

A  
RESOLUTION  
OF THE CITY COUNCIL  
ACCEPTING THE DONATION OF  
\$39,100.00 FOR THE INSTALLATION OF A FENCE AT VOLUNTEER PARK

WHEREAS, Gary Nichol, the property owner of 1 Cherry Lane Drive approached the City about installing a sound barrier wall along Hampden Avenue on the property known as Volunteer Park; and

WHEREAS, Mr. Nichol has offered to donate funds to the City to accomplish the construction of a fence at this location and has expressed his agreement with the City's actions as set forth in this Resolution; and

WHEREAS, the City Council finds that a fence at this location would be a welcome and positive enhancement for park users; and

WHEREAS, the City Council desires to accept the offered donation of \$39,100.00 for the construction of the fence; and

WHEREAS, the City Council is prepared to undertake certain landscape and irrigation improvements at Volunteer Park that will be required as a result of the fence installation.

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

Section 1. The City Council hereby accepts the donation of \$39,100.00 for the construction of the fence as depicted in Exhibit A, on the City owned property known as Volunteer Park.

Section 2. City Council authorizes the expenditure of the donated funds in the amount of \$39,100.00 for the sole purpose of the construction of the fence.

Section 3. City Council authorizes the expenditure of funds that have been budgeted for in the 2011 Parks budget in the amount of \$14,842.00 for the sole purpose of the installation of the required landscaping and irrigation associated with the fence construction in order to comply with the City Code requirements that regulate such installations.

Section 4. The City at its sole discretion may remove or cause to remove the fence for any reason. If at any time in the future the City deems it necessary or desirable to remove the fence for any reason it may do so with no compensation, retribution to the donor of funds or materials for this specific purpose. The City may remove or cause to remove the fence without notice or authorization of the donor.

Section 3. This resolution shall be effective immediately.

Introduced, passed and adopted at the regular meeting of City Council this 18<sup>th</sup> day of January, 2011, by a vote of 6 yes and 0 no.

  
Michael J. Wozniak, Mayor

ATTEST:

  
Laura Smith, City Clerk

APPROVED AS TO FORM:

  
Kenneth S. Fellman, City Attorney

(SEAL)