



Planning Department

Civic Center North
480 South Allison Parkway
Lakewood, Colorado 80226-3127
303.987.7505
303.987.7057 TTY/TDD
Lakewood.org/Planning

LANDSCAPE COLLATERAL AGREEMENT

This agreement is entered into this ____ day of _____ by and between the City of Lakewood, a municipal corporation of the State of Colorado, with offices at 480 South Allison Parkway, Lakewood, Colorado (hereinafter "City") and _____ (hereinafter "Depositor") who owns property at _____ (hereinafter "Subject Property") both of whom may be collectively referred to as the "Parties."

WHEREAS, the Depositor has requested a Final Inspection of the Subject Property and desires to receive a Certificate of Occupancy (CO) for the building(s) on the Subject Property.

WHEREAS, the Depositor has chosen not to install the approved/required landscaping on the Subject Property during the time frame of October 31, 20____ through May 31, 20____, due to a less desirable planting season.

WHEREAS, the Depositor has undertaken development of a project within the City which, by the terms of a City ordinance, regulation, policy, or by the terms of an agreement entered into with the City, requires the Depositor to post collateral with the City for the purposes of guaranteeing the installation of landscaping. This collateral shall be in the form of cash or an Irrevocable Letter of Credit, or combination thereof, in a form approved by the City Attorney.

WHEREAS, the City and the Depositor wish to memorialize the conditions under which the City holds said collateral.

NOW, THEREFORE, the parties agree as follows:

1. The Depositor has undertaken development of a project within the City, which by the terms of a City ordinance, regulation, policy, or agreement requires the Depositor to install landscaping and irrigation.
2. Depositor requests, and the City concurs, that installation of landscaping and irrigation be temporarily postponed to reduce water demand during drought conditions or current weather conditions may create difficulties for the success of the landscape materials to be installed.
3. To guarantee future installation of landscape and irrigation, the Depositor shall provide collateral to the City in cash, which collateral shall be forfeited if the terms of this Agreement are not complied with.
4. The amount deposited for the Subject Property is \$ _____.
 - Each Single Family Home = \$2,000.00, or as determined by the City's Planning Director.
 - All others – 150% of cost estimate (prepared by the Depositor) for installation of landscape materials plus the irrigation system.
5. The Depositor agrees to install all required/approved landscaping and irrigation on the Subject Property by **May 31, 20____**. Failure to install the landscaping by the required date shall result in a Violation of the Lakewood Zoning Ordinances and other Ordinances, and **forfeiture of the collateral deposited**. The City may enforce its Ordinances against the Depositor as allowed by law in district court, municipal court, or other methods. The Depositor shall be responsible for the costs of the City's enforcement against him, including attorney's fees.

6. The Depositor shall notify the City in writing when all of the required/approved landscape materials have been installed on the Subject Property. Once the improvements have been inspected and approved, the collateral will be returned to the Depositor.

7. Prior to the issuance of the Final CO, the City shall inspect the Subject Property and find that the necessary Final Grading has been completed, find the disturbed soil stabilized and find any necessary erosion control measures have been installed, and that all construction debris/materials have been removed from the Subject Property.

8. This agreement is transferable to any Heir, Successor, and Assigns of the Subject Property. Please notify the City of Lakewood about any change of ownership. Collateral shall only be returned to the original Depositor once new collateral has been submitted to the City by an Heir, Successor, or Assign.

CITY OF LAKEWOOD

PLANNING DEPARTMENT

Planning-Development Review Manager

Date

Case Manager
Initials

FINANCE DEPARTMENT

Department of Finance - Representative

Date

DEPOSITOR (Company or Person to whom funds will be returned)

(Please print Company or Person's name)

Date

Collateral amount
Provided to City

Address, City, State, Zip

SIGNED BY:

Signature

Print Name

Amount

City Phone Numbers:

Permit Counter	303-987-7500
Zoning/Landscaping Inspection Section	303-987-7564
Erosion Control Questions	303-987-7900
Planning	303-987-7505

RIGHT TO TRESPASS

I, _____ of _____, owner of the property located at _____ give permission to the City of Lakewood to access said property. Permission is hereby granted to the City of Lakewood and/or their sub-contractors to enter the property to complete any deficiencies as required by the City.

Signature

Date