

**RESOLUTION APPROVING PURCHASE OF AND ACCEPTING TITLE TO
CERTAIN PROPERTY AND THE CONVEYANCE OF A CONSERVATION
EASEMENT THEREON**

NO. 2014-06

WHEREAS, in 2008, a settlement of certain legal claims involving damages to natural resources within the Rocky Mountain Arsenal (“RMA”) established a fund of \$10 million for Northeast Greenway Corridor projects (the “Foundation Fund”) as well as a \$17.4 million Natural Resource Damage Recovery Fund (the “Recovery Fund”), collectively known as the Natural Resource Damages Settlement (the “Settlement”);

WHEREAS, in September 2010, the State of Colorado’s Natural Resource Trustees (the “Trustees”) adopted a resolution supporting the efforts of the Northeast Greenway Corridor Advisory Committee (the “NGCAC”) to develop a comprehensive set of projects for both the Foundation Fund and Recovery Fund monies;

WHEREAS, on April 2, 2012, the Council of the City of Commerce City (the “City”) passed Resolution No. 2011-11 approving the NGCAC comprehensive plan for allocating funds from the Settlement, which included a project proposed by the City;

WHEREAS, on June 18, 2012, the Council of the City (the “City Council”) passed Resolution 2012-24, which altered the City’s proposed project from the “Second Creek Outfall” project to the purchase and restoration of two (2) properties adjacent to Sand Creek (the “Restoration Project”);

WHEREAS, the two (2) properties are currently owned by Multi-Contractors, Inc, and WE Holdings, Inc, respectively (hereinafter, the “Restoration Properties”);

WHEREAS, the Trustees and the State of Colorado’s Department of Natural Resources have approved the Restoration Project and have agreed to provide funding from the Settlement funds for the purchase of the Restoration Properties; and

WHEREAS, to allocate the Settlement funds to the City, the State of Colorado requires a resolution identifying the Restoration Properties and the funding amounts and source therefor and acknowledging that the City will accept title to the Restoration Properties and convey a conservation easement on each of the Restoration Properties to a qualifying entity.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

1. The City hereby agrees to accept title to the following Restoration Properties:
 - 3200 E. 64th Ave.
Commerce City, CO 80022
Adams County Parcel Nos. 0182512202001 and 0182501300008

Also known as the “Multi-Contractors Parcel”

- Adams County Parcel Nos. 0182512102040, 0182512102041, and 0182512102042

Also known as the “Weaver Parcel”

2. The City further agrees to grant a conservation easement in each of the Restoration Properties to one or more qualifying entities in compliance with Colorado law.
3. The City acknowledges that the primary source of the funding for the Restoration Properties is the Natural Resource Damages Settlement fund administered by the State of Colorado and that the amounts therefor are as follows:
 - Multi-Contractors Parcel: \$740,000
 - Weaver Parcel: \$700,000

RESOLVED AND PASSED THIS 6TH DAY OF JANUARY, 2014.

CITY OF COMMERCE CITY

Sean Ford, Mayor

ATTEST:

Laura J. Bauer, CMC, City Clerk