

**A RESOLUTION
OF THE CITY COUNCIL
OF THE CITY OF CHERRY HILLS VILLAGE
APPROVING A SECOND AMENDMENT TO AN INTERGOVERNMENTAL
AGREEMENT BY AND BETWEEN THE CITY OF CHERRY HILLS VILLAGE
AND THE CITY AND COUNTY OF DENVER ACTING BY AND THROUGH
ITS BOARD OF WATER COMMISSIONERS
REAFFIRMING, AMENDING AND EXTENDING THAT CERTAIN LEASE
AGREEMENT #500328, FORMERLY LEASE AGREEMENT #08392A, FOR
RECREATIONAL USE OF THE HIGH LINE CANAL**

WHEREAS, pursuant to C.R.S. § 29-1-203, governments are authorized to cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each government; and

WHEREAS, pursuant to Section 13.6 of the City of Cherry Hills Village Home Rule Charter, City Council may by resolution enter into agreements with other governmental units for the use of buildings, equipment, or facilities; and

WHEREAS, the City of Cherry Hills Village ("City") and the City and County of Denver, acting by and through its Board of Water Commissioners ("Denver Water") entered into a lease agreement for recreational use of a portion of the High Line Canal dated July 13, 2005 ("Lease Agreement"); and

WHEREAS, pursuant to Resolution 37-15, the City approved an intergovernmental agreement ("IGA") with Denver Water that extended the term of the Lease Agreement through October 1, 2020; and

WHEREAS, pursuant to Resolution 28-20, the City approved a First Amendment to the intergovernmental agreement ("First Amendment") with Denver Water that extended the term of the Lease Agreement through October 1, 2022; and

WHEREAS, the City and Denver Water desire to amend the IGA to extend the Lease Agreement through October 1, 2024.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO THAT:

Section 1. The City Council approves the Second Amendment to the Intergovernmental Agreement by and between the City of Cherry Hills Village and the City and County of Denver acting through its Board of Water Commissioners Reaffirming, Amending, and Extending that Certain Lease Agreement #500328, formerly Lease Agreement #08392A, for Recreational Use of the High Line Canal, as set forth in **Attachment A**, attached hereto and incorporated herein, and authorizes the Mayor to execute the same.

Section 2. Effective Date. This Resolution shall be effective immediately.

Introduced, passed and adopted at the
regular meeting of the City Council this 1st day
of November, 2022, by a vote of 5 yes and 0 no.

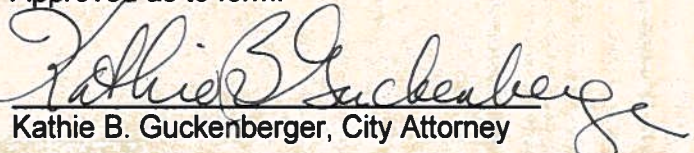
(SEAL)


Russell O. Stewart, Mayor

ATTEST:


Laura Gillespie, City Clerk

Approved as to form:


Kathie B. Guckenberger, City Attorney

ATTACHMENT A



**SECOND AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BY
AND BETWEEN THE CITY OF CHERRY HILLS VILLAGE AND THE CITY AND
COUNTY OF DENVER ACTING BY AND THROUGH ITS BOARD OF WATER
COMMISSIONERS REAFFIRMING, AMENDING, AND EXTENDING THAT
CERTAIN LEASE AGREEMENT #500328, FORMERLY LEASE AGREEMENT
#08392A, FOR RECREATIONAL USE OF THE HIGH LINE CANAL**

This Second Amendment to the Intergovernmental Agreement by and between the City of Cherry Hills Village and the City and County Of Denver Acting by and through its Board of Water Commissioners Reaffirming, Amending, and Extending That Certain Lease Agreement #500328, formerly Lease Agreement #08392A, for Recreational Use of the High Line Canal ("First Amendment") is made and entered into between the CITY OF CHERRY HILLS VILLAGE, a Colorado home rule municipal corporation with an address of 2450 E. Quincy Avenue, Cherry Hills Village, Colorado 80113 ("CITY") and the CITY AND COUNTY OF DENVER, acting by and through its BOARD OF WATER COMMISSIONERS ("BOARD"), a municipal corporation of the State of Colorado whose address is 1600 W. 12th Avenue, Denver, Colorado 80204. Collectively, the City and the Board shall be referred to herein as the "Parties."

Since July 13, 2005, the City has managed the High Line Canal property within its borders for recreational use pursuant to that certain Lease Agreement for Recreational Use of the High Line Canal with the Board dated July 13, 2005 ("Lease Agreement").

Effective July 13, 2015, the Board and the City reaffirmed, amended, and extended the Lease Agreement through October 1, 2020 pursuant to an intergovernmental agreement reaffirming, amending, and extending the Lease Agreement ("Intergovernmental Agreement") during an ongoing cooperative intergovernmental planning process for the use of the High Line Canal.

Effective October 1, 2020, the Board and the City reaffirmed, amended, and extended the Lease Agreement through October 1, 2022 pursuant to an amendment of the intergovernmental agreement reaffirming, amending, and extending the Lease Agreement ("First Amendment").

The City and the Board require additional time to finalize the terms of a new intergovernmental agreement that will incorporate the City's maintenance responsibilities related to its current and proposed stormwater uses of the High Line Canal.

The Parties desire to amend the Intergovernmental Agreement to amend the Lease Agreement as set forth herein, with all other terms and conditions of the Intergovernmental Agreement and Lease Agreement, as amended, to remain in full force and effect.

THEREFORE, the Board and the City agree as follows:

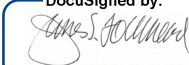
1. The Parties reaffirm, amend, and extend the Lease Agreement as follows:
 - A. Section 2.1 is hereby amended to extend the term for an additional term, commencing as of October 1, 2022 and terminating at 11:59 p.m. on January 31, 2024 (the "Term"), unless otherwise extended by mutual written agreement of the Parties.
 - B. Except as modified herein, the terms and conditions of the Lease Agreement shall remain in full force and effect.

2. The City may record this Agreement in the real property records of the Arapahoe County Clerk and Recorder's Office.
3. This Second Amendment shall be effective as of October 1, 2022 until January 31, 2024.

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Signature Page Follows

**CITY AND COUNTY OF DENVER,
acting by and through its
BOARD OF WATER COMMISSIONERS**

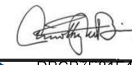
DocuSigned by:

By: _____
CEO/Manager

DATE: 11/21/2022

APPROVED:

DocuSigned by:

By: _____
Brian Good
Chief Administrative Officer

REGISTERED AND COUNTERSIGNED:
CITY AND COUNTY OF DENVER

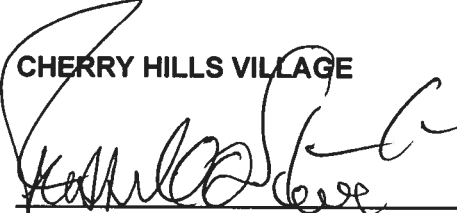
DocuSigned by:

By: _____
Timothy M. O'Brien, CPA
Auditor

DS
JAG

APPROVED AS TO FORM:

DocuSigned by:

By: _____
Office of General Counsel

CHERRY HILLS VILLAGE


Russell O. Stewart, Mayor

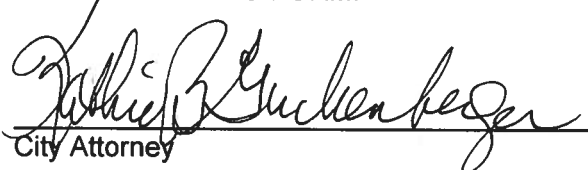
Date: 11/1/2022

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney