

RESOLUTION NO. 2169

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO, AUTHORIZING THE CITY MANAGER TO INITIATE PROCEEDINGS TO PRESERVE THE CITY'S EFFORTS TO ACQUIRE RIGHT-OF-WAY FOR A BICYCLE AND PEDESTRIAN TRANSPORTATION FACILITY

WHEREAS, the City has submitted a proposal to the United States Fish and Wildlife Service to acquire a right-of-way for the purpose of constructing a bicycle/pedestrian transportation facility along the eastern edge of Rocky Flats that would benefit the City and the region; and

WHEREAS, the City anticipates that the Fish and Wildlife Service will soon make a decision as to whether to accept the City's proposal to acquire the right-of-way, or to accept the proposal of third parties wishing to acquire the right-of-way for an alternative transportation purpose that would damage the City; and

WHEREAS, City Council does not have any regular meeting between December 9, 2011, and its first meeting in January 2012, accordingly many City Council members may be unavailable; and

WHEREAS, in the event that the Fish and Wildlife Service makes a decision detrimental to the City's interests, immediate action may be required in order to preserve the City's rights with respect to its efforts to acquire the right-of-way and protect the City from damaging, unmitigated transportation projects; and

WHEREAS, the City has been engaged in extensive and good faith negotiations with other parties in the region in an attempt to resolve these disputes, which have made great progress but have not yet resolved outstanding issues; and

WHEREAS, the nature of actions necessary to protect the City's interests may require that steps be taken before Council can convene a meeting and despite the negotiations that have taken place; and

WHEREAS, the City has sought to ensure additional time to complete negotiations before it would be required to take steps to protect its interests, but has not yet succeeded, and

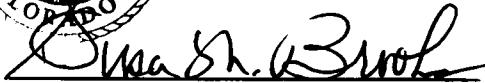
WHEREAS, City Council wishes to authorize the City Manager to take such steps as he may deem reasonable and necessary so as to protect the City's interests with respect to its efforts to acquire the right-of-way from the Fish and Wildlife Service.

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

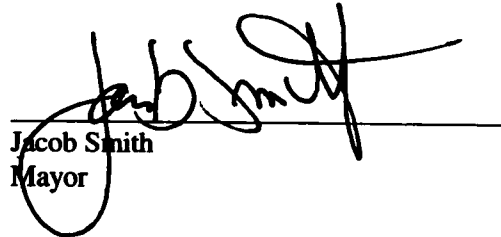
Upon a decision of the United States Fish and Wildlife Service, that is determined, by the City Manager, to be adverse to the City's efforts to acquire a right-of-way on the eastern boundary of the Rocky Flats National Wildlife Refuge and protect the City from unmitigated impacts from proposed regional highway projects, the City Manager is authorized to take such steps as are necessary to preserve and protect the City's rights with respect to the acquisition of the right-of-way and protection from unmitigated highway impacts, which steps may include directing the City's legal counsel to initiate such administrative or legal proceedings as may be necessary.

Adopted this 1st day of December, 2011.





Susan M. Brooks, MMC
City Clerk



Jacob Smith
Mayor

APPROVED AS TO FORM:

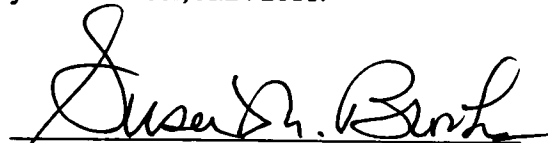


David S. Williamson
City Attorney

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 rescheduled regular business meeting thereof held on the 1st day of December, A.D. 2011.



ATTEST:



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