

STATE OF COLORADO

John W. Hickenlooper, Governor
Christopher E. Urbina, MD, MPH
Executive Director and Chief Medical Officer

Dedicated to protecting and improving the health and environment of the people of Colorado

4300 Cherry Creek Dr. S. Laboratory Services Division
Denver, Colorado 80246-1530 8100 Lowry Blvd.
Phone (303) 692-2000 Denver, Colorado 80230-6928
Located in Glendale, Colorado (303) 692-3090

<http://www.cdphe.state.co.us>



Colorado Department
of Public Health
and Environment

Covenant Information:

Covenant ID HMC0V00104

Covenant Date 11/25/2013

Self Reporting

Media of Concern:

Surface Water:

Ground Water:

Air:

Soil:

Other:

Site Contact Information:

Owner Corp: City of Golden

Contact Name: Steve Glueck

Contact Address: 1445 10th St.

Contact City: Golden

Contact State: CO

Contact Zip: 80401

Contact Phone: 303-384-8095

Contaminants of Concern:

Uranium

Property Restrictions:

- 1: No beneficial use of shallow groundwater.
- 2: Groundwater wells CSMRI-4 and CSMRI-5 will remain on property.
- 3: Access to monitoring wells and the site for environmental actions is granted to the State.
- 4: No habitat buildings on site.
- 5:

Site Information:

ID:

Name: Golden City Parcel 059

Address: 1151 10th Street

City: Golden

State: CO

Zip: 80401

Legal Description:

See Covenant

GOLDEN PARCEL

105°13'45"W

Featured Institutional Control



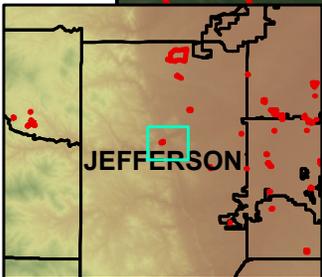
39°45'15"N

39°45'15"N

Lions Park

Clear Creek

HMCOV00104



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105°13'45"W

HMCOV00104

0 85 170 Meters





This property is subject to an Environmental Covenant held by the Colorado Department of Public Health and Environment pursuant to 25-15-321, C.R.S.

ENVIRONMENTAL COVENANT – NO GROUND WATER USE

56.00
LB

1-10

The City of Golden (the "City") grants an Environmental Covenant ("Covenant") this 25th day of November, 2013 (the "Effective Date"), to the Colorado Department of Public Health and Environment (the "Department") pursuant to C. R. S. § 25-15-321 of the Colorado Hazardous Waste Act, X.R.S. §§ 25-15-101, et seq. The Department's address is 4300 Cherry Creek Drive South, Denver, Colorado 80246 -1350.

WHEREAS, the City is the owner of a certain parcel of property which is more particularly described in Exhibit A attached hereto (the "Golden Parcel");

WHEREAS, the State of Colorado Acting by and through the Board of Trustees of the Colorado School of Mines (the "State") is the owner of a certain parcel of property more particularly described in Exhibit B attached hereto (the "State Parcel");

WHEREAS, a parcel of property located partially on the State Parcel and partially on the Golden Parcel which is more particularly described in Exhibit C attached hereto (the "CSMRI Site"), was used for, among other things, mining and metallurgical research for approximately 70 years, and as a result, the soil at the CSMRI Site had an elevated concentration of radium 226 (Ra-226) and some metals, and uranium concentrations above Colorado Ground Water Standards are found in ground water associated with the CSMRI Site, due to these activities:

WHEREAS, the relative locations of the State Parcel, the Golden Parcel, and the CSMRI Site are indicated in Exhibit D;

WHEREAS, that portion of the CSMRI Site, which is more particularly described in Exhibit E attached hereto and which is owned by the City as the Effective Date as indicated by the documents recorded as of the Effective Date in the Office of the clerk and recorder of Jefferson County, Colorado described as the Golden Parcel shall be referred to herein as the "Restricted Property";

WHEREAS, The Restricted Property is subject to an Access Agreement dated November 1, 2012 between the State and the City for environmental investigation, assessment and cleanup by the State ("Access Agreement");

WHEREAS, the City, to promote protection of human health and the environment, desires to subject the Restricted Property to the restrictions described in the Covenant;

WHEREAS, the purpose of the Covenant is to provide for protection of human health and the environment by minimizing the potential for exposure to any uranium that remains in the ground water under the Restricted Property through the prohibition of withdrawal and beneficial use of the ground water while it underlies the Restricted Property, except for monitoring; and

WHEREAS, the City desires to subject the Restricted Property to certain covenants and restrictions as provided in Article 15 of Title 25 of Colorado Revised Statutes, which covenants and restrictions shall burden the Golden Parcel and bind the City, its heirs, successors, assigns, and any grantees of the Restricted Property, their heirs, successors, assigns, and grantees, and any users of the Restricted Property, for the benefit of the Department.

NOW, THEREFORE, the City hereby grants this Environmental Covenant to the Department and declares that the Restricted Property shall hereinafter be bound by, held, sold, and conveyed subject to the following requirements set forth in paragraph 1 below, which shall run with the Restricted Property in perpetuity and be binding on the City and all parties having any right, title or interest in the Restricted Property, or any part thereof, their heirs, successors and assigns, and any persons using the land, as described herein. The City, its successors, and all parties having any right, title or interest in the Restricted Property, or any part thereof, their heirs, successors and assigns shall hereinafter be referred to in this covenant as "OWNER".

2

1) Use restrictions.

- a. Shallow groundwater in the alluvium above the bedrock under the Restricted Property shall not be removed for domestic, agricultural, commercial or other beneficial use. This limitation shall not apply to the installation or use of any monitoring well use to obtain samples for analysis or other purpose to assess ground water quality conditions. This Covenant does not prohibit beneficial use of such water by the City or others outside the Restricted Parcel.
- b. Monitoring wells CSMRI-4 and CSMRI-5 will remain on the Restricted Property. Any activities that will in any way damage any monitoring wells on the Restricted Property, or interfere with the maintenance, operation, or monitoring of said wells are prohibited.
- c. The Restricted Property, including but not limited to monitoring wells CSMRI-4 and CSMRI-5, is subject to the Access Agreement for environmental investigation, assessment, and cleanup by the State.
- d. No habitable building shall be located on the Restricted Property.

2) Modifications. This Covenant runs with the land and is perpetual, unless modified or terminated pursuant to this paragraph. OWNER or its successors and assigns may request that the Department approve a modification or termination of the Covenant. The request shall contain information showing that the proposed modification or termination shall, if implemented, provide adequate protection of human health and environment. The Department shall review any submitted information, and may request additional information. If the Department determines that the proposal to modify or terminate the Covenant will provide adequate protection of human health and environment, it shall approve the proposal. No modification or termination of this Covenant shall be effective unless the Department has approved such modification or termination in writing. Information to support a request for modification may include one or more of the following:

- a) a proposal to perform additional remedial work;
- b) new information regarding the risks posed by the residual contamination;
- c) information demonstrating that residual contamination has diminished;
- d) information demonstrating that the proposed modification would not adversely impact the remedy and is protective of human health and the environment; and
- e) other appropriate supporting information.

3) Conveyances. This Covenant is intended to run with the land and shall be binding upon all subsequent owners of all or any part of the Golden Parcel. OWNER shall notify the Department at least

fifteen (15) days in advance of any proposed grant, transfer or conveyance of any interest in any or all of the Golden Parcel.

3

4) Notice to Transferees. OWNER agrees to incorporate either in full or by reference the restrictions in this Covenant in any leases, licenses, transfers of any interest in the Golden Parcel, or other instruments granting a right to use the Golden Parcel.

5) Notification for proposed construction and land use. OWNER shall notify the Department simultaneously when submitting any application to a local government for building permit or change in land use.

6) Inspection. The Department shall have the right of entry to the Restricted Property at reasonable times with prior notice for the purpose of determining compliance with the terms of this Covenant. Nothing in this Covenant shall impair any other authority the Department may otherwise have to enter and inspect on the Restricted Property.

7) No Liability. The Department does not acquire any liability under State law by virtue of accepting this Covenant.

8) Enforcement. The Department may enforce the terms of this Covenant pursuant to C.R.S. § 25-15-322. The Department may file suit in district court to enjoin actual or threatened violations of this Covenant.

9) Owner's Compliance Certification. OWNER shall submit an annual form, detailing OWNER's compliance, and any lack of compliance, with the terms of this Covenant. Such form will be due to the Department forty-five (45) days after OWNER's receipt of such form from the Department.

10) Notices. Any document or communications required under this Covenant shall be sent or directed to:

[Name _____] *Edgar Ethington*
[Title _____] *Environmental Protection Specialist*
Hazardous Materials and Waste Management Division
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

Mayor
City of Golden
City Hall
911 10th Street
Golden, Colorado 80401

[SIGNATURES APPEAR ON FOLLOWING PAGES.]

The City of Golden has caused this instrument to be executed this 6th day of December, 2012.

4

City of Golden

By: Marjorie N. Sloan
Marjorie N. Sloan, Mayor

The foregoing instrument was acknowledged before me this 6th day of Dec 2012 by Marjorie N. Sloan as Mayor on behalf of the City of Golden.



Susan M. Brooks
Notary Public

911 10th Street
Address

Golden, CO 80401

My commission expires: 10/06/2013

Accepted by the Colorado Department of Public Health and Environment this 25th day of November, 2013.

5

By: Cary W. Baugh
Title: Director, HMWMT

STATE OF COLORADO)
) ss:
COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 25 day of NOVEMBER 2013 by GARY W. BAUSHMAN as _____ on behalf of the Colorado Department of Public Health and Environment.

Claudette M. Ferris
Notary Public

4300 Cherry Creek W. So
Address

Denver, CO 80246

My commission expires: October 21, 2015

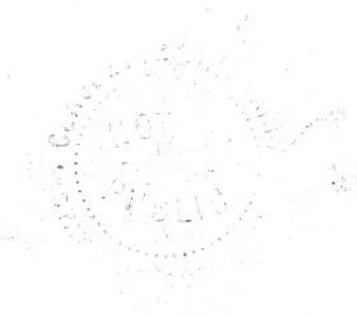


EXHIBIT A

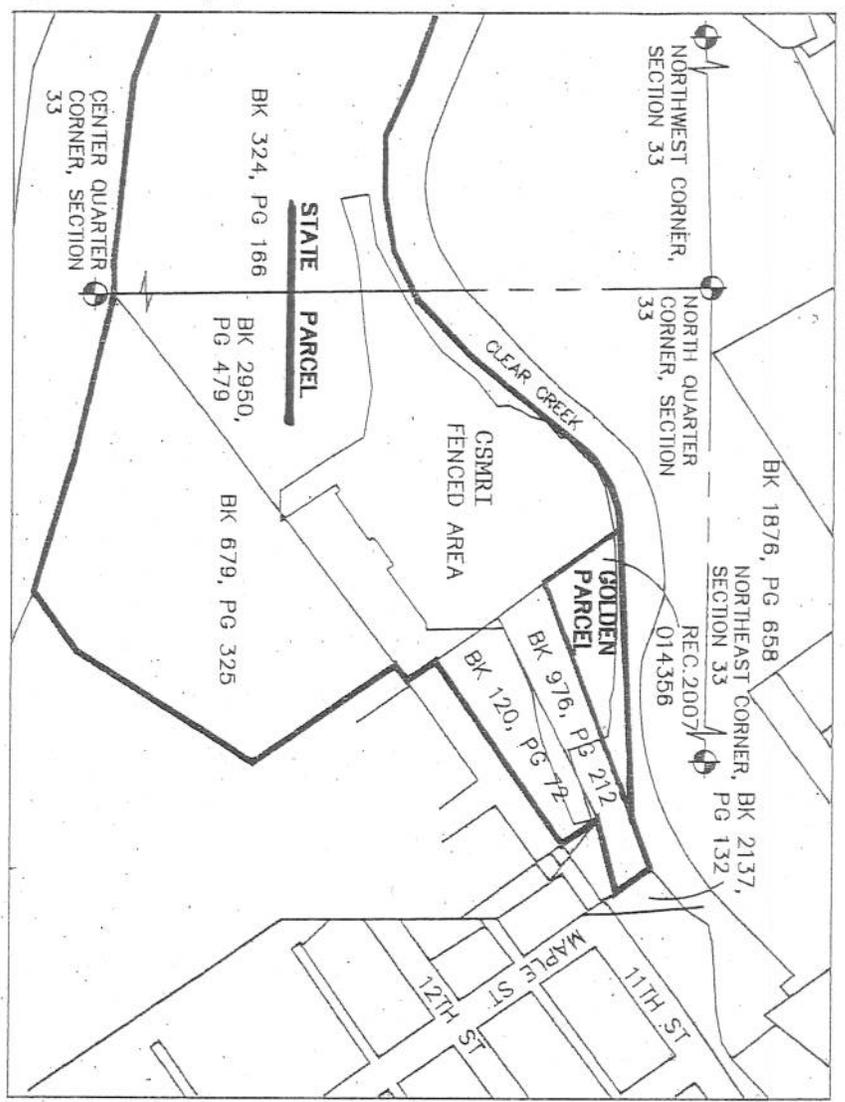
6

THAT PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF GOLDEN, JEFFERSON COUNTY, COLORADO BEING DESCRIBED AS: (A) LYING SOUTH OF THE CITY OF GOLDEN PROPERTY DESCRIBED IN THE DEED RECORDED IN BOOK 1876 AT PAGE 658; (B) LYING EAST OF THE COLORADO SCHOOL OF MINES PROPERTY DESCRIBED IN THE DEED RECORDED IN BOOK 2950 AT PAGE 479; (C) LYING WEST OF THE CLIFFORD EVANS PROPERTY DESCRIBED IN THE DEED RECORDED IN BOOK 2137 AT PAGE 132; AND (D) LYING NORTH OF THE COLORADO SCHOOL OF MINES PROPERTY DESCRIBED IN THE DEED RECORDED IN BOOK 976 AT PAGE 212;

THE ABOVE DESCRIBED PARCEL CONTAINS 1.72 ACRES, MORE OR LESS.

1

Exhibit B
CSMRI SITE FENCED AREA
 A PARCEL OF LAND LOCATED IN THE NORTH HALF OF SECTION 33, TOWNSHIP 3 SOUTH,
 RANGE 70 WEST OF THE 6TH P.M., CITY OF GOLDEN, COUNTY OF JEFFERSON, STATE OF COLORADO
 SHEET 4 OF 5



VICINITY MAP
 Not to Scale

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. THIS EXHIBIT IS INTENDED TO DEPICT THE ACCOMPANYING PARCEL DESCRIPTIONS, RECORD INFORMATION SHOWN HEREON IS BASED ON DOCUMENTS PROVIDED BY CLIENT.

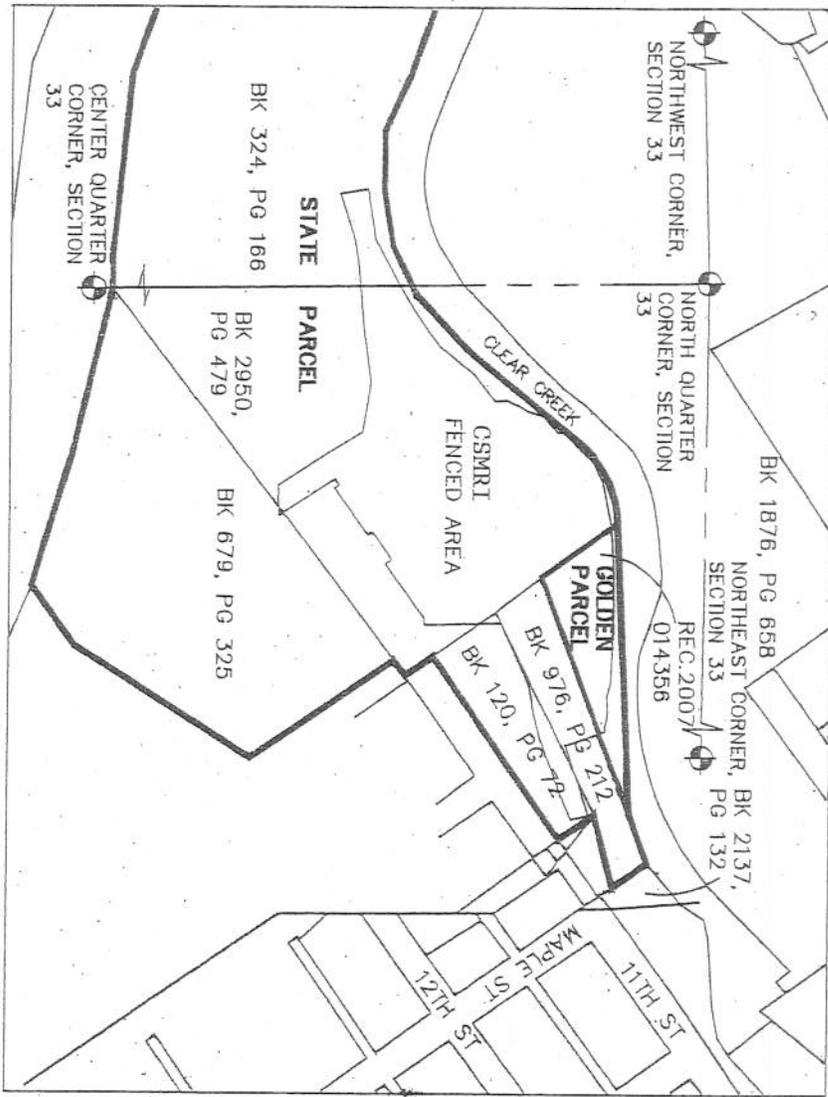
FSI, JOB NO. 11-59,152



Flatiron Survey, Inc.
 3825 IRIS AVENUE, SUITE 395
 BOULDER, CO 80301
 PHONE: (303) 443-7001
 FAX: (303) 443-9830
 www.flatironsurvey.com

CSMRI SITE FENCED AREA

Exhibit C
 A PARCEL OF LAND LOCATED IN THE NORTH HALF OF SECTION 33, TOWNSHIP 3 SOUTH,
 RANGE 70 WEST OF THE 6TH P.M., CITY OF GOLDEN, COUNTY OF JEFFERSON, STATE OF COLORADO
 SHEET 4 OF 5



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 Not to Scale

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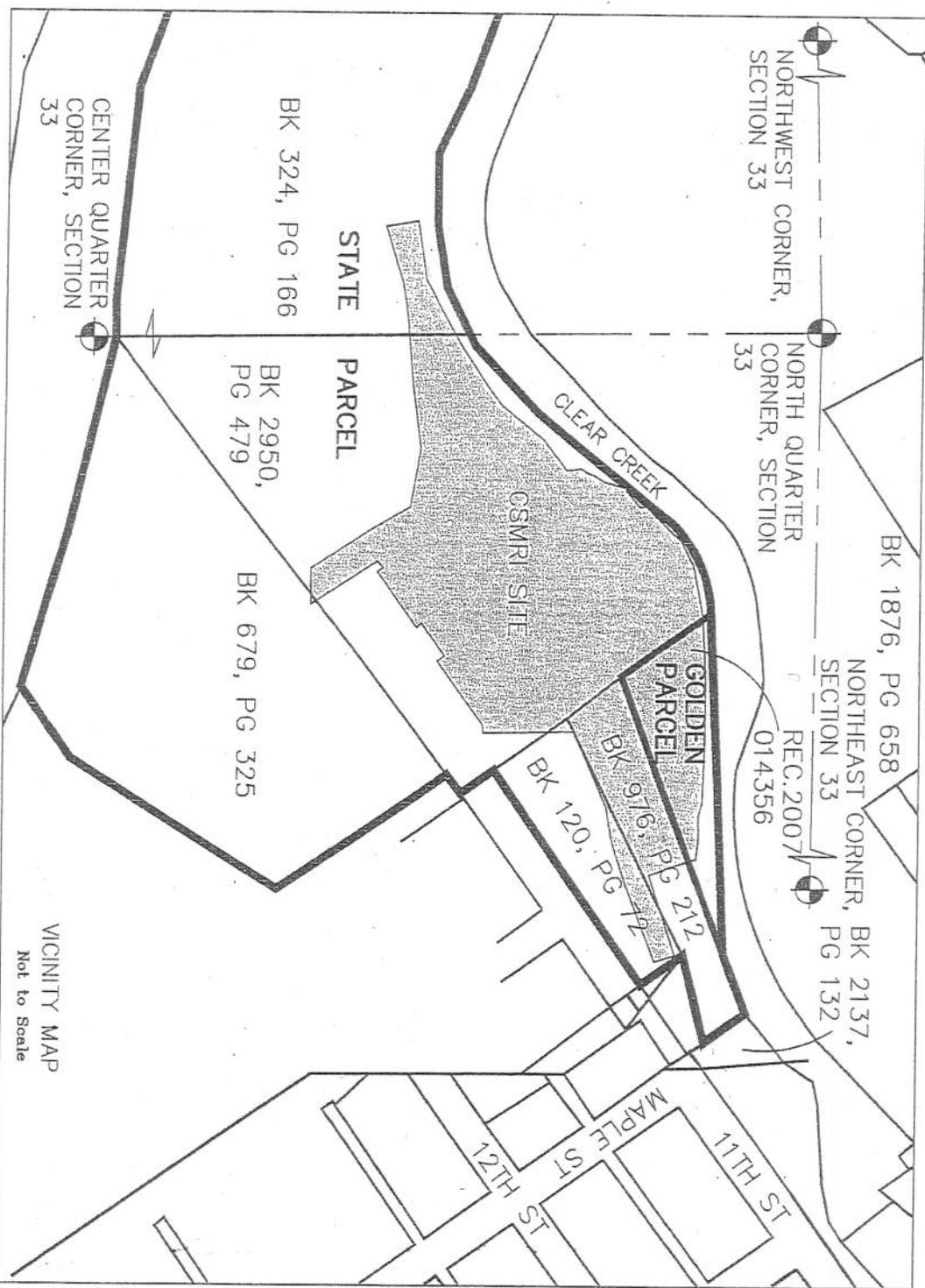
FSI, JOB NO. 11-59,152



Flatirons, Inc.
 3825 IRIS AVENUE, SUITE 396
 BOULDER, CO 80301
 PHONE: (303) 443-7001
 FAX: (303) 443-9830
 www.flatirons.com

EXHIBIT D

RELATIVE LOCATIONS OF THE STATE PARCELS, THE GOLDEN PARCEL AND THE CSMRI SITE,
 LOCATED IN THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH,
 RANGE 70 WEST OF THE 6TH P.M., CITY OF GOLDEN, COUNTY OF JEFFERSON, STATE OF COLORADO
 SHEET 1 OF 1



VICINITY MAP
 Not to Scale

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FSI JOB NO. 07-53,653.V

CSMRI SITE



Rattions, Inc.
 3925 IRIS AVENUE, SUITE 100
 BOULDER, CO 80301
 PHONE: (303) 443-7001
 FAX: (303) 443-9830
 www.rattions.com

EXHIBIT E

Legal Description

10

THAT PART OF THE NOTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF GOLDEN, JEFFERSON COUNTY, COLORADO BEING DESCRIBED AS: (A) LYING SOUTH OF THE CITY OF GOLDEN PROPERTY DESCRIBED IN THE DEED RECORDED IN BOOK 1876 AT PAGE 658; (B) LYING EAST OF THE COLORADO SCHOOL OF MINES PROPERTY DESCRIBED IN THE DEED RECORDED IN BOOK 2950 AT PAGE 479; (C) LYING WEST OF THE CLIFFORD EVANS PROPERTY DESCRIBED IN THE DEED RECORDED IN BOOK 2137 AT PAGE 132; AND (D) LYING NORTH OF THE COLORADO SCHOOL OF MINES PROPERTY DESCRIBED IN THE DEED RECORDED IN BOOK 976 AT PAGE 212;

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