

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2012

COUNCIL BILL NO. CB12-0305  
COMMITTEE OF REFERENCE:

BUSINESS, WORKFORCE, & SUSTAINABILITY

**A BILL**

**For an ordinance approving a proposed First Amendment to Intergovernmental License and Easement Agreement between the City and County of Denver, Sand Creek Metropolitan District, the City of Aurora and Gateway Land, LLC related to the construction and maintenance of a drainage channel and snow ramps on property adjacent to the intersection of Peña Boulevard and 40<sup>th</sup> Avenue and the Interstate 70/Peña Interchange.**

**BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

**Section 1.** The proposed First Amendment to Intergovernmental License and Easement Agreement between the City and County of Denver and Sand Creek Metropolitan District, the City of Aurora and Gateway Land, LLC in the words and figures contained and set forth in that form of Agreement available in the office and on the web page of City Council, and to be filed in the office of the Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver, under City Clerk's Filing No. 2005-0356-A, is hereby approved.

COMMITTEE APPROVAL DATE: April 26, 2012

MAYOR-COUNCIL DATE: May 1, 2012

PASSED BY THE COUNCIL: \_\_\_\_\_, 2012

\_\_\_\_\_ - PRESIDENT

APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2012

ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
EX-OFFICIO CLERK OF THE  
CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2012; \_\_\_\_\_, 2012

PREPARED BY: Debra Overn, Assistant City Attorney  DATE: May 3, 2012

Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed ordinance. The proposed ordinance is submitted to the City Council for approval pursuant to § 3.2.6 of the Charter.

Douglas J. Friednash, City Attorney for the City and County of Denver

BY: \_\_\_\_\_, Assistant City Attorney      DATE: May 3, 2012



**FIRST AMENDMENT TO**  
**INTERGOVERNMENTAL LICENSE ANDEASEMENT AGREEMENT**

**THIS FIRST AMENDMENT TO INTERGOVERNMENTAL LICENSE AND EASEMENT AGREEMENT (“First Amendment”)** is made and entered into as of the date indicated on the signature page below, by and between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado, on behalf of its Department of Aviation (the “City”); **SAND CREEK METROPOLITAN DISTRICT**, a metropolitan district and political subdivision of the state of Colorado (“**Construction Licensee**”); the **CITY OF AURORA**, a municipal corporation of the State of Colorado (“**Licensee**” or “**Aurora**”); and **GATEWAY LAND, LLC**, a Colorado limited liability company.

**WITNESSETH**

**WHEREAS**, the parties entered into a written Intergovernmental License and Easement Agreement dated June 7, 2005 (the “**2005 IGA**”); and

**WHEREAS**, the parties desire to amend the 2005 IGA;

**NOW, THEREFORE**, for and in consideration of the premises and other good and valuable consideration, the parties agree as follows:

1. Exhibit A of the 2005 IGA is deleted and replaced by the Exhibit A-1 attached to this First Amendment.
2. Except as otherwise provided here, all of the terms, provisions and conditions of the 2005 IGA shall remain in full force and effect as though set out in full herein, and are hereby ratified and reaffirmed.
3. This First Amendment may be executed in two or more counterparts, each of which shall be deemed to be an original signature page.
4. This First Amendment shall not be or become effective or binding on the parties until approved by the City Council of the City and County of Denver, the City Council of the City of Aurora, the Sand Creek Metropolitan District and all other parties to the 2005 IGA.

[SIGNATURE PAGES AND EXHIBIT FOLLOW]

**Contract Control Number:** PLANE-XC40309-01

**Vendor Name:** Gateway Business Park, LLC & Sand Creek  
Metropolitan District

IN WITNESS WHEREOF, the parties have set their hands and affixed their seals at  
Denver, Colorado as of

SEAL

**CITY AND COUNTY OF DENVER**

ATTEST:

By \_\_\_\_\_

\_\_\_\_\_

APPROVED AS TO FORM:

REGISTERED AND COUNTERSIGNED:

DOUGLAS J. FRIEDNASH, Attorney  
for the City and County of Denver

By \_\_\_\_\_

By \_\_\_\_\_

By \_\_\_\_\_



Contract Control Number: PLANE-XC40309-01

Vendor Name: Gateway Business Park, LLC & Sand Creek Metropolitan District

By: ~~\_\_\_\_\_~~

Name: Brian D. Pauls  
(please print)

Title: Authorized Signatory for Gateway Business Park & Sand Creek Metropolitan District  
(please print)

ATTEST: [if required]

By: Mike Seaman



Name: Mike Seaman  
(please print)

Title: Secretary of Sand Creek Metropolitan District  
(please print)



**EXHIBIT A-1**  
**Drainage Channel**

### EXHIBIT A-1

AN IRREGULAR TRACT OF LAND, CONTAINING 92,310 SQUARE FEET, IN THE S 1/2, SW 1/4 OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, IN THE CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO, SAID TRACT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1, BLOCK 1, GATEWAY PARK IV EAST SUBDIVISION FILING NO. 1 RECORDED ON NOVEMBER 17, 1999 IN PLAT FILE 18 AT MAP NO. 142 OF SAID ADAMS COUNTY RECORDS, SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF PENA BOULEVARD AS DESCRIBED BY DEED RECORDED IN BOOK 3896 AT PAGE 549 OF SAID ADAMS COUNTY RECORDS;

THENCE SOUTH 00°13'04" WEST ALONG THE WEST LINE OF SAID GATEWAY PARK IV EAST SUBDIVISION FILING NO. 1 AND THE EAST RIGHT-OF-WAY LINE OF SAID PENA BOULEVARD A DISTANCE OF 366.12 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00°13'04" WEST ALONG THE WEST LINE OF SAID GATEWAY PARK IV EAST SUBDIVISION FILING NO. 1 AND THE EAST RIGHT-OF-WAY LINE OF SAID PENA BOULEVARD A DISTANCE OF 150.00 FEET;

THENCE NORTH 89°55'28" WEST A DISTANCE OF 581.41 FEET TO A POINT OF CURVE;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 21°04'13", A RADIUS OF 1046.43 FEET AND AN ARC LENGTH OF 384.82 FEET, WHOSE CHORD BEARS NORTH 00°27'47" EAST A DISTANCE OF 382.66 FEET;

THENCE NORTH 10°04'17" WEST A DISTANCE OF 100.57 FEET;

THENCE NORTH 89°59'40" EAST A DISTANCE OF 20.31 FEET;

THENCE SOUTH 10°04'17" EAST A DISTANCE OF 97.02 FEET TO A POINT OF CURVE;

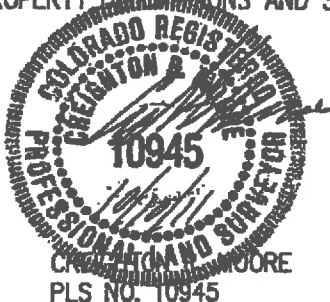
THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 12°44'33", A RADIUS OF 1066.43 FEET AND AN ARC LENGTH OF 237.17 FEET, WHOSE CHORD BEARS SOUTH 03°42'04" EAST A DISTANCE OF 236.68 FEET;

THENCE SOUTH 89°55'28" EAST A DISTANCE OF 543.92 FEET TO THE TRUE POINT OF BEGINNING.

AREA = 92,310 SQUARE FEET (2.1191 ACRES).

#### SURVEYOR'S CERTIFICATE:

I, CREIGHTON R. MOORE, A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF COLORADO, CERTIFY THAT THIS PROPERTY DESCRIPTIONS AND SKETCH WERE PREPARED AND CHECKED UNDER MY DIRECT SUPERVISION.



GP4E-RTD-DRAINAGE-ESMT-EXHA-1.DWG

SAND CREEK METROPOLITAN DISTRICT

DRAINAGE CHANNEL & MAINTENANCE ROAD

DRAWN BY: VLM

SCALE 1"=100'

CHECKED BY

DATE 10-10-11

SHEET 1 OF 2

NOTE: THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.

EXHIBIT A-1

NW COR. S 1/2,  
SW 1/4 SEC. 21  
T3S, R66W, 6TH P.M.

S89°55'06"E 984.13'

CITY & COUNTY OF DENVER  
CITY OF AURORA, ADAMS COUNTY

PENA BOULEVARD  
2000' R.O.W.  
BOOK 3896 PAGE 549

P.O.C.  
NW COR.  
LOT 1, BLOCK 1  
GATEWAY PARK IV  
EAST SUB.  
FIL. NO. 1

EAST R.O.W. LINE PENNA BLVD.

40TH AVE.  
55'

S00°13'04"W 366.12'

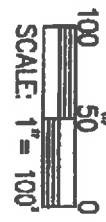
GATEWAY PARK IV EAST  
SUBDIVISION FILING NO. 1

GP4E-RTD-DRAINAGE-ESMT-EXHA-1.DWG

SAND CREEK METROPOLITAN DISTRICT

DRAINAGE CHANNEL & MAINTENANCE ROAD

DRAWN BY: VLM	SCALE 1"=100'	
CHECKED BY	DATE 10-10-11	SHEET 2 OF 2



I.P.O.B.

S00°13'04"W 150.00'

92,310 SQ. FT.  
2.1191 AC.

N89°55'28"W 581.41'

Δ= 210°41'3"  
R= 1046.43'  
L= 384.82'  
CHD= N00°27'47"E  
382.66'

Δ= 12°44'33"  
R= 1066.45'  
L= 237.17'  
CHD= S03°42'04"E  
236.66'

S100°41'17"E  
97.02'

N89°59'40"E  
20.31'

N100°41'17"W  
100.57'

AIRPORT BLVD. INTERCHANGE  
BOOK 3836 PAGE 167

LICENSE AGREEMENT  
BOOK 5469 PAGE 264  
LANDSCAPE EASEMENT  
NO. 8

LICENSE AGREEMENT  
BOOK 5469 PAGE 264  
LANDSCAPE EASEMENT  
NO. 6

NOTE: THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.