

February 14, 2024

Matthew Karney, Planner
Jefferson County Planning and Zoning
100 Jefferson County Parkway
Golden, CO 80419

Dear Mr. Karney

Thank you for the referral on the rezoning of the Golden Mine (Case Number 23 137296RZ), which is adjacent to county-owned property, under contract for sale. The county entered into a Purchase and Sale Agreement on June 7, 2022, with BBGR LLC (BBGR or Developer). Since that time, the county has been working with the Developer to rezone and annex the property into the City of Golden.

The county's vision for this property is a vibrant mix of industrial, commercial, and regional recreational uses that provides primary jobs, services, and access to the County's extensive network of open space trails and parks. The first step to achieving this vision occurred on November 28, 2023, when the City of Golden approved the annexation and rezoning of the county's property. The county's property is now called the Junction, a name reflective of the future meeting place of mountain bikers, hikers, families, and workers centered on the county's newly rezoned 51 acres.

As part of the due diligence for the sale and the rezoning, representatives from the county and BBGR met with representatives from the State Land Board, Denver Brick Company, and Environmental Alternatives Inc. on February 14, 2023. At this meeting, we discussed the realignment of the mine's access point due to the planned trail connections and new land use. BBGR then proceeded with the annexation and rezoning process through the City of Golden. As required through Golden regulations, as an adjacent landowner, the State Land Board was notified of the community meeting and sent a referral. No comments were received.

While creation of the Junction anticipated and can accommodate the existing mining activity, expansion of the mine may prolong truck traffic and blasting activity for several years. Additional trucks and blasting may be in conflict and may create safety issues for the recreationists, public, and employees of the Junction.

Access

The Golden Mine currently accesses their property through two access roads. Both access roads were evaluated and approved through permit # M1976-007UG from the Division of Reclamation and Mine Safety. One approved access road traverses the State Land Board's property to the north and connects with 56th Avenue which allows full access onto Highway 93. The other access road is to the east through the county's property which only allows south bound access to Highway 93. For evidence of access rights through the county's property, the applicant submitted Patent No. 6964 (Patent), executed in 1955, reserving to the State of Colorado "the right of

ingress and egress for the purpose of mining...” The Patent did not specify an exact location for the access, which is currently in the form of an unmaintained, gated dirt road.

Golden’s Annexation and Development Agreement (Annexation Agreement) requires new access onto Highway 93 in the form of a roundabout to allow full access movement. Additionally, the Annexation Agreement requires a grade separated pedestrian crossing to enhance the safety of recreationists on the county’s regional trail system and an extension of the county’s North Table Mountain parking lot. Due to Colorado Department of Transportation regulations, the existing topography along Highway 93, and an expansion of North Table Mountain parking lot, the access point will be in a different location than the present-day location. The access from the mine to Highway 93 will be routed through the new development on private, paved roads with a regional trail, sidewalks, parking, landscape, and business activity. Due to the increase in recreational, commercial, and industrial activities, there may be public safety and dirt/mud tracking issues.

Blasting

Of more concern to the Junction is the rezoning request to allow blasting in the new mining area. Blasting is not compatible with the allowed and planned land uses and regional trails. There is a potential for considerable impacts to public safety due to debris and subsidence from shockwaves.

The blasting report submitted with the rezoning application did not take into consideration the public use of regional trails nor the tenants and customers of the new industrial and commercial businesses. While the blasting plan anticipates clearing traffic and installing guards on any public roads during blasting, the plan assumed the county’s property would remain vacant. There is no information on how businesses will be impacted nor how the public will be protected.

Additionally, the prospective industrial tenants are in the research and development area, as encouraged by the Jefferson Economic Development Corporation. Tenants may have calibrated machinery that could be damaged and disrupted with each blast.

Finally, there are old coal mines on the county’s property. While BBGR is determining the extent of the subsidence area, it is known that shock waves from blasting can increase instability in these areas. With the investment of utilities, roads, buildings, and new trails in the area, shockwaves and blasting could damage infrastructure.

Thank you for the consideration of these concerns as an adjacent property owner. I will continue to work with the State Land Board regarding these concerns. Please let me know if you have any questions.

Kate Newman
Deputy County Manager

Attachments: Annexation Agreement, Patent No. 6964



PATENT NO. 6964

TO ALL UNTO WHOM THESE PRESENTS SHALL COME: GREETING:

Whereas ERNEST A. RAMSTETTER and GLADYS E. RAMSTETTER of the County of Jefferson and State of Colorado, in accordance with the provisions of the acts of the General Assembly of the State of Colorado, approved and in force at the time of the purchase of the land herein designated and described, and at the time of the execution of this conveyance, has made full payment as appears from the records of the State Board of Land Commissioners of and for the following described real estate, lying and situate in the County of Jefferson and State of Colorado, to-wit:

TOWNSHIP THREE (3) SOUTH, RANGE SEVENTY (70) WEST OF THE SIXTH (6TH) PRINCIPAL MERIDIAN
Section Sixteen (16): The East Half (E 1/2) and The East Half of the West Half (E 1/2 W 1/2),

containing four hundred and eighty (480.00) acres, more or less, according to United States Survey:

RESERVING, however, to the State of Colorado, all rights to any and all minerals, ores and metals of any kind and character, and all coal, asphaltum, oil, gas or other like substance in or under said land, the right of ingress and egress for the purpose of mining, together with enough of the surface of the same as may be necessary for the proper and convenient working of such minerals and substances;

Subject to any and all easements or rights of way heretofore legally obtained and now in full force and effect, if any there be; which said described tract of land has been purchased by the said

ERNEST A. RAMSTETTER and GLADYS E. RAMSTETTER for the sum of Six Thousand Four Hundred Two and 41/100 Dollars, (\$6,402.41)

NOW KNOW YE, That the State of Colorado in consideration of the premises, and in conformity with the Act of the General Assembly, in such case provided, has sold and granted, and by these presents does sell and grant unto the said ERNEST A. RAMSTETTER and GLADYS E. RAMSTETTER, not in tenancy in common, but in joint tenancy, the survivor of them, their assigns and the heirs and assigns of such survivor forever,

and assigns, the said tract above described: To Have and to Hold the same as above specified, together with all the rights, privileges, immunities and appurtenances of whatsoever nature hereunto belonging, unto the said

ERNEST A. RAMSTETTER and GLADYS E. RAMSTETTER, not in tenancy in common, but in joint tenancy, the survivor of them, their assigns and the heirs and assigns of such survivor forever,

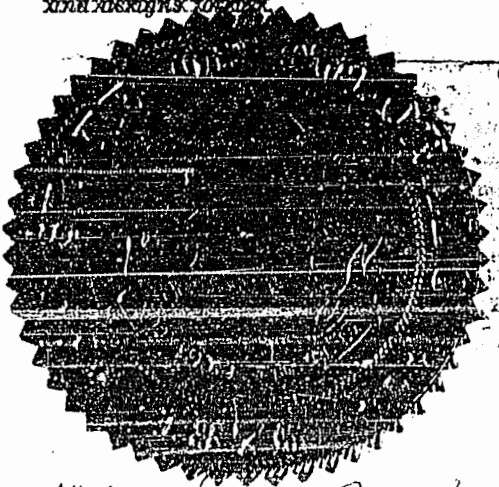
and assigns for ever.

In Testimony Whereof, I, Ed. C. Johnson

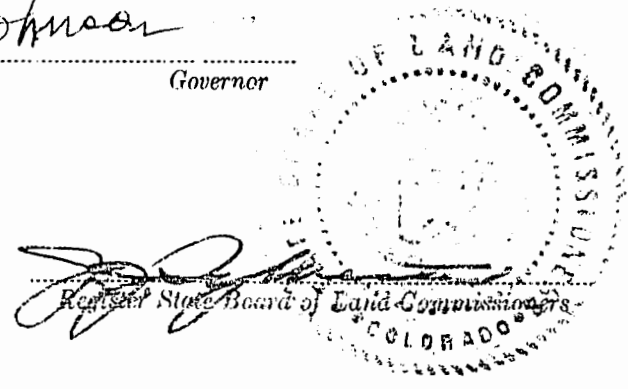
Governor of the State of Colorado, have caused these letters to be made Patent, and the Great Seal of the State of Colorado to be hereunto attached.

Given under my Hand at the City of Denver, the Twenty-second day of November A. D. 1955

Ed. C. Johnson
Governor



Attest: [Signature]
Secretary of State of the State of Colorado



ORDINANCE NO. 2211

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLDEN,
COLORADO, ANNEXING CERTAIN TERRITORY KNOWN AS THE JUNCTION
ANNEXATION TO THE CITY OF GOLDEN AND APPROVING AN ANNEXATION
AND DEVELOPMENT AGREEMENT**

WHEREAS, the real property generally described as The Junction Annexation, consisting of 52.42 acres more or less, and which is more particularly described in **Exhibit 1** attached hereto and incorporated herein by this reference (the "Property"), is currently located in an unincorporated area of Jefferson County, Colorado; and

WHEREAS, the County of Jefferson (the "County"), as the current record owner of the Property, previously executed and filed with the City Clerk a petition for annexation with the City Clerk requesting the annexation of the Property to the City of Golden (the "Petition"); and

WHEREAS, pursuant to that certain Purchase and Sale Agreement dated June 8, 2022, as amended, BBGR, LLC, a Colorado limited liability company ("BBGR") is under contract to purchase the Property from the County and desires to develop the Property for uses compatible with its objectives and those of the City of Golden (the "City"); and

WHEREAS, upon annexation, the Property shall be subject to all ordinances, resolutions, and other regulations of the City, as they may be amended from time to time; and

WHEREAS, the City Council of the City of Golden ("Council") held a public hearing on June 20, 2023 to determine the eligibility of the Property for annexation to the City, notice of which was duly published in accordance with the requirements set forth in Section 31-12-108(2), C.R.S.; and

WHEREAS, as set forth in Resolution No. 2970 dated June 20, 2023, Council previously determined the Property eligible for annexation to the City; and

WHEREAS, Council has reviewed the Petition, the annexation map(s) of the Property, copies of which are currently on file with the City Clerk, other materials distributed to the Council related to the proposed annexation of the Property, and has considered any and all public comments and testimony provided at the public hearing on this Ordinance, originally scheduled for August 8, 2023 and subsequently opened and continued to September 26, 2023, October 24, 2023 and November 28, 2023; and

WHEREAS, as specifically authorized by Section 31-12-111, Council desires to approve the annexation of the Property by ordinance; and

WHEREAS, Council also desires to approve an annexation and development agreement pertaining to the Property with BBGR ("Annexation Agreement"); and

WHEREAS, the County has agreed to execute and join the Annexation Agreement for the

sole purpose of acknowledging and agreeing to be bound in all respects by specific enumerated Sections of the Annexation Agreement, as more specifically set forth therein (the “Joinder Provisions”); and

WHEREAS, the Annexation Agreement sets forth and creates certain vested property rights pertaining to the Property; and

WHEREAS, vested property rights confer on a landowner the right to undertake and complete the development and use of specifically defined property under the terms and conditions of the site-specific development plan; and

WHEREAS, a vested property right shall be deemed established with respect to any property upon the approval or conditional approval by ordinance of a site-specific development plan establishing the vested property right, following notice and public hearing, as specifically required by the Municipal Code; and

WHEREAS, the Annexation Agreement constitutes a site specific development plan pursuant to Section 18.66.020(3) of the *Golden Municipal Code* (“Municipal Code”); and

WHEREAS, the City Council finds that approval of the Annexation Agreement will provide for orderly and well-planned growth within the City, promote economic development and stability within the City, ensure reasonable certainty, stability and fairness in the land use planning process, secure the reasonable investment-backed expectations of BBGR, and foster cooperation between the public and private sectors in the area of land use planning and development; and

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO:

Section 1. **Recitals Incorporated.** The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of Council.

Section 2. **Annexation of Property Approved.** The Property, as more particularly described in **Exhibit 1** attached hereto, is hereby annexed to and included within the corporate limits of the City of Golden, Colorado, in accordance with law.

Section 3. **Approval of Annexation Agreement.** Following notice and a public hearing pursuant to the Municipal Code, the Council hereby:

- (a) Approves the Annexation Agreement between the City of Golden and BBGR, and the County (specifically limited to the Joinder Provisions set forth with particularity in the Annexation Agreement) in substantially the form on file with the City Clerk as of the date of Council’s final consideration and approval of this Ordinance;

- (b) Authorizes the City Attorney and City special counsel, in consultation with the City Manager and Mayor, to make any non-material changes to the Annexation Agreement as may be necessary prior to execution;
- (c) Authorizes the Mayor to execute the Annexation Agreement on behalf of the City when in final form;
- (d) Directs the City Clerk to cause publication of the notice required pursuant to C.R.S. § 24-68-103(1)(c) and Sec. 18.66.050 to be made in *The Golden Transcript* within fourteen (14) days following the effective date of this Ordinance;
- (e) Directs the City Clerk to cause the Annexation Agreement to be recorded with the Jefferson County Clerk and Recorder in accordance with the Escrow Instructions (as that term is defined in Section 4 of this Ordinance), with all recording fees paid by BBGR.

Section 4. **Direction to City Staff.** Council hereby directs the City Clerk and City staff to complete all necessary procedures required for annexation of the Property to the City in compliance with Section 10 of **Exhibit B** of the Annexation Agreement (Special Provisions), including delivering a certified copy of this Ordinance, the annexation map of the Property, the fully-executed Annexation Agreement (executed by each of the City, County and BBGR), and a certified copy of Ordinance No. 2213 (collectively, the “Annexation Instruments”) to Land Title Guarantee Company (“Title Company”), to be held by the Title Company in escrow pursuant to written instructions of the City, the County and BBGR, which may be mutual or separate written instructions (“Escrow Instructions”). Prior to submitting the Annexation Instruments to the Title Company to be held in escrow, the City Clerk shall verify with the City of Golden Director of Community Development, City Attorney and City special counsel that any and all technical corrections to the Annexation Instruments have been made, if and as applicable. The City Attorney and City special counsel, in consultation with the City Manager and Mayor, shall be authorized to finalize the Escrow Instructions to be delivered to the Title Company authorizing the release of the Annexation Instruments from escrow for recording. Upon satisfaction of the conditions to be set forth with specificity in the Escrow Instructions, the City Manager or designee shall be authorized to direct the Title Company to release the Annexation Instruments from escrow for recording in the Jefferson County real property records (“County Records”). The Council further directs the City Clerk and City staff to publish the notice specified in Section 3(d) of this Ordinance within fourteen (14) days following the effective date of this Ordinance.

Section 5. **Termination of Ordinance.** City Council intends that the approval of the annexation of the Property and the Annexation Agreement set forth in this Ordinance shall terminate at midnight on Monday, December 30, 2024 if the Annexation Instruments have not been recorded in the County Records on or before such date (“Recording Deadline”). If the Annexation Instruments have not been recorded by the Recording Deadline, the City Attorney is instructed to prepare an ordinance repealing this Ordinance for review and consideration by City Council. Nothing herein shall prohibit City Council from extending the Recording Deadline for

good cause shown, which extension of the Recording Deadline shall be effected by and through the enactment of another ordinance by City Council. Upon the recording of the Annexation Instruments prior to the Recording Deadline, this Section 5 shall be deemed automatically repealed and of no further force or effect.

Section 6. The approval set forth in this Ordinance shall be subject to all rights of referendum and judicial review, except that the period of time permitted by law for the exercise of such rights shall not begin to run until the date of publication provided for in C.R.S. § 24-68-103(1)(c) and Sec. 18.66.050 of the Municipal Code. In accordance with Sec. 18.66.050 of the Municipal Code, the Annexation Agreement shall contain the following language “Approval of this plan may create a vested property right pursuant to Article 68 of Title 24 C.R.S., as amended.” Failure to contain this statement shall invalidate the creation of the vested property right.

Section 7. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 8. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

Section 9. The repeal or modification of any provision of the Municipal Code of the City of Golden by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 10. Safety. This ordinance is deemed necessary for the protection of health, welfare, and safety of the community.

Section 11. Effective Date. This ordinance shall become effective five (5) days after publication following final passage in accordance with Section 5.9 of the Charter for the City of Golden, Colorado.

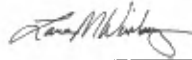
INTRODUCED, READ, AND PASSED AS AN ORDINANCE, ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO, THE 20TH DAY OF JUNE, 2023.

READ, PASSED, AND ADOPTED AS AN ORDINANCE ON SECOND READING, FOLLOWING A PUBLIC HEARING, AT A REGULAR MEETING OF THE CITY COUNCIL

Ordinance No. 2211

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OF THE CITY OF GOLDEN, COLOARDO, THE 28TH DAY OF NOVEMBER, 2023.



Laura M. Weinberg, Mayor

ATTEST:



Monica Mendoza, City Clerk

APPROVED AS TO FORM:



Sandra Llanes (Nov 30, 2023 16:24 MST)

Sandra M. Llanes, City Attorney

I, Monica S. Mendoza, City Clerk of the City of Golden, Colorado, do hereby certify that the foregoing ordinance was introduced on first reading and read at a regular business meeting of the City Council of said city, held on the 30th day of June, 2023 and was published as a proposed ordinance on the city website as the law directs seven days or more prior to its passage. A public hearing was held on the 28th day of November, 2023, and the said proposed ordinance was read on second reading. The ordinance was passed by the City Council and ordered published on the City of Golden website, as the law directs on the 28th day of November, 2023.

Witness my hand and official seal of the City of Golden, Colorado, on the 28th day of November, 2023.



ATTEST:

MONICA S. MENDOZA

Monica S. Mendoza, City Clerk of the City of Golden, Colorado

Exhibit 1
Legal Description
The Junction Annexation

CONSIDERING THE SOUTH LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 70 WEST OF THE 6TH P.M. TO BEAR S89°38'17"W, BETWEEN A FOUND 2" ALUMINUM CAP MARKED "PLS 14112" AT THE SOUTH QUARTER CORNER OF SAID SECTION 16 AND A FOUND 2" ALUMINUM CAP MARKED "PLS 27612" AT THE WEST ONE-SIXTEENTH CORNER OF SAID SECTION 16, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

A PARCEL OF LAND SITUATED IN SOUTHWEST, NORTHWEST AND NORTHEAST QUARTERS OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1

COMMENCING AT THE WEST 1/16 CORNER OF SAID SECTION 16; THENCE N89°38'17"E ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 16, A DISTANCE OF 187.02 FEET TO A POINT OF NON-TANGENT CURVATURE AND THE POINT OF BEGINNING; THENCE 75.26 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 4,550.00 FEET, AN INCLUDED ANGLE OF 00°56'52" AND SUBTENDED BY A CHORD BEARING N09°04'44"E, A DISTANCE OF 75.26 FEET; THENCE N09°39'01"E, A DISTANCE OF 1,069.03 FEET TO A POINT OF CURVATURE; THENCE 2,273.50 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 4,350.00 FEET, AN INCLUDED ANGLE OF 29°56'43" AND SUBTENDED BY A CHORD BEARING N24°37'22"E, A DISTANCE OF 2,247.71 FEET; THENCE N39°35'44"E, A DISTANCE OF 198.02 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF STATE HIGHWAY 93, AS DESCRIBED IN INSTRUMENT RECORDED OCTOBER 31, 1980 AT RECEPTION NO. 80082809, AND A POINT OF NON-TANGENT CURVATURE; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING FIVE (5) COURSES:

1. 95.91 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1,712.00 FEET, AN INCLUDED ANGLE OF 03°12'36" AND SUBTENDED BY A CHORD BEARING S10°41'11"W, A DISTANCE OF 95.90 FEET;
2. S06°11'53"W, A DISTANCE OF 255.66 FEET;
3. S04°42'58"W, A DISTANCE OF 2,378.89 FEET;
4. S08°59'24"W, A DISTANCE OF 200.61 FEET;
5. S04°50'57"W, A DISTANCE OF 402.20 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 16;

THENCE ALONG SAID SOUTH LINE SOUTH 89°38'17" WEST, A DISTANCE OF 947.48 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 2,233,666 SQ. FT. OR 51.28 ACRES, MORE OR LESS.

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 2

COMMENCING AT THE WEST 1/16 CORNER OF SAID SECTION 16; THENCE N89°38'17"E ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 16, A DISTANCE OF 1,134.50 FEET TO A POINT ON WEST RIGHT-OF-WAY LINE OF STATE HIGHWAY 93, AS DESCRIBED IN INSTRUMENT RECORDED DECEMBER 9, 1999 AT RECEPTION NO. F0988463, AND THE POINT OF BEGINNING; THENCE ALONG THE SOUTH LINE OF SAID SECTION 16 NORTH 89°38'17" EAST, A DISTANCE OF 90.35 FEET; THENCE DEPARTING SAID SOUTH LINE SOUTH 04°41'10" WEST, A DISTANCE OF 74.63 FEET TO A POINT OF CURVATURE; THENCE 458.67 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 4,583.66 FEET, AN INCLUDED ANGLE OF 05°44'00" AND SUBTENDED BY A CHORD BEARING SOUTH 01°49'28" WEST, A DISTANCE OF 458.48 FEET; THENCE SOUTH 01°02'32" EAST, A DISTANCE OF 289.25 FEET; THENCE SOUTH 89°47'22" WEST, A DISTANCE OF 32.17 FEET; THENCE NORTH 0°34'06" WEST, A DISTANCE OF 0.06 FEET; THENCE SOUTH 89°48'47" WEST, A DISTANCE OF 17.84 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID STATE HIGHWAY 93; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

1. 1.NORTH 01°02'32" WEST, A DISTANCE OF 288.46 FEET;
2. 2.THENCE NORTH 02°06'45" WEST, A DISTANCE OF 533.32 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 49,224 SQ. FT. OR 1.13 ACRES, MORE OR LESS.

Total acreage (approximate): 52.42 acres, as more particularly shown in the annexation map(s) on file with the City Clerk.