

ORDINANCE NO. 2016-006

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

WHEREAS, the Town of Castle Rock and Castle Rock Zip Line Tours, Inc. are parties to the Zip Line and Aerial Trekking Course Lease Agreement dated August 5, 2014 (“Lease”),

WHEREAS, the parties have determined that it is necessary to amend the Lease to expand the “Leased Premises” to provide for the Aerial Trekking course to be constructed and operated by the Lessee,

WHEREAS, in order to complete the construction of the aerial trekking tower to coincide with the grand opening of Phase 2 of the PS Miller Park in May 2016, it is necessary to adopt this ordinance on an emergency basis on second and final reading.

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

Section 1. Approval. The First Amendment to Zip Line and Aerial Trekking Course Lease Agreement in the form attached as *Exhibit 1* is hereby approved. The Mayor and other proper Town officials are hereby authorized to execute the Lease by and on behalf of the Town of Castle Rock, Colorado.

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 immediate preservation of the public peace, health or safety for this Ordinance to take effect upon its adoption.

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 this Ordinance bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this 8th day of March, 2016 by a vote of 7 for and 0 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED AS AN EMERGENCY ORDINANCE this 15th day of March, 2016, by a vote of the Town Council of the Town of Castle Rock, Colorado of ____ for and ____ against constituting the extraordinary majority required by Section 2.02.100 of the Castle Rock Municipal Code.

ATTEST:

TOWN OF CASTLE ROCK

Sally A. Misare, Town Clerk

Paul Donahue, Mayor

Approved as to form:

Approved as to content:

Robert J. Slentz, Town Attorney

Jeff Brauer, Director of Parks & Recreation