

RESOLUTION

RESOLUTION NO. **37**

INTRODUCED BY COUNCILLORS

SERIES OF 2023

A RESOLUTION APPROVING FIRST AMENDMENT TO INTERIM INTERGOVERNMENTAL AGREEMENT

WHEREAS, on March 14, 2022, the City and Hyland Hills Park and Recreation District (“Hyland Hills”) entered into that certain Interim Intergovernmental Agreement between City of Westminster and Hyland Hills Park and Recreation District for the Exchange of Ownership Interests in Real Property and Buildings (the “Interim IGA”); and

WHEREAS, pursuant to the Interim IGA, and in furtherance of their history of collaboration on park and recreation projects mutually beneficial to the citizens of both, the City and Hyland Hills (the “Parties”) agreed to consolidate, update and harmonize the provisions of several intergovernmental agreements, previously entered into among the Parties, into one Consolidated IGA; and

WHEREAS, the Parties now desire to extend certain deadlines set forth in the Interim IGA to allow additional time to continuing developing the Consolidated IGA; and

WHEREAS, pursuant to that certain Second Intergovernmental Agreement between the City of Westminster and Hyland Hills Park and Recreation District concerning the Westminster Promenade Ice Arena, dated January 29, 1998 (the “Ice Center IGA”), Hyland Hills, acting by and through the Hyland Hills Park and Recreation District Enterprise (the “Enterprise”), currently subleases an undivided fifty percent (50%) interest in the Ice Centre at the Promenade (the “Ice Centre”) from the City; and

WHEREAS, pursuant to Section 6.6 of the Ice Centre IGA, the City is to convey a fifty percent (50%) ownership interest in the Ice Centre to the Enterprise; and

WHEREAS, Hyland Hills and the Enterprise desire to amend the Ice Centre IGA to provide that such 50% ownership interest be conveyed to Hyland Hills; and

WHEREAS, the Parties have determined that the Enterprise should be a party to the Interim IGA; and

WHEREAS, the Parties desire to further amend the Ice Centre IGA to revise the procedure by which the net revenues of the Ice Centre are allocated; and

WHEREAS, the City Council desires to approve the attached First Amendment to Interim Intergovernmental Agreement in order to incorporate the foregoing amendments into the Interim IGA and Ice Centre IGA.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER:

1. The City Manager is hereby authorized to execute on behalf of the City the attached First Amendment to Interim Intergovernmental Agreement.

PASSED AND ADOPTED this 13th day of November, 2023.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney's Office

Special Warranty Deed

THIS SPECIAL WARRANTY DEED is made this ____ day of _____, 20__, between the City of Westminster, Colorado, whose address is 4800 West 92nd Avenue, Westminster, Colorado 80031 ("Grantor"), and Hyland Hills Park and Recreation District, whose address is 8801 N. Pecos Street, Federal Heights, CO 80260 ("Grantee");

WITNESSETH, that Grantor for and in consideration of satisfaction of the terms and conditions of that certain Second Intergovernmental Agreement Between the City of Westminster and Hyland Hills Park and Recreation District Concerning the Westminster Promenade Ice Arena, entered into as of January 29, 1998, as amended, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted and conveyed, and by these presents does grant and convey and confirm, unto Grantee, its successors and assigns, forever, a fifty-percent (50%) undivided ownership interest, as a tenant in common, in all real property, together with all improvements, if any, and with all its appurtenances, situate, lying and being in the said County of Jefferson and State of Colorado, described as follows:

See **EXHIBIT A – LEGAL DESCRIPTION** attached hereto and incorporated herein,

GRANTOR, for itself and its successors and assigns, does covenant and agree that it shall and does WARRANT title to the above bargained premises against all and every person or persons lawfully claiming the whole or any part thereof, by, through or under Grantor, subject to the matters set forth on **EXHIBIT B – PERMITTED EXCEPTIONS** attached hereto and incorporated herein.

IN WITNESS WHEREOF, Grantor has executed this Special Warranty Deed on the date set forth above.

City of Westminster, Colorado

By: _____
Mark A. Freitag, City Manager

STATE OF COLORADO)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 202__,
by _____ as _____.

Witness my hand and official seal.

My Commission Expires

Notary Public

EXHIBIT A – LEGAL DESCRIPTION

(page 1 of 2)

Parcel A:

A Leasehold Interest in and to the following described land:

A parcel of land being a portion of Lot 1, Northpoint Center Filing No. 1, First Replat recorded at Reception No. 94182014 located in the Southwest quarter of Section 12, Township 2 South, Range 69 West of the Sixth Principal Meridian, City of Westminster, County of Jefferson, State of Colorado being more particularly described as follows:

Commencing at the Northwest corner of the Southwest one-quarter of said section 12, thence N89°52'15"E, along the North line of the Southwest quarter of said Section 12 and along the Northerly line of said Northpoint Center Filing No. 1, First Replat, a distance of 698.06 feet; thence departing said North line and said Northerly line S00°07'45"E, a distance of 221.67 feet to the True Point of Beginning; thence N89°52'15"E, a distance of 86.75 feet; thence N00°07'45"W, a distance of 15.17 feet; thence N89°52'15"E, a distance of 27.21 feet; thence N0°07'45"W, a distance of 3.47 feet; thence N89°52'15"E, a distance of 15.11 feet; thence N00°07'45"W, a distance of 21.00 feet; thence N89°52'15"E, a distance of 272.93 feet; thence S00°07'45"E, a distance of 214.05 feet; thence N89°52'15"E a distance of 23.31 feet; thence S0°07'45"E, a distance of 114.25 feet; thence S89°52'15"W, a distance of 23.33 feet; thence S00°00'00"W, a distance of 3.64 feet; thence along a non-tangent curve to the left having an arc length of 64.46 feet, a radius of 427.76 feet, a central angle of 08°38'01", a chord which bears S79°28'50"W, a distance of 64.40 feet; thence N90°00'00"W, a distance of 35.03 feet; thence N00°00'00"E, a distance of 9.84 feet; thence S89°52'15"W, a distance of 24.88 feet; thence S15°00'00"W, a distance of 35.21 feet; thence N75°00'00"W, a distance of 13.56 feet; thence S14°52'12"W, a distance of 11.26 feet; thence N75°07'53"W, a distance of 25.00 feet; thence N14°52'12"E, a distance of 11.32 feet; thence N75°00'00"W, a distance of 10.44 feet; thence N15°00'00"E, a distance of 21.97 feet; thence S89°52'15"W, a distance of 79.00 feet thence N00°07'45"W, a distance of 5.33 feet; thence S89°52'15"W, a distance of 10.45 feet; thence S41°33'37"W, a distance of 32.18 feet; thence N48°26'23"W, a distance of 57.84 feet; thence S41°33'37"W, a distance of 10.00 feet; thence N48°26'23"W, a distance of 75.96 feet; thence S89°52'15"W, a distance of 10.57 feet; thence N00°07'45"W, a distance of 231.17 feet to the True Point of Beginning,
County of Jefferson,
State of Colorado.

EXHIBIT A – LEGAL DESCRIPTION

(page 2 of 2)

Parcel B:

An easement Interest in and to the following described land:

A parcel of land being a portion of lot L, Northpoint Center Filing No. 1, First Replat as recorded at Reception No. 94182014 located in the Southwest quarter of section 12, Township 2 South, Range 69 West of the Sixth Principal meridian, City of Westminster, County of Jefferson, State of Colorado, being more particularly described as follows:

Commencing at the Northwest corner of the Southwest quarter of said Section 12; thence N89°52'15"E, along the North line of the southwest quarter of said Section 12 and along the Northerly line of said Northpoint Center Filing No. 1, First Replat a distance of 469.81 feet; thence departing said North line and said Northerly line S00°07'45"E, a distance of 150.43 feet to the True Point of Beginning; thence N89°52'15"E, a distance of 630.25 feet; thence S00°07'45"E, a distance of 31.50 feet; thence S89°52'15"W, a distance of 272.93 feet; thence S00°07'45"E, a distance of 21.00 feet; thence S89°52'15"W, a distance of 15.11 feet; thence S00°07'45"E, a distance of 3.47 feet; thence S89°52'15"W, a distance of 27.21 feet; thence S00°07'45"E, a distance of 15.17 feet; thence S89°52'15"W, a distance of 86.75 feet; thence S00°07'45"E, a distance of 231.17 feet; thence N89°52'15"E, a distance of 4.56 Feet; thence S48°26'23"E, a distance of 72.29 feet to a point of curvature; thence along a curve to the right having an arc length of 89.54 feet; a radius of 28.50 feet a central angle of 180°00'00", a chord which bears S41°33'37"W, a distance of 57.00 feet to a point of tangency; thence N48°26'23"W, a distance of 46.58 feet; thence N71°40'16"W, a distance of 351.06 feet; thence N66°52'23"W, a distance of 78.61 feet; thence to a point of curvature; thence along a curve to the right having an arc length of 58.67 feet, a radius of 585.50 feet, a central angle of 05°44'27", a chord which bears N64°00'10"W, a distance of 58.64 feet to a point of non-tangency; thence N35°35'11"E, a distance of 134.55 feet to a point of curvature; thence along a curve to the right having an arc length of 192.80 feet, a radius of 203.50 feet, a central angle of 54°17'04", a chord which bears N62°43'43"E, a distance of 185.67 feet to the True Point of Beginning, County of Jefferson, State of Colorado.

Note: The above property is now known as Lot 1, Westminster Promenade East, First Replat, according to the plat recorded June 1, 2000 at Reception No. F1064574, County of Jefferson, State of Colorado.