

April 28, 1975

75-93

A RESOLUTION

AUTHORIZING AN AGREEMENT BY AND BETWEEN THE UNITED STATES OF AMERICA, GENERAL SERVICES ADMINISTRATION, REGION VIII, THE NATIONAL WESTERN DEVELOPMENT CORP. AND THE CITY OF LAKEWOOD.

WHEREAS, a dispute and controversy has developed between the United States of America, acting by and through its General Services Administration, in its capacity as owner/operator of the Denver Federal Center at Lakewood, Colorado, the National Western Development Corp. and the City of Lakewood, Colorado, regarding surface water drainage patterns emanating from the development of properties adjacent to the northwest corner of the Denver Federal Center at Gate No. 4, i.e., the Union Square Development; and

WHEREAS, the said parties through mutual effort and negotiation have reached a proposed settlement of all matters in controversy; and

WHEREAS, as a part of said settlement the United States of America, through its General Services Administration, will award a construction contract or contracts under its project Number R-CO-75-059 for the construction of a system of surface water holding ponds, and concomitant drainage system, to be located within the northwest corner of the Denver Federal Center; and in consideration of the construction of said project by the General Services Administration and the payment of \$30,000.00 each to apply on the costs thereof (anticipated to cost approximately \$90,000.00) by the City of Lakewood, the private developers, and the United States, the parties have agreed to compromise and settle the aforesaid controversy.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakewood, Colorado:

SECTION 1. That the Mayor is authorized to execute on behalf of the City, and the City Clerk to attest, a compromise and settlement agreement between the aforesaid parties, in form approved by the City Administrator and City Attorney, relating to the surface water drainage controversy aforesaid, providing for the award of said contract or contracts for construction of a system of surface water holding ponds and associated drainage facilities, and the construction thereof, by the General Services Administration, to be located within the northwest corner of the Denver Federal Center; and providing further for the payment by the National Western Development Corp. of the sum of \$30,000.00 and likewise providing for the payment by the City of Lakewood to the United States of America, General Services Administration Region VIII of the sum of \$30,000.00 upon the completion of said construction project to the satisfaction of the City Engineer of the City of Lakewood.

SECTION 2. Following execution and delivery of the aforesaid compromise and settlement agreement in form as approved by the City Administrator and City Attorney, and upon certification of satisfactory completion of the

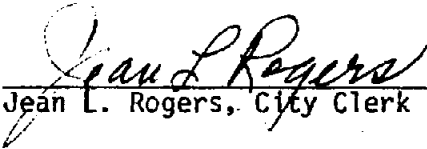
aforesaid project by the City Engineer of the City of Lakewood, the Director of Administration and Treasurer of the City of Lakewood are hereby authorized and directed to make payment of the aforesaid sum of \$30,000.00 to the United States of America pursuant to the terms of the said agreement and of this resolution.

INTRODUCED, READ AND ADOPTED by a vote of 10 for and 0 against at a regular meeting of the City Council on April 28, 1975, at 7 o'clock p.m. at Lakewood City Hall, 1580 Yarrow Street, Lakewood, Colorado.



James J. Richey, Mayor

ATTEST:



Jean L. Rogers, City Clerk

A G R E E M E N T

The parties hereto are:

United States General Services Administration, in its capacity as owner/operator of the Denver Federal Center.

The City of Lakewood, Colorado, in its surface water drainage regulatory capacity.

National Western Development Corp., in its capacity as developer of lands adjacent to the northwest corner of the Denver Federal Center.

Inasmuch as a controversy does exist in relation to the incumbent rights, duties and obligations of the above parties as to and concerning existing and potential surface water drainage patterns emanating from the development of properties adjacent to the northwest corner of the Denver Federal Center at gate numbered 4, shown on Exhibit "A", attached hereto and incorporated herein by reference, the parties hereto, through mutual effort and negotiation and in consideration of the mutual obligations set forth herein, have reached an amicable settlement of all matters in controversy, as follows:

1. It is understood that the "existing and potential surface water drainage" referred to in the preamble hereof refers to present surface water drainage and future surface water drainage under fully developed conditions from the basin delineated in Exhibit "A".

2. The General Services Administration will proceed forthwith to award Project #R-CO-75-059, as shown on Exhibit "B", attached hereto and incorporated herein by reference, for construction of a system of surface water holding ponds to be located within the northwest corner of the Denver Federal Center. The General Services Administration agrees, further, to undertake payment for the above referenced project, subject to reimbursement by the City of Lakewood and by National Western Development Corp., as outlined below.

3. By Resolution No. 75-93 adopted by the City Council of the City of Lakewood, April 28, 1975, the City has authorized its Mayor to execute and its City Clerk to attest this Agreement, as approved by its City Administrator and City Attorney, and has authorized the payment of the sum of Thirty Thousand (\$30,000.00) Dollars by the City as its share of participation in the aforesaid project, pursuant to the terms thereof, upon completion of construction to the

*Words missing
See Res. 75-93 and of
Section 1 for probable wording*

4. Following the completion of said project and certification thereof by the City Engineer of the City of Lakewood as aforesaid, National Western Development Corp. will participate in the above referenced Project #R-CO-75-059 by contribution in the amount of Thirty Thousand and No/100 (\$30,000.00) Dollars, said amount to be transferred to the General Services Administration no later than six months after the execution of this Agreement.

It is understood by and among the parties hereto that construction of Project #R-CO-75-059 by the General Services Administration, and duly acknowledged receipt by General Services Administration of the above stated respective sums of contribution by the City of Lakewood and National Western Development Corp. shall constitute full performance, release, and settlement of all matters in controversy.

The persons signing on behalf of the parties hereto hereby expressly warrant that they are authorized to sign this Agreement by and on behalf of the parties they represent, and that the parties hereto are familiar with the terms hereof and agree to be bound by said terms.

The effective date of this instrument shall be that of execution by the latest signatory hereto.

UNITED STATES OF AMERICA

By 


JACK L. PACKARD
Regional Commissioner, PBS, Region 8
General Services Administration
Denver Federal Center
Denver, Colorado 80225

CITY OF LAKEWOOD

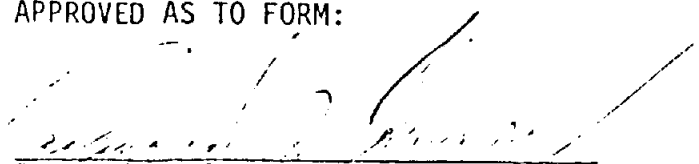
By 

James J. Richey, Mayor
1530 Yarrow Street
Lakewood, Colorado 80215

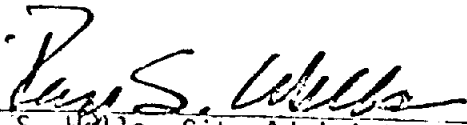
ATTEST:


Jean L. Rogers, City Clerk
City of Lakewood, Colorado


APPROVED AS TO FORM:


Raymond C. Johnson, City Attorney

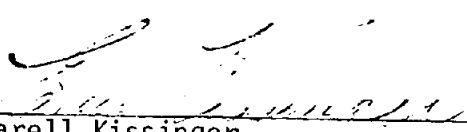
APPROVED:


Ray S. Wells, City Administrator
City of Lakewood, Colorado

RECOMMENDED AND APPROVED:


Raymond A. Bullock
Director of Community Services
City of Lakewood, Colorado

NATIONAL WESTERN DEVELOPMENT CORP.

By  6/19/75
Earell Kissinger
Secretary/Treasurer
230 South Holland
Suite 201
Lakewood, Colorado 80226

ATTEST:

Asst. Secretary

