

NOTICE OF PROPOSED ORDINANCE

Pursuant of Section 7-3 of the Town of Castle Rock Home Rule Charter, notice is hereby given that the Town Council will consider adoption of the following named and described ordinance during its meeting on March 8, 2016 at 6:00 P.M. at the Town of Castle Rock, Town Hall, 100 North Wilcox, Castle Rock, CO 80104.

Title of Proposed Ordinance:

An Ordinance Approving the First Amendment to the Zip Line and Aerial Trekking Course Lease Agreement within the Philip S. Miller Park

Subject Matter Summary:

The purpose of the proposed Ordinance is to amend the prior lease agreement to relocate portions of and expand the "Leased Premises" to provide for the aerial trekking course to be constructed by the lessee.

The entire text of the proposed ordinance is contained herein, and copies are available for public inspection at the office of the Town Clerk, 100 North Wilcox, Castle Rock, Colorado 80104 during normal working hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

Publication date: March 2, 2016

ORDINANCE NO. 2016-

AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE ZIP LINE AND AERIAL TREKKING COURSE LEASE AGREEMENT WITHIN THE PHILIP S. MILLER PARK

WHEREAS, the Town of Castle Rock and Castle Rock Zip Line Tours, Inc. are parties to the Zip Line and Aerial Trekking Course Lease Agreement dated August 5, 2014 ("Lease")

WHEREAS, the parties have determined that it is necessary to amend the Lease to expand the "Leased Premises" to provide for the Aerial Trekking course to be constructed and operated by the Lessee.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO AS FOLLOWS:

Section 1. Approval. The First Amendment to Zip Line and Aerial Trekking Course Lease Agreement in the form attached as Exhibit 1 is hereby approved. The Mayor and other proper Town officials are hereby authorized to execute the Lease by and on behalf of the Town of Castle Rock, Colorado.

Section 2. Severability. If any part or provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 3. Safety Clause. The Town Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and this Ordinance bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this ___ day of _____, 2016 by a vote of ___ for and ___ against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this ___ day of _____, 2016, by the Town Council of the Town of Castle Rock by a vote of ___ for and ___ against.

ATTEST:

TOWN OF CASTLE ROCK

Sally A. Misare, Town Clerk

Paul Donahue, Mayor

Approved as to form:

Approved as to content:

Robert J. Slentz, Town Attorney

Jeff Brauer, Director of Parks & Recreation

**FIRST AMENDMENT
TO ZIP LINE AND AERIAL TREKKING COURSE
LEASE AGREEMENT**

DATE: _____, 2016.

PARTIES: **TOWN OF CASTLE ROCK**, a Colorado home rule corporation, 100 N. Wilcox Street, Castle Rock, Colorado 80104 (“Town”)

CASTLE ROCK ZIP LINE TOURS, INC., a Colorado corporation, 10010 Steeplechase Drive, Franktown, Colorado 80116 (“Lessee”).

A. Town and Lessee are parties to the Zip Line and Aerial Trekking Course Lease Agreement dated August 5, 2014 (“Lease Agreement”), by which Lessee leases from Town certain real property at Miller Park for operation of a zip line course.

B. The parties have determined that it is necessary to amend the Lease Agreement to expand the “Leased Premises, in order to provide for the Aerial Trekking course to be constructed and operated by Lessee.

NOW, THEREFORE, the parties agree and covenant as follows:

Section 1. Amendment. Section 2.1 of the Lease is amended to incorporate a new description of the Leased Premises, in accordance with the attached *Exhibit A-Revised*.

Section 2. Ratification. Except to the extent expressly modified by this First Amendment, the Lease shall remain in full force and effect. To the extent of any inconsistency between this First Amendment and the Lease Agreement, the terms and conditions of this First Amendment shall control.

TOWN:

ATTEST:

TOWN OF CASTLE ROCK

Sally A. Misare, Town Clerk

Paul Donahue, Mayor

Approved as to form:

Approved as to content:

Robert J. Slentz, Town Attorney

Jeff Brauer, Director of Parks & Recreation

LESSEE:

CASTLE ROCK ZIP LINE TOURS, INC.,
a Colorado corporation

By: _____

Its: _____



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