

**ORDINANCE NO. 2024-013**

**AN ORDINANCE APPROVING THE SECOND AMENDMENT TO THE ZIP LINE AND AERIAL TREKKING COURSE LEASE AGREEMENT WITHIN THE PHILIP S. MILLER PARK AND PROVIDING FOR ITS EMERGENCY ADOPTION ON FIRST AND FINAL READING**

**WHEREAS**, the Town of Castle Rock, Colorado (the “Town”) and Castle Rock Zip Line Tours, Inc. d/b/a The Edge Ziplines and Adventures (“Castle Rock Zip Line Tours, Inc.”) entered into an agreement to provide for the lease of a portion of the Town-owned regional park known as Philip S. Miller Park for a zip line and aerial trekking course, dated August 5, 2014 (the “Agreement”), and entered into a First Amendment to the Agreement dated March 15, 2016 to expand the leased premises; and

**WHEREAS**, the current Lease Term of the Agreement will expire on September 4, 2024 if an Amendment to the Agreement extending the Lease Term is not executed; and

**WHEREAS**, the Town and Castle Rock Zip Line Tours, Inc. wish to amend the Agreement to extend the Lease Term for an additional ten (10) years to September 5, 2034, with an option thereafter to extend the Lease Term for an additional five year term, update the rates in the operations plan, change the Rent schedule from quarterly to monthly, and update the insurance requirements (the “Second Amendment”); and

**WHEREAS**, subject to the Town Council’s approval of these changes, the Town and Castle Rock Zip Line Tours, Inc. have agreed to the terms and conditions governing the Second Amendment; and

**WHEREAS**, in order to ensure the continued safe operation of zip line and aerial trekking activities governed by and in accordance with the Agreement, it is necessary to adopt this Ordinance on an emergency basis on first and final reading and for this Ordinance to take effect upon its adoption.

**NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO AS FOLLOWS:**

**Section 1. Approval.** The Second Amendment to the Agreement between the Town and Castle Rock Zip Line Tours, Inc. is hereby approved in substantially the same form as presented at tonight’s meeting, with such technical changes, additions, modifications, deletions, or amendments as the Town Manager may approve upon consultation with the Town Attorney. The Mayor and other proper Town officials are hereby authorized to execute the Second Amendment and any technical amendments thereto by and on behalf of the Town.

**Section 2. Severability.** If any part or provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid

provisions or application, and to this end, the provisions of this Ordinance are declared to be severable.

**Section 3. Emergency Clause.** For the reasons stated in the recitals to this Ordinance, it is declared that an emergency exists and it is necessary for the preservation of the immediate public peace, health and safety for this Ordinance to take effect upon its adoption on first and final reading.

**Section 4. Safety Clause.** The Town Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and bears a rational relation to the legislative object sought to be obtained.

**PASSED, APPROVED AND ADOPTED ON FIRST AND FINAL READING** this 20th day of August, 2024, by the Town Council of the Town of Castle Rock, Colorado, by a vote of \_\_\_ for and \_\_\_ against, constituting the extraordinary majority required by Section 2.02.100.E of the Castle Rock Municipal Code, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code.

**ATTEST:**

**TOWN OF CASTLE ROCK**

\_\_\_\_\_  
Lisa Anderson, Town Clerk

\_\_\_\_\_  
Jason Gray, Mayor

**Approved as to form:**

**Approved as to content:**

\_\_\_\_\_  
Michael J. Hyman, Town Attorney

\_\_\_\_\_  
Jeff Brauer, Director of Parks & Recreation