

RESOLUTION NO. 1591

A RESOLUTION OF THE GOLDEN CITY COUNCIL OF THE CITY OF GOLDEN DECLARING THE INTENT TO ACQUIRE INTERESTS IN REAL PROPERTIES FOR OPEN SPACE AND RECREATIONAL PURPOSES TO PRESERVE GOLDEN'S MOUNTAIN BACKDROP AND AUTHORIZING NEGOTIATIONS AND PROCEEDINGS, INCLUDING LITIGATION, IF NECESSARY, FOR SUCH ACQUISITION

WHEREAS, the acquisition and preservation of open space in and around the City has long been recognized by the citizens of Golden as an important means of enhancing and protecting the quality of life in Golden; and

WHEREAS, the current version of Golden's Comprehensive Plan, adopted in 2003, as well as its predecessor Comprehensive Plan (adopted in 1993) includes as planning priorities the preservation of the mountain backdrop of the City of Golden, the protection of large tracts of open space that affect the quality of life in the City of Golden and the establishment of a system of public trails, specifically including public trails connecting Apex Park, north to the Windy Saddle Open Space properties; and

WHEREAS, with the exception of an area on Lookout Mountain between Apex Park and Windy Saddle Park, the mountain backdrop of the City of Golden is largely protected from further development by the existence of a combination of parks and/or open space properties owned by the City of Golden, Jefferson County, Colorado and/or others; and

WHEREAS, in 2001 the citizens of Golden approved a ballot question authorizing the borrowing of funds specifically for the purpose of the acquisition of open space properties; and

WHEREAS, pursuant to such voter approval, the City issued bonds for the purpose of acquisition of open space; and

WHEREAS, the City of Golden has actively participated in the Jefferson County Open Space attributable share funding program as a means of providing financing for the acquisition of open space properties; and

WHEREAS, City Council recognizes that the acquisition of the properties described in Exhibits A,B,C and D, attached hereto, are priority properties necessary to meet long established goals of the City as those goals pertain to the preservation of the mountain backdrop from additional development, as well as acquisition and preservation of open space and recreation properties; and

WHEREAS, the protection of Golden's mountain backdrop and acquisition of properties for open space and recreation purposes are long recognized public purposes to provide for the City's health, safety and well being; and

WHEREAS, development of the area would be inconsistent with the public's stated intent of preserving the area as open space; and

WHEREAS, the City of Golden believes that the acquisition of the properties described herein is essential to protection of the local interests of the City, and that Golden, through the exercise of its home rule powers, is authorized to acquire such property by negotiations, or if necessary, by the exercise of

eminent domain.

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


Section 1. The Council declares its intent to acquire the fee interest in real property in private ownership of the parcels of real property described in Exhibits A,B,C and D hereto.

Section 2. Acquisition of such interest is necessary for the public purposes of preserving and maintaining open space, preserving Golden's mountain backdrop, and providing for recreational needs.

Section 3. The staff, consultants, special counsels and the city attorney are authorized to attempt to acquire ownership of real properties and take all necessary steps for acquisition of fee interests in the real property referred to in Exhibits A,B,C and D hereto, including, without limitation, good faith negotiation with the owners of the property or their representatives and, if such negotiations are not successful, then the city attorney and special counsel are authorized to initiate legal proceedings, including eminent domain, to acquire such real property.

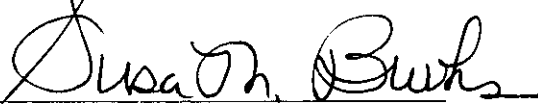
Section 4. Retention of Donald Ostrander and the law firm of Duncan, Ostrander & Dingess as special counsel to the City in conjunction with such acquisitions is authorized. Compensation to special counsel shall not exceed Mr. Ostrander's customary rate of \$250.00 per hour.

Adopted the 25th day of August, 2005.



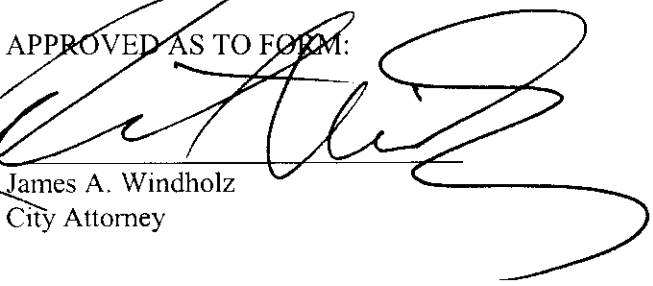
Charles J. Baroch
Mayor

ATTEST:



Susan M. Brooks, MMC
City Clerk

APPROVED AS TO FORM:



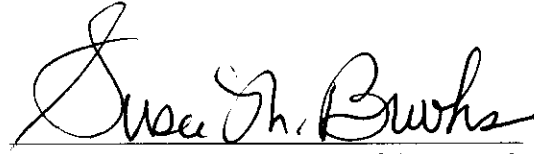
James A. Windholz
City Attorney

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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 25th day of August, A.D., 2005.

(SEAL)

ATTEST:

A handwritten signature in black ink, appearing to read "Susan M. Brooks", written in a cursive style. The signature is positioned above a horizontal line.

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

Exhibit A

Parcels 40-044-00-002, 40-044-00-003, 40-044-00-005, 40-044-00-006, and 40-044-00-007

Parcel A-1: Reference 40-044-00-002

THE EAST $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ AND THE WEST $\frac{1}{2}$ OF THE NORTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO, EXCEPT THE NORTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$.

Parcel A-2: Reference 40-044-00-003

THE NORTH $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

Parcel A-3: Reference 40-044-00-005

THE EAST $\frac{1}{2}$ OF THE WEST $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

Parcel A-4: Reference 40-044-00-006

THE WEST $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

Parcel A-5: Reference 40-044-00-007

THE WEST $\frac{1}{2}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

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Exhibit B

Parcel 40-044-00-008

THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

Exhibit C

Parcel 40-044-00-004

THE SOUTH $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

Exhibit D

Parcels 40-043-00-001 and 40-043-00-004

Parcel D-1: Reference 40-43-00-001

A Parcel Of Land Located In The Southwest Quarter Of Section 4, Township 4 South, Range 70 West Of The Sixth Principal Meridian, County Of Jefferson, State Of Colorado, More Particularly Described As:

Beginning At The South Quarter Corner Of Said Section 4;

Thence South 89°23'35" West (South 89°33'30" West) Along The South Line Of Said Section 4 A Distance Of 654.27 Feet (654.13 Feet) To A Corner Of The Tract Of Land As Described In Jefferson County Records Reception No. 90047634;

Thence Continuing Along A Boundary Of Said Tract North 03°36'52" West (North 03°21'14" West) A Distance Of 461.72 Feet (462.66 Feet) To Corner No. 5 And South 74°00'50" West (South 74°29'05" West) A Distance Of 233.57 Feet (235.55 Feet) To Corner No. 4 And South 65°22'50" West (South 65°14'10" West) A Distance Of 174.39 Feet (172.05 Feet) To Corner No. 3;

Thence North 25°04'45" West (North 24°22'47" West) A Distance Of 810.21 Feet (831.86 Feet) To A Point On The Southerly Boundary Line And Common To Lots 9 And 10 Of Block 4, Lookout Mountain Park Subdivision 6, County Of Jefferson, State Of Colorado;

Thence Along Said Boundary Line North 66°20'03" East (North 65°58'15" East) {North 66°21' East} A Distance Of 358.44 Feet (358.50 Feet) {358.50 Feet} And North 00°00'48" West (North 00°47'24" West) {North 00°00'00" West} A Distance Of 350.11 Feet (360.01 Feet) {360.00 Feet} To A Point On The Southerly Boundary Line Of A Tract Of Land Described In Jefferson County Records, Book 789, Page 108 And At Reception No. F0115291;

Thence Along The Boundary Line Of Said Tract Of Land North 56°23'28" East (North 56°32'13" East) [North 56°23'38" East] A Distance Of 416.98 Feet (422.00 Feet) [417.00 Feet] And North 58°43'07" West (North 59°07'45" West) [North 58°45' West] A Distance Of 241.03 Feet (241.00 Feet) [241.00 Feet] And South 77°47'02" West (South 77°27'15" West) [South 77°50' West] A Distance Of 327.17 Feet (327.00 Feet) [327.00 Feet] To A Point On The Northerly Boundary Line And Common To Lots 66 and 67 Of Block 1, Said Lookout Mountain Park Subdivision 6;

Thence Along Said Boundary Line Of Block 1 North 80°32'59" West (North 80°56'01" West) A Distance Of 101.80 Feet (101.60 Feet) And South 83°06'01" West (South 82°43'18" West) A Distance Of 201.20 Feet (201.00 Feet) And North 86°40'34" West (North 87°03'16" West) A Distance Of 400.47 Feet To A Point On The Easterly Boundary Line Of A Tract Of Land As Described In Jefferson County Records, Book 2228, Page 9;

Thence Along Said Boundary Line North 05°47'54" West (North 05°33'15" West) A Distance Of 422.74 feet to a point on the southerly boundary line of A Tract Of Land As Described In Jefferson County Records, Book 325, Page 300;

Thence Along Said Boundary Line North 88°37'57" East (North 88°52'09" East) A Distance Of 440.23 Feet (432.18 Feet) And North 01°21'19" West (North 00°35'54" East) A Distance Of 270 feet (270.00 Feet) To A Point On The East-West Half Line Of Section 4;

Thence Along Said Half Line North 88°37'58' East (North 88°52'09" East) A Distance Of 1401.33 Feet (1401.21 Feet) To The Center Of Section 4;

Thence Along The North-South Half Line Of Section 4 South 03°43'21" East (South 03°29'00" East) A Distance Of 2587.08 Feet (2587.20 Feet) To The Point Of Beginning.

Excluding The Following Two Tracts Of Land As Described In Jefferson County Records, Book 956, Page 590, More Particularly Described As:

Tract 1

Beginning At The West Corner Of Said Section 4;
Traverse South 54°11'25" East A Distance Of 1486.63 Feet To The KOA Tower;
Thence North 87°41'25" East A Distance Of 500.00 Feet, And North 02°18'14" West A Distance Of 50.00 Feet To The True Point Of Beginning;
Thence North 88°08'02" East (North 87°41'29" East) [North 88°05' East] A Distance Of 250.92 Feet (250.00 Feet) [250.00 Feet];
Thence South 01°00'35" East (South 02°18'35" East) [South 01°55' East] A Distance Of 99.87 Feet (100.00 Feet) [100.00 Feet];
Thence South 86°11'19" West (South 87°11'30" West) [South 88°05' West] A Distance Of 250.26 Feet (250.00 Feet) [250.00 Feet];
Thence North 01°23'16" West (North 02°18'14" West) [North 01°55' West] A Distance Of 99.62 Feet (100.00 Feet) [100.00 Feet] To The True Point Of Beginning.

Tract 2

Beginning At The West Quarter Corner Of Section 4;
Traverse South 54°11'25" East A Distance Of 1486.63 Feet To The KOA Tower;
Thence North 32°18'35" West A Distance Of 425.00 Feet And South 57°41'16" West A Distance Of 50.00 Feet To The True Point Of Beginning;
Thence North 31°55'43" West (North 32°18'28" West) [North 31°55" West] A Distance Of 234.97 Feet (235.00 Feet) [235.00 Feet];
Thence North 56°17'40" East (North 57°41'27" East) [North 58°05' East] A Distance Of 99.97 Feet (100.00 Feet) [100.00 Feet];
Thence South 31°55'03" East (South 32°18'21" East) [South 31°55' East] A Distance Of 234.54 Feet (235.00 Feet) [235.00 Feet];
Thence South 58°03'05" West (South 57°41'27" West) [South 58°05" West] A Distance Of 99.92 Feet (100.00 Feet) [100.00 Feet] To The True Point Of Beginning;

The Above Description Is Based On A Bearing Of The South Line Of The Southwest Quarter Of Section 4, Township 4 South, Range 70 West Of The Sixth Principal Meridian, Which Is Assumed To Be South 89°33'30 West.

Parcel D-2: Reference 40-43-00-004

A Tract Of Land In The North Half Of The Southwest Quarter Of Section 4, Township 4 South, Range 70 West Of The Sixth Principal Meridian, Described As:

Beginning At The Northernmost Corner Of Lot 67, Block 1, Lookout Mountain Park Subdivision No. 6, Whence The Center Of Said Section 4 Bears North 55°30'56" East (North 53°31'55" East) A Distance Of

1324.96 Feet (1324.83 Feet);

Thence North $77^{\circ}47'02''$ East (North $77^{\circ}27'15''$ East) [North $77^{\circ}50'$ East] A Distance Of 327.17 Feet (327.00 Feet) [327.00 Feet];

Thence South $58^{\circ}43'07''$ East (South $59^{\circ}07'45''$ East) [South $58^{\circ}45'$ East] A Distance Of 241.03 Feet (241.00 Feet) [241.00 Feet];

Thence South $56^{\circ}23'28''$ West (South $56^{\circ}32'13''$ West) [South $56^{\circ}23'38''$ West] A Distance Of 416.98 Feet (422.00 Feet) [417.00 Feet], More Or Less, To The Southeast Corner Of Lot 71, Block 1, Lookout Mountain Park Subdivision No. 6;

Thence North $07^{\circ}57'06''$ West [North $08^{\circ}00'$ West] Along The East Line Of Lot 71, Block 1, A Distance Of 66.13 Feet [66.22 Feet] To Its Northeast Corner;

Thence North $26^{\circ}32'32''$ West [North $26^{\circ}30'$ West] Along The Northeasterly Line Of Lots 69 And 70 Of Said Block 1, A Distance Of 131.33 Feet [131.50 Feet] To The Northeast Corner At Lot 69;

Thence North $46^{\circ}50'39''$ West [North $48^{\circ}50'$ West] Along The Northeasterly Line Of Lots 67 And 68, Block 1 A Distance Of 151.68 Feet, [151.50 Feet] More Or Less, To The North Corner Of Lot 67, Block 1, Lookout Mountain Park Subdivision No. 8, Which Point Is The True Point Of Beginning.

Excepting Therefrom The Platted Right-Of-Way Of Lookout Mountain Park Subdivision No. 6.

NOTE: The Brackets Shown In The Above Legal Descriptions Contained in Exhibit D Denote As Follows:

() Represents Bearing And Distance As Shown In The Recorded Document At Reception No. 84035168.
[] Represents Bearing And Distance As Shown In The Recorded Document At Reception No. F0115291.
{ } Represents Bearing And Distance As Shown On A Survey Prepared By Herbert K. Linn, L.S. No. 372, In April 1962.