIT A



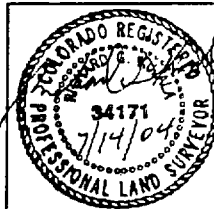
BASIS OF BEARINGS

Bearings are based on the West line of the Northwest Quarter of Section 21, Township 3 South, Range 70 West, 6th Principal Meridian. Assumed to bear S00°02'35\"E a distance of 2630.58 feet.

LEGAL DESCRIPTION

A Parcel of land for utility easement purposes located within the Northwest Quarter of Section 21, Township 3 South, Range 70 West, 6th Principal Meridian, City of Golden, County of Jefferson, State of Colorado, said Parcel being more particularly described as follows:

Commencing at the Northwest corner of said Section 21, from which corner the West Quarter corner of said Section 21 bears S00°02'35\"E a distance of 2630.58 feet, Thence S45°24'17\"E a distance of 1736.15 feet to a point on the Easterly line of a 200 foot wide Right of Way, the True Point of Beginning. Thence N69°42'53\"W a distance of 201.99 feet to a point on the Westerly line of said 200 foot Right of Way; Thence S12°14'23\"W along said Westerly line a distance of 82.34 feet; thence S87°05'15\"E a distance of 202.68 feet to said easterly Right of Way line; Thence N12°14'23\"E along said Easterly line a distance of 21.22 feet to the True Point of Beginning, said parcel contains 10,355 sq. ft., 0.238 acres more or less.



1658 COLE BLVD, SUITE 295
GOLDEN, CO 80401
PH (303) 940-9966 FAX (303) 940-9959

R. Kujala

J. McLain

EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF THE NORTHWEST QUARTER OF SECTION 21
T. 3 S., R. 70 W. of THE 6TH P.M.
CITY OF GOLDEN, COUNTY OF JEFFERSON, STATE OF COLORADO

ADDRESS

PINE RIDGE ROAD

PREPARED FOR

LANCE KILGROE

DRAWING

N:\C02614\CIVIL2.DWG

DATE

06/04/2004

PROJECT NO.

C02614