

Ordinance 2-1 Series 2018

AN ORDINANCE PERMITTING THE TOWN OF JAMESTOWN TO ENTER INTO
AN ENVIRONMENTAL COVENANT WITH THE STATE OF COLORADO
DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FOR THE PROTECTION OF
REMEDiated PORTIONS OF ELYSIAN PARK

WHEREAS, pursuant to Voluntary Cleanup and Redevelopment Act Application for Elysian Park, Jamestown, Colorado, April 2009, the VCUP Area, as described in Attachment A, to the Environmental Covenant (Repository Boundary Area) is the subject of a cleanup action (the “VCUP Remedial Action”) pursuant to the Part 3 in Article 16 of Title 25 Colorado Revised Statutes (25-16-301 et seq. CRS), the State of Colorado Voluntary Cleanup and Redevelopment Program; and

WHEREAS, the *VCUP Remedial Action Construction Completion Report*, dated August 5, 2010, and the *Amended Voluntary Cleanup Completion Report*, August, 2013, and the *Completion Report and NFA Status Elysian Park VCUP Modifications Temporary Firehouse Construction Town of Jamestown, CO*, December 10, 2014, provides the documentation for the VCUP The repository boundary is more particularly described in Attachment B to the Environmental Covenant listing the Decimal Degrees North American Datum 83. Latitude and Longitude and generally shown with identified Global Positioning System points; and

WHEREAS, the VCUP Remedial Action constructed the Elysian Park and left residual contaminant levels that have been determined to be safe for one or more specific uses, but not all uses, and whereas, Jamestown has historically used portions of the site as a public park and that it has been determined that residual contaminant levels are safe for such use; and

WHEREAS, the VCUP Remedial Action incorporates one or more engineered features and structures that require monitoring, maintenance, or operation or that will not function as intended if disturbed; and

WHEREAS, the purpose of the Environmental Covenant is to ensure protection of human health and the environment by ensuring the VCUP Remedial Action work at the Property is not disturbed or destabilized, that impacts to closed mine tailings from stormwater and snow melt runoff are minimized through maintenance of Best Management Practices defined in the Site and Stormwater Management Plan (SSMP), that the VCUP remedial features, engineering controls and structures are maintained, and that the Property is not otherwise disturbed so as to reduce the effectiveness of the VCUP Remedial Action completed at the site; and

WHEREAS, Jamestown desires to subject the Property to certain covenants and restrictions as provided in Article 15 of Title 25, Colorado Revised Statutes, which covenants and restrictions shall burden the Property and bind Jamestown and all parties having any

right, title or interest in the Property, or any part thereof, their heirs, successors and assigns, and any persons using the land, as described herein, for the benefit of the Colorado Department of Public Health and Environment.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF JAMESTOWN, COLORADO:

Section 1. Covenant: The Mayor is authorized to execute the Environmental Covenant to the Colorado Department of Public Health and Environment and the Town Board of Trustees affirms that the property within the revised site repository boundary area as shown in Attachment C shall hereinafter be bound by, held, sold, and conveyed subject to the following requirements set in the covenant, which shall run with the Property in perpetuity and be binding on Jamestown and all parties having any right, title or interest in the Property, or any part thereof, their heirs, successors and assigns, and any persons using the land, as described herein. As used in the Environmental Covenant, the term OWNER means the record owner of the Property and, if any, any other person or entity otherwise legally authorized to make decisions regarding the transfer of the Property or placement of encumbrances on the Property, other than by the exercise of eminent domain.

Section 2. Site Stormwater Management Plan: The Town hereby adopts the Site Stormwater Management Plan for that area of Elysian Park bound by the covenant.

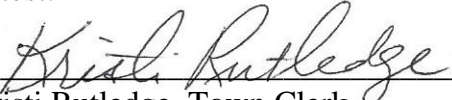
Section 3. Repeal: All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict. Ordinance 12-5 2017 is repealed in its entirety.

Section 4. Severability: If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part thereof irrespective of the fact that any one part be declared invalid.


INTRODUCED, READ, ADOPTED, APPROVED, SIGNED AND ORDERED
PUBLISHED BY TITLE THIS 5th DAY OF FEBRUARY, 2018.

TOWN OF JAMESTOWN, COLORADO

Attest:



Kristi Rutledge, Town Clerk



Tara Schoedinger, Mayor