

STATE OF COLORADO
Colorado Division of Reclamation Mining and Safety
CONGER MINE COST SHARE AGREEMENT
with
Boulder County Parks and Open Space

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1. PARTIES

This Conger Mine Cost Share Agreement (hereinafter called "Agreement") is entered into by and between the Board of County Commissioners on behalf of the County of Boulder, State of Colorado, a body corporate and politic, for the benefit of Parks and Open Space (hereinafter called "Boulder County"), and the Division of Reclamation, Mining and Safety (hereinafter called "DRMS"), who may collectively be called the "Parties" and individually a "Party," both of which are agencies of the STATE OF COLORADO, hereinafter called the "State".

2. EFFECTIVE DATE AND NOTICE OF NONLIABILITY.

This Agreement shall not be effective or enforceable until it is approved and signed by State of Colorado representative (hereinafter called the "Effective Date"), but shall be effective and enforceable thereafter in accordance with its provisions.

3. RECITALS

A. Authority, Appropriation, And Approval

Authority to enter into this Agreement exists and DRMS is authorized and directed to apply for, receive, and expend grant monies or other funds for the development, administration, and fulfillment of the requirements of an abandoned mine reclamation program and funds have been budgeted, appropriated and otherwise made available pursuant to 34-33-133 (C.R.S. as amended). Required approvals, clearance and coordination have been accomplished from and with appropriate agencies.

Financial obligations for the State of Colorado and Boulder County, payable after the current fiscal year are contingent upon funds for this purpose being appropriated, budgeted, and otherwise made available. Financial obligations of Boulder County payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted and otherwise made available. Boulder County has contracted for the project herein described and has reason to believe that sufficient funds will be available for the full term of the Agreement.

B. Purpose

The Division of Reclamation, Mining and Safety (DRMS), in partnership with Boulder County and other stakeholders, is working to restore a portion of the Sherwood Creek riparian corridor which is currently impacted by the historic Conger mine. Sherwood Creek is located in the Mud Lake Open Space, approximately 2.5 miles north of Nederland at an elevation of 8,559 feet. Mud Lake is owned and managed by Boulder County