RESOLUTION NO. 1945

A RESOLUTION OF THE GOLDEN CITY COUNCIL APPROVING A FINAL SUBDIVISION PLAT FOR THE JEFFERSON COUNTY GOVERNMENT CENTER SUBDIVISION FILING NO.1, AUTHORIZING THE VACATION OF CERTAIN EXISTING EASEMENTS, AND AUTHORIZING THE ACCEPTANCE OF CERTAIN EASEMENTS AS APPLIED FOR BY THE REGIONAL TRANSPORTATION DISTRICT ON BEHALF OF JEFFERSON COUNTY

WHEREAS, the Regional Transportation District on behalf of the Jefferson County Board of Commissioners (subdivider) has submitted a proposed final subdivision plat for property within the City of Golden, State of Colorado, entitled Jefferson County Government Center Subdivision Filing No.1 Final Plat; and

WHEREAS, on January 8, 2009, the Golden City Council conducted a public hearing upon the proposed final subdivision plat entitled Jefferson County Government Center Subdivision Filing No.1.

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

- Section 1. That certain bike path easement dedicated at Reception Number F2103303 is hereby vacated.
- Section 2. The final subdivision plat for Jefferson County Government Center Subdivision Filing No.1 is hereby approved subject to the following conditions:
 - a. The subdivider shall pay applicable fees incurred as a result of the application approval, including, but not limited to, utility, remapping, public land dedication, cash-in-lieu fees, legal notice and legal review, and recording fees.
 - b. The subdivider shall submit, within ninety (90) days of the date of this approval, all documents required by the Golden Municipal Code for finalization of the subdivision plat.
- Section 3. City Council hereby authorizes the acceptance of the dedication of the replacement bike path easement, and the access easements associated with the expansion of Johnson Road and existing entry into the property, subject to approval of the form of such easements by the City Attorney and City Engineer. The final plat shall not be submitted for recording until the City Attorney has approved the format of the easements and the Mayor has executed the acceptance of same.
- Section 4. The dedication of all streets, avenues, right-of-way, tracts, and easements, and all other places designated for public use as shown upon the final plat of the Jefferson County Government Center Filing No.1 Subdivision is hereby accepted by the City of Golden, subject however, to the condition that the city shall not undertake maintenance of any street or avenue, right-of-way, tract, easement or other place designated for public use until after construction of said public improvement has been satisfactorily completed by the land owner and accepted in writing by the City of Golden.
- Section 5. The Mayor and City Clerk are hereby authorized and directed to certify upon the final subdivision plat, the city's approval and acceptance thereof. The City Clerk is hereby authorized

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and directed to file the subdivision plat with the Jefferson County Clerk and Recorder's office upon fulfillment of all conditions as indicated herein.

Unless otherwise extended by City Council, the approval of the Jefferson County Section 6. Government Center Filing No.1 Final Plat shall be null and void if the conditions are not complied with within ninety (90) days of the date of this resolution.

Adopted this 8th day of January, 2009.

Susan M. Brooks, MMC

City Clerk

APPROVED AS TO FORM:

diamson

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, Color as a rescheduled regular business meeting thereof held on the 8th day of January, A.D., 2009.

ATTEST:

Susan M. Brooks, City Clerk of the City of

Golden, Colorado





EASE Jefferson County, Colorado

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT is made and entered into by and between the COUNTY OF JEFFERSON, a body political and corporate, ("Grantor") and CITY OF GOLDEN, COLORADO, a Colorado Home Rule Municipal Corporation, ("Grantee").

RECITAL

WHEREAS, a prior easement was granted to Grantee by the Jefferson County Finance Corporation through an Easement Agreement recorded in the records of the Jefferson County Clerk and Recorder at Reception Number F2103303 and this easement was vacated by the plat recorded at Reception Number 2009 089 457 in the Jefferson County Clerk and Recorder records.

WHEREAS, Grantee has requested, and Grantor is willing to convey an easement for a new bike path location over the property owned by Grantor, described on Exhibit "A" (the "Easement Property").

NOW THEREFORE, in consideration of the construction of a bike path over the easement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

ARTICLE 1: GRANT OF EASEMENT

- Grantor hereby grants to Grantee an exclusive, permanent easement over, under and across the Easement Property for the purpose of constructing and maintaining a bike path upon the Easement Property, (the "Easement Improvements"), together with all rights and privileges as are necessary or incidental to the reasonable and proper use of the Easement Property for the purposes hereinabove stated.
- Upon completion of the construction or of any subsequent maintenance of the Easement Improvements, Grantee shall, at its sole cost and expense, promptly restore and revegitate the Easement Property to its previous condition to the reasonable satisfaction of Grantor.

ARTICLE 2: GENERAL PROVISIONS

- 3. Grantor shall not be liable to Grantee or any other person or entity whatsoever for any injury or damage to persons or property occasioned by reason of the use by Grantee, its contractors, subcontractors, or suppliers, of the Easement Property, failure to maintain the Easement Improvements, or by reason of any act or thing done or omitted to be done during the term of this Easement Agreement, by Grantee, its contractors, subcontractors, agents, employees, licensees, or invitees.
- To the extent authorized by law, and without waiving any provisions of the Colorado Governmental Immunity Act, Grantee indemnifies and holds Grantor harmless from any and all loss or damage, including without limitation attorneys' fees, sustained or incurred by Grantor resulting from any loss or injury or damage to any person or property related to the exercise of rights granted herein, or any act or thing done or omitted to be done during the term of this Easement, by Grantee, its contractors, subcontractors, agents, employees, permitees, or invitees. The obligations of Grantee hereunder shall survive termination of this Easement.
- Grantor makes no representation, nor will Grantor be liable to Grantee with respect to any prior encumbrances which may affect title to any portion of the Easement Property, and this Agreement is subject to all prior encumbrances, restrictions, rights, claims and interests; of record, or otherwise.
 - 6. This Easement Agreement and the grant of easements herein shall not be strictly construed,

but shall be given a reasonable construction so that the intention of the parties hereunder is fulfilled.

- 7. This Easement Agreement may be executed in counterparts, each of which, taken as a whole, shall constitute but a single instrument.
- 8. Grantor reserves the right to use and occupy the Easement for any purpose not inconsistent with the rights and privileges hereinabove granted and which would not interfere with Grantee's use thereof.



- 9. Nothing granted hereunder is intended to convey or imply the approval of any federal, state, or local regulatory or governmental agency, including Jefferson County, with respect to any actions which Grantee may desire to take under the terms of this Agreement.
- 10. This Agreement and the rights and duties of the parties hereunder shall be interpreted in accordance with the laws of the State of Colorado. Venue for any and all legal actions arising hereunder shall lie in the District Court in and for the County of Jefferson, State of Colorado.

ARTICLE 4: RELOCATION OF EASEMENT

- 11. Grantor may, at any time and in its sole discretion, relocate all or any portion of the Easement Property to other property owned by Grantor (the "Revised Easement Property"). In such instance, Grantor will send Grantee written notice of its intent to relocate the Easement Property and will include in such notice the legal description for the Revised Easement Property. Grantor will re-record this Easement Agreement to include the Revised Easement Property.
- 12. Within 180 calendar days of receipt of the notice from the Grantor, Grantee shall remove the Easement Improvements from the Easement Property and restore the Easement Property to its original condition to the reasonable satisfaction of Grantor. Grantee shall be entitled to construct and maintain the Easement Improvements on the Revised Easement Property in accordance with the terms and conditions of this Easement Agreement. Grantee shall be solely responsible for all costs and expenses associated with the relocation, restoration, and reconstruction of the Easement Property and Easement Improvements. Grantor does not object to Grantee passing such costs on to a third party, provided that Grantor shall in no way be responsible for any such costs.
- 13. In the event that Grantee does not timely remove the Easement Improvements and/or restore the Easement Property as required above, Grantor may perform such removal and/or restoration and Grantee agrees to reimburse Grantor for all reasonable costs incurred upon receipt of an invoice from Grantor.

GRANTOR: ATTEST: **COUNTY OF JEFFERSON,** a body political and corporate (SEAL) By: A Left Clerk to the Board Kevin McCasky of County Commissioners Chairman Board of County Commissioners Gay Ummel **Assistant County Attorney GRANTEE:** CITY OF GOLDEN, COLORADO, a Home Rule **Municipal Corporation** By: __ Clerk City Jacob Smith Approved as to Form City Attorney

SW 1/4 SECTION 2, TOWNSHIP 4 SOUTH, RANGE 70 WEST, 6th P. M.

---- COUNTY OF JEFFERSON, CITY OF GOLDEN----

PROPERTY DESCRIPTION

A BIKEPATH EASEMENT OVER AND ACROSS PORTIONS OF LOTS 1 AND 3, JEFFERSON COUNTY GOVERNMENT CENTER SUBDIVISION FILING NO. 1, IN THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER, BEING LOCATED IN THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, JEFFERSON COUNTY, COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 1, JEFFERSON COUNTY GOVERNMENT CENTER SUBDIVISION, FILING NO. 1:

THENCE SOUTH 89'19'09 WEST, ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 3.48 FEET TO THE POINT OF BEGINNING.

THENCE SOUTH 89'19'09" WEST, CONTINUING ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 12.00 FEET:

THENCE DEPARTING SAID SOUTH LINE NORTH 00'32'17" WEST, A DISTANCE OF 51.62

THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 39.00 FEET, A CENTRAL ANGLE OF 29'23'11 AND AN ARC LENGTH OF 20.00 FEET, THE CHORD OF WHICH BEARS NORTH 15'13'52 WEST, A DISTANCE OF 19.78 FEET TO A POINT OF REVERSE CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 41.00 FEET, A CENTRAL ANGLE OF 24°34'08" AND AN ARC LENGTH OF 17.58 FEET, THE CHORD OF WHICH BEARS NORTH 17'38'24" WEST, A DISTANCE OF 17.45 FEET;

THENCE NORTH 05'21'20 WEST, A DISTANCE OF 232.06 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 29.00 FEET, A CENTRAL ANGLE OF 146'19'09" AND AN ARC LENGTH OF 74.06 FEET, THE CHORD OF WHICH BEARS NORTH 78'30'54" WEST, A DISTANCE OF 55.51 FEET;

THENCE SOUTH 28'19'31" WEST, A DISTANCE OF 92.91 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 593.00 FEET, A CENTRAL ANGLE OF 14'09'07" AND AN ARC LENGTH OF 146.47 FEET, THE CHORD OF WHICH BEARS SOUTH 21'14'58" WEST, A DISTANCE OF 146.10 FEET TO A POINT OF REVERSE CURVATURE:

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 56.00 FEET, A CENTRAL ANGLE OF 44'23'31" AND AN ARC LENGTH OF 43.39 FEET, THE CHORD OF WHICH BEARS SOUTH 36'22'10" WEST, A DISTANCE OF 42.31 FEET TO THE SOUTH LINE OF SAID LOT 1:

THENCE ALONG THE SOUTH LINE OF SAID LOT 1 AND ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 857.40 FEET, A CENTRAL ANGLE OF 00°58'14" AND AN ARC LENGTH OF 14.52 FEET, THE CHORD OF WHICH BEARS NORTH 54'23'41" WEST, A DISTANCE OF 14.52 FEET TO A POINT OF CURVATURE;



DAVID EVANS IND ASSOCIATES INC. 1331 17th Street - Sulte 900

Denver, Colorado 80202 Phone: 720-946-0969

JEFFERSON COUNTY GOVERNMENT CENTER

BIKE PATH EASEMENT

DATE: 3-03-09

SHEET 1 OF 5

DRN. TMG P.M. GXL

SW 1/4 SECTION 2, TOWNSHIP 4 SOUTH, RANGE 70 WEST, 6th P. M.

---- COUNTY OF JEFFERSON, CITY OF GOLDEN----

THENCE DEPARTING SAID SOUTH LINE, ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 43.00 FEET, A CENTRAL ANGLE OF 51°57'51" AND AN ARC LENGTH OF 39.00 FEET, THE CHORD OF WHICH BEARS NORTH 40'09'20" EAST, A DISTANCE OF 37.68 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 606.00 FEET, A CENTRAL ANGLE OF 01'25'22" AND AN ARC LENGTH OF 15.05 FEET, THE CHORD OF WHICH BEARS NORTH 14'53'05" EAST. A DISTANCE OF 15.05 FEET TO AN ANGLE POINT ON THE WESTERLY LINE OF SAID LOT 3.

THENCE ALONG SAID WESTERLY LINE THE FOLLOWING THREE (3) COURSES:

- 1. CONTINUING ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 606.00 FEET, A CENTRAL ANGLE OF 12'43'45" AND AN ARC LENGTH OF 134.63 FEET, THE CHORD OF WHICH BEARS NORTH 21°57'39" EAST, A DISTANCE OF 134.36
- 2. NORTH 28'19'31" EAST, A DISTANCE OF 169.85 FEET;
- NORTH 58"50"36" WEST, A DISTANCE OF 32.86 FEET TO A POINT OF CURVATURE:

THENCE DEPARTING THE WESTERLY LINE OF LOT 3, ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 19.00 FEET, A CENTRAL ANGLE OF 42'34'57" AND AN ARC LENGTH OF 14.12 FEET, THE CHORD WHICH BEARS NORTH 58'18'47" EAST, A DISTANCE OF 13.80 FEET;

THENCE NORTH 79°36'15" EAST, A DISTANCE OF 19.09 FEET;

THENCE NORTH 10°23'45" WEST, A DISTANCE OF 19.99 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 26.00 FEET, A CENTRAL ANGLE OF 165'49'21" AND AN ARC LENGTH OF 75.25 FEET, THE CHORD OF WHICH BEARS NORTH 72'30'56" EAST, A DISTANCE OF 51.60 FEET;

THENCE SOUTH 24°34'24" EAST, A DISTANCE OF 28.85 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 14.00 FEET, A CENTRAL ANGLE OF 154'49'51" AND AN ARC LENGTH OF 37.83 FEET, THE CHORD OF WHICH BEARS NORTH 78'00'40" EAST, A DISTANCE OF 27.33 FEET;

THENCE NORTH 00'35'45" EAST, A DISTANCE OF 51.26 FEET;

THENCE SOUTH 88'38'16" EAST, A DISTANCE OF 9.86 FEET TO A POINT ON THE WESTERLY LINE OF THAT ROADWAY EASEMENT RECORDED AT RECEPTION NO. F0950741 AND AT RECEPTION NO. F1016361 IN THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER AND A POINT OF CURVATURE;

THENCE ALONG THE WESTERLY LINE OF SAID ROADWAY EASEMENT AND ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 5040.00 FEET, A CENTRAL ANGLE OF 00'42'35" AND AN ARC LENGTH OF 62.43 FEET, THE CHORD OF WHICH BEARS SOUTH 01'00'26 WEST, A DISTANCE OF 62.43 FEET;

THENCE DEPARTING THE WESTERLY LINE OF SAID ROADWAY EASEMENT AND ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 26.00 FEET, A CENTRAL ANGLE OF 129'01'52" AND AN ARC LENGTH OF 58.55 FEET, THE CHORD OF WHICH BEARS NORTH 89'05'20" WEST, A DISTANCE OF 46.94 FEET;

THENCE NORTH 24'34'24" WEST, A DISTANCE OF 28.85 FEET TO A POINT OF CURVATURE: THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 14.00 FEET, A CENTRAL ANGLE OF 168'31'09" AND AN ARC LENGTH OF 41.18 FEET, THE CHORD OF WHICH BEARS SOUTH 71'10'02" WEST, A DISTANCE OF 27.86 FEET;



DAVID EVANS AND ASSOCIATES INC. 1331 17th Street - Suite 900

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JEFFERSON COUNTY GOVERNMENT CENTER

BIKE PATH EASEMENT

DATE: 3-03-09

SHEET 2 OF 5

DRN. TMG

SW 1/4 SECTION 2, TOWNSHIP 4 SOUTH, RANGE 70 WEST, 6th P. M.

--- COUNTY OF JEFFERSON, CITY OF GOLDEN----

THENCE SOUTH 13'05'33" EAST, A DISTANCE OF 133.98 FEET; THENCE SOUTH 05'21'20" EAST, A DISTANCE OF 234,28 FEET TO A POINT OF **CURVATURE:**

THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 29.00 FEET. A CENTRAL ANGLE OF 24'34'08" AND AN ARC LENGTH OF 12.44 FEET, THE CHORD OF WHICH BEARS SOUTH 17'38'24" EAST, A DISTANCE OF 12.34 FEET TO A POINT OF REVERSE CURVATURE:

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 51.00 FEET, A CENTRAL ANGLE OF 29'23'11" AND AN ARC LENGTH OF 26.16 FEET, THE CHORD OF WHICH BEARS SOUTH 15'13'52" EAST, A DISTANCE OF 25.87 FEET; THENCE SOUTH 00°32'17" EAST, A DISTANCE OF \$1.59 FEET TO THE POINT OF BEGINNING.

CONTAINING 14,184 SQUARE FEET OR 0.326 ACRES.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS THE EAST LINE OF LOT 3 AS SHOWN ON THE PLAT OF JEFFERSON COUNTY GOVERNMENT CENTER SUBDIVISION FILING NO. 1, IN THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER, BEARING SOUTH 00'31'47" EAST FROM A FOUND REBAR & PLASTIC CAP STAMPED "PLS 26600" AT THE NORTHEAST CORNER OF SAID LOT 3, A DISTANCE OF 689.00 FEET TO A FOUND REBAR & PLASTIC CAP STAMPED "PLS 26600" AT THE SOUTHEAST CORNER OF SAID LOT 3.

GARY LEAK PLS 26600 FOR AND ON BEHALF OF DAVID EVANS AND ASSOCIATES, INC. 1331 17TH ST., SUITE 900 DENVER, CO 80202





DAVID EVANS ND ASSOCIATES INC.

1331 17th Street - Suite 900 Denver, Colorado 80202 Phone: 720-946-0969

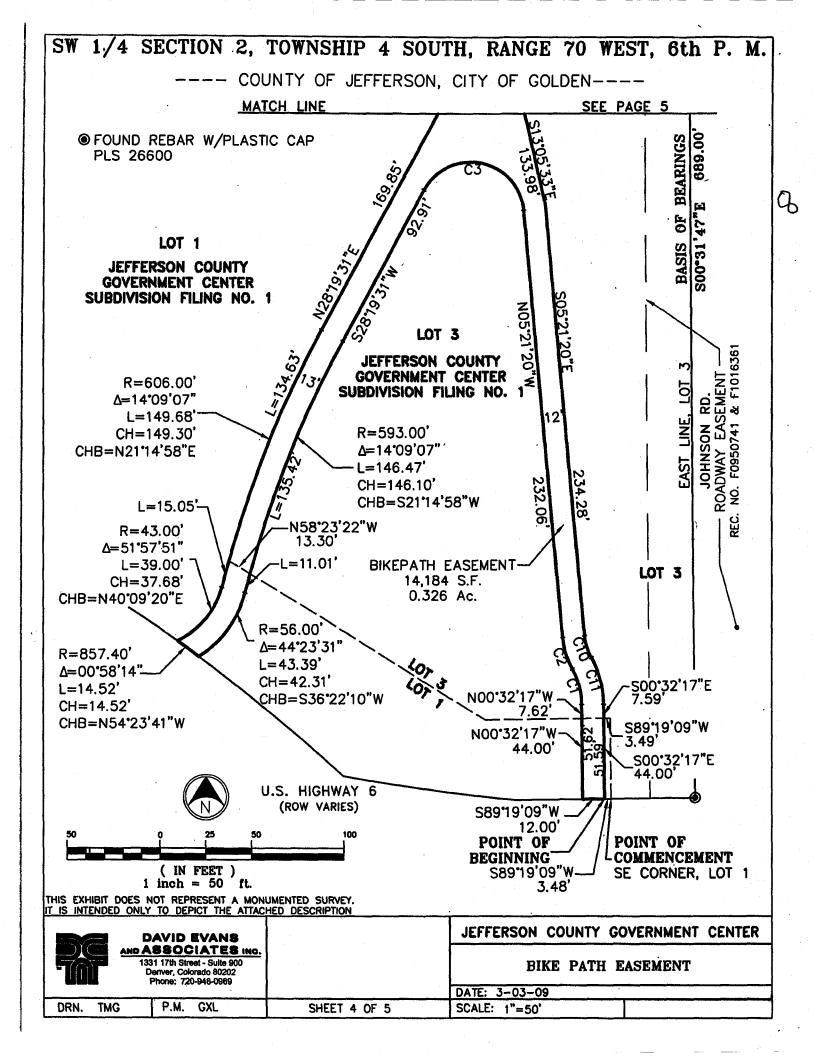
JEFFERSON COUNTY GOVERNMENT CENTER

BIKE PATH EASEMENT

DATE: 3-03-09

P.M. GXL

DRN. TMG SHEET 3 OF 5



SW 1/4 SECTION 2, TOWNSHIP 4 SOUTH, RANGE 70 WEST, 6th P. M. ---- COUNTY OF JEFFERSON, CITY OF GOLDEN----CURVE TABLE DELTA ANGLE CHORD BEARING CHORD LENGTH CURVE LENGTH **RADIUS** C₁ 29'23'11" N15°13'52"W 19.78 20.00 39.00 C₂ 17.58 24'34'08" N17'38'24"W 17.45 41.00 **C3** 55.51 74.06 29.00 146'19'09" N78'30'54"W C4 42'34'57" 14.12 19.00 N5818'47"E 13.80 **C5** 75.25 26.00 N72'30'56"E 51.60 165'49'21" C₆ 14.00 27.33 37.83 154'49'51 N78'00'40"E **C7** S01'00'26"W 62.43 62.43 5040.00 00'42'35" **C8** 58.55 26.00 N89'05'20"W 46.94 129'01'52' C9 27.86 41.18 14.00 168'31'09 S71"10'02"W C10 12.44 29.00 24°34'08" S17'38'24"E 12.34 C11 29'23'11" 25.87 26.16 51.00 S15"13"52"E 100 (IN FEET) 1 inch = 50LOT 3 JEFFERSON COUNTY **GOVERNMENT CENTER** SUBDIVISION FILING NO. 1 S88'38'16"E JOHNSON RD. ROADWAY EASEME. NO. F0950741 & F1 9.86 LOT 1 **JEFFERSON COUNTY** N00'35'45"E BIKEPATH EASEMENT **GOVERNMENT CENTER** 51.26 14,184 S.F.-SUBDIVISION FILING NO. 1 0.326Ac. S24'34'24"E 28.85 N10'23'45"W 19.99 N79'36'15"E 19.09 ● FOUND REBAR W/PLASTIC CAP PLS 26600 N24'34'24"W N58'50'36"W 28.85 32.86 N2819'31"E LOT 3 LOT 1 169.85 MATCH LINE SEE PAGE 4 THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION JEFFERSON COUNTY GOVERNMENT CENTER DAVID EVANS

AND ASSOCIATES INC. 1331 17th Street - Sulte 900

BIKE PATH EASEMENT

DATE: 3-03-09 SCALE: 1"=50"

Denver, Colorado 80202 Phone: 720-946-0969

P.M. GXL TMG

DRN.

SHEET 5 OF 5