

RESOLUTION 58-2019
Washington County Gravel Mine Pit Agreement

Resolution 58-2019 The Washington County Gravel Mine Pit Agreement was presented to the Board for consideration on the 30th day of April for use within Washington County and to supersede all previous Gravel Mine Pit Agreements within Washington County.

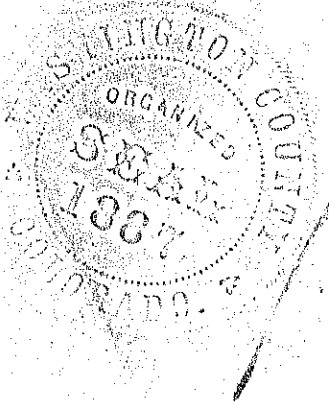
The foregoing Resolution was presented at a regular meeting of the Washington County Commissioners held on the 7th day of May 2019 by Commissioner Willeke who moved its adoption. The motion was seconded by Commissioner Wells and on roll call vote, all votes being yes, the resolution was adopted.

Attest: Annice Kent

Lee Ann Lybourne
Chairman

Tommy Newell
Commissioner

Richard T. Willeke
Commissioner



COPY

_____ MINE PIT AGREEMENT

This Agreement made this _____ day of _____, 20__ by and between _____, hereinafter sometimes referred to as "Owner or Lessor" and the Board of County Commissioners of Washington County, State of Colorado, hereinafter sometimes referred to "County" for the consideration as set forth hereinafter:

WHEREAS, Owner currently holds property in the _____ Quarter of Section __ Township __ Range _____;

WHEREAS, the County has determined that the soil materials within this property are suitable for road resurfacing and maintenance within the immediate area and the County could utilize these materials to rebuild County roads;

WHEREAS, Owner has agreed to permit the removal subject the conditions as hereinafter set forth in the interest of public safety and the protection of the County right of way for the traveling public;

WHEREAS, the term of this Agreement shall commence on _____ (month day year) and continue for the mining lifetime of the pit;

WHEREAS, the County has the proper equipment within the Washington County Road and Bridge Department to excavate the soil; and

WHEREAS, the County has agreed to take any and all precautions to assure that the property will be restored after any and all extractions according to State of Colorado laws and regulations and will be reseeded or otherwise restored to the regulatory acceptable conditions as allowed prior to the soil removal.

NOW THEREFORE, the parties to this agreement covenant and agree as follows:

1. Washington County shall be allowed to enter upon the property of the Owner to open a Pit to be known as the "_____ Pit" and will properly license said pit with the State of Colorado in carrying out the intent and purpose of this Agreement.

2. The County shall mine only in the area as set forth upon Exhibit A attached hereto and incorporated by this reference. In addition, the County shall store top soil for reclamation purposes and reclaim the property according to state standards at no expense to Owner for any work, services or reclamation of this property.

3. County agrees to remit \$15.00 per belly dump truck load (approximately 20 yards) of any and all material extracted from Owner's property and shall provide records to the Owner of the loads retrieved. Payments shall be made monthly by the County on the first Wednesday of the month. It is understood that extraction may not occur each month and on months with no extraction, no payments will be made. The amount remitted per truck load is subject to change based upon resolution approved by the Board of County Commissioners. Dump truck loads will be paid at the new rate as of the date of resolution.

4. The County will maintain liability insurance coverage for the operation of the pit and shall have the Owner listed as an additional insured.

5. This Agreement is the entire Agreement between the parties with respect to the subject matter contained herein and supersedes any verbal understandings and prior agreements between the parties hereto. No alterations, modifications, or revisions to this agreement shall be binding on either party unless in writing and signed by both parties.

6. This Agreement shall be interpreted and construed in accordance with the laws of the State of Colorado.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

OWNER:

BOARD OF COUNTY COMMISSIONERS

ATTEST: _____

Annie Kuntz, Clerk to the Board

Lea Ann Laybourn, Chairman

Authorized by Resolution Number _____