

NOTICE OF ADOPTED ORDINANCE

Pursuant to Section 7-3 of the Town of Castle Rock Home Rule Charter, notice is hereby given that the Town Council did adopt the following named and described Ordinance during its Regular Meeting on March 8, 2016 which commenced at 6:00 P.M. at the Castle Rock Town Council Chambers, 100 N. Wilcox St. Castle Rock, CO 80104

Title of Adopted Ordinance: Ordinance No. 2016-006

An Ordinance Approving the First Amendment to the Zip Line and Aerial Trekking Course Lease Agreement within the Philip S. Miller Park; and Providing for Its Emergency Adoption on Second and Final Reading

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.

Emergency adoption was requested to allow the Aerial Trekking course to be installed and operational in a timely manner to correspond with the Grand Opening of Phase II of the Park.

The entire text of the proposed ordinance is contained herein, and copies of all documents 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 21, 2016

ORDINANCE NO. 2016-006

**AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE ZIP LINE AND
AERIAL TREKKING COURSE LEASE AGREEMENT WITHIN THE
PHILIP S. MILLER PARK; AND PROVIDING FOR ITS EMERGENCY ADOPTION ON
SECOND AND FINAL READING**

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,

WHEREAS, in order to complete the construction of the aerial trekking tower to coincide with the grand opening of Phase 2 of the PS Miller Park in May 2016, it is necessary to adopt this ordinance on an emergency basis on second and final reading.

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. Emergency Clause. For the reasons stated in the recitals to this Ordinance, it is declared that an emergency exists and it is necessary for the immediate preservation of the public peace, health or safety for this Ordinance to take effect upon its adoption.

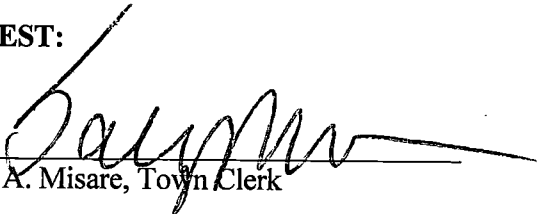
Section 4. Safety Clause. The Town Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and this Ordinance bears a rational relation to the legislative object sought to be obtained.

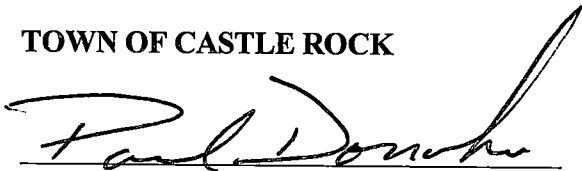
APPROVED ON FIRST READING this 8th day of March, 2016 by a vote of 7 for and 0 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED AS AN EMERGENCY ORDINANCE this 15th day of March, 2016, by a vote of the Town Council of the Town of Castle Rock, Colorado of 6 for and 0 against constituting the extraordinary majority required by Section 2.02.100 of the Castle Rock Municipal Code.

ATTEST:

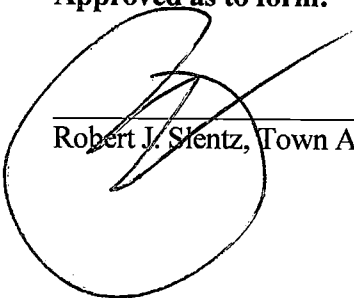
TOWN OF CASTLE ROCK

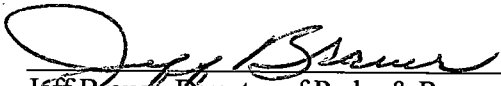

Sally A. Misare, Town Clerk


Paul Donahue, Mayor

Approved as to form:

Approved as to content:


Robert J. Stentz, 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: _____

Zip Line Tours
Ground School
4,000 Square Feet

Epic Adventure Tower
12,000 Square Feet

Aerial Trekking Tower
15,000 Square Feet







Lightning
Shelter 15' x 15'

Lightning
Shelter 15' x 15'

Lightning
Shelter 15' x 15'

**Castle Rock Zip Line Tours and
Aerial Trekking Lease Area Exhibit**

Lease Agreement Improvements

-  Public Trail Not Included in Agreement
-  Public Sidewalk Not Included in Agreement
-  Zip Line Tours Access Trail
-  Zip Line Tours Emergency Access
-  Zip Line Tours Platform Towers
-  Park Boundary Not Included in Agreement

