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Page: 1 of 5
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INTERGOVERNMENTAL AGREEMENT

**AMENDMENT TO
EAST CENTRAL BOULDER COUNTY
COMPREHENSIVE DEVELOPMENT PLAN**

FUTHEY/CMN ENTERPRISES, INC. PROPERTY

This Intergovernmental Agreement by, between and among the City of Lafayette, a Colorado home rule municipal corporation (Lafayette); the Town of Erie, a Colorado statutory town (Erie); and the County of Boulder, a body politic and corporate of the State of Colorado (Boulder County); (collectively the "Parties") is made to be effective on the ~~26~~ day of January, 1998.

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WITNESSETH

WHEREAS, §29-20-101 et seq. C.R.S. as amended, enables the Parties to enter into Intergovernmental Agreements to plan for and regulate land uses, in order to minimize the negative impacts on the surrounding areas and protect the environment, and specifically authorizes local government to cooperate and contract with each other for the purpose of planning and regulating the development of land by means of a "comprehensive development plan"; and

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WHEREAS, the Parties desire to amend the East Central Boulder County Comprehensive Development Plan Intergovernmental Agreement in order to plan for and regulate the use of the FUTHEY/CMN ENTERPRISES, INC. property within the Plan Area shown on Exhibit A through joint adoption of a mutually binding and enforceable comprehensive development plan; and

WHEREAS, the functions described in this Agreement are lawfully authorized to each of the Parties which perform such functions hereunder, as provided in Article 20 of Title 29; part 1 of Article 28 of Title 30; §31-12-101 et seq.; parts 2 and 3 of Article 23 of Title 31; C.R.S., as amended; and

WHEREAS, §29-1-201, et seq., as amended, authorizes the Parties to cooperate and contract with one another with respect to functions lawfully authorized to each of the Parties and the people of the State of Colorado have encouraged such cooperation and contracting through the adoption of Colorado Constitution, Article XIV, §18(2); and

CMN/Futhey

WHEREAS, The Parties have each held hearings after proper notice for the consideration of entering into this Agreement and the adoption of a comprehensive development plan for the subject land, hereinafter referred to as the "FUTHEY/CMN ENTERPRISES, INC." property as shown on the map attached hereto as Exhibit A; and

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NOW, THEREFORE, in consideration of the above and the mutual covenants and commitments made herein, the Parties agree as follows:

1. AMENDMENT TO EAST CENTRAL BOULDER COUNTY COMPREHENSIVE DEVELOPMENT PLAN.

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This Amendment (the "Amendment") to East Central Boulder County Comprehensive Development Plan (the "Plan") is adopted by the Parties, amending the Plan only as set forth expressly herein, and governing the lands shown on Exhibit A, which is attached hereto and incorporated herein, known as "FUTHEY/CMN ENTERPRISES, INC."

2. THE "FUTHEY/CMN ENTERPRISES, INC." PROPERTY.

The property shown on Exhibit A designated as the "FUTHEY/CMN ENTERPRISES, INC." property is currently owned by CARMA FUTHEY and CAROL LEE REICH, and under contract for sale to CMN ENTERPRISES, INC. of Boulder, Colorado. The property consists of two parcels: approximately 160 acres located in the SE¼ of Section 26, T1N, R69W, 6th PM, Boulder County, Colorado; and, approximately 160 acres located in the SW¼ of Section 25, T1N, R69W, 6th PM, Boulder County, Colorado.

3. SPECIFIC PARCEL DEVELOPMENT REGULATION.

The "FUTHEY/CMN ENTERPRISES, INC." property, shown on Exhibit A, is currently designated as Rural Preservation property.

Within the approximately 160 acres located in Section 26 there is currently one existing residential unit. In addition to the one existing residential unit, a maximum of four (4) new residential units may be constructed, which new units shall be served by Town of Erie water and waste water services pursuant to either an Erie out of Town service agreement and applicable requirements, or annexation to Erie. The new units shall be located on four new, designated lots located in the northwest corner of the property. No further development, beyond that authorized herein, shall be allowed on the "FUTHEY/CMN ENTERPRISES, INC." property.

"FUTHEY/CMN ENTERPRISES, INC." property from which Transferred Development Rights ("TDRs") are taken to be applied off the said property shall be required to be subject to a conservation easement. All conservation easements as may be required on the property shall be deeded to the Parties hereto, collectively.



1787992
Page: 3 of 5
04/03/1998 03:21P
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4. OTHER PROVISIONS.

All provisions of the original East Central Boulder County Comprehensive Development Plan Intergovernmental Agreement, including the term of said Agreement, except those which are expressly amended by this Amendment with respect to the subject property, shall remain in full force and effect.

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THIS AMENDMENT AGREEMENT made and entered into to be effective on the date as set forth above.

CITY OF LAFAYETTE

By: [Signature]
Carolyn Buchholz, Mayor

1-6-98
Date

ATTEST

[Signature]
Francis Anderson
City Clerk

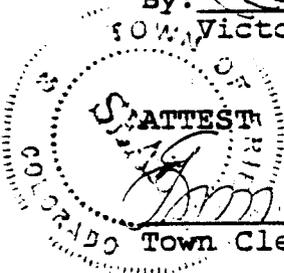
APPROVED AS TO FORM:

[Signature]
Patricia C. Tisdale,
City Attorney

TOWN OF ERIE

By: [Signature]
Victor F. Smith, Mayor

12/15/97
Date



[Signature]
Town Clerk

APPROVED AS TO FORM:

[Signature]
Mark R. Shapiro, Town Attorney

COUNTY OF BOULDER

BY: BOARD OF COUNTY COMMISSIONERS

By: [Signature]
Ronald K. Stewart, Chair

12/30/97
Date

ATTEST

APPROVED AS TO FORM:

[Signature]
H. Lawrence Hoyt
County Attorney

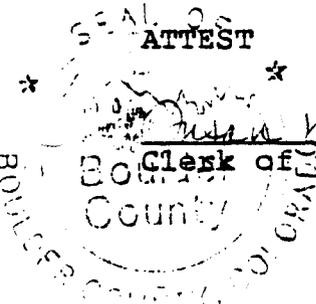
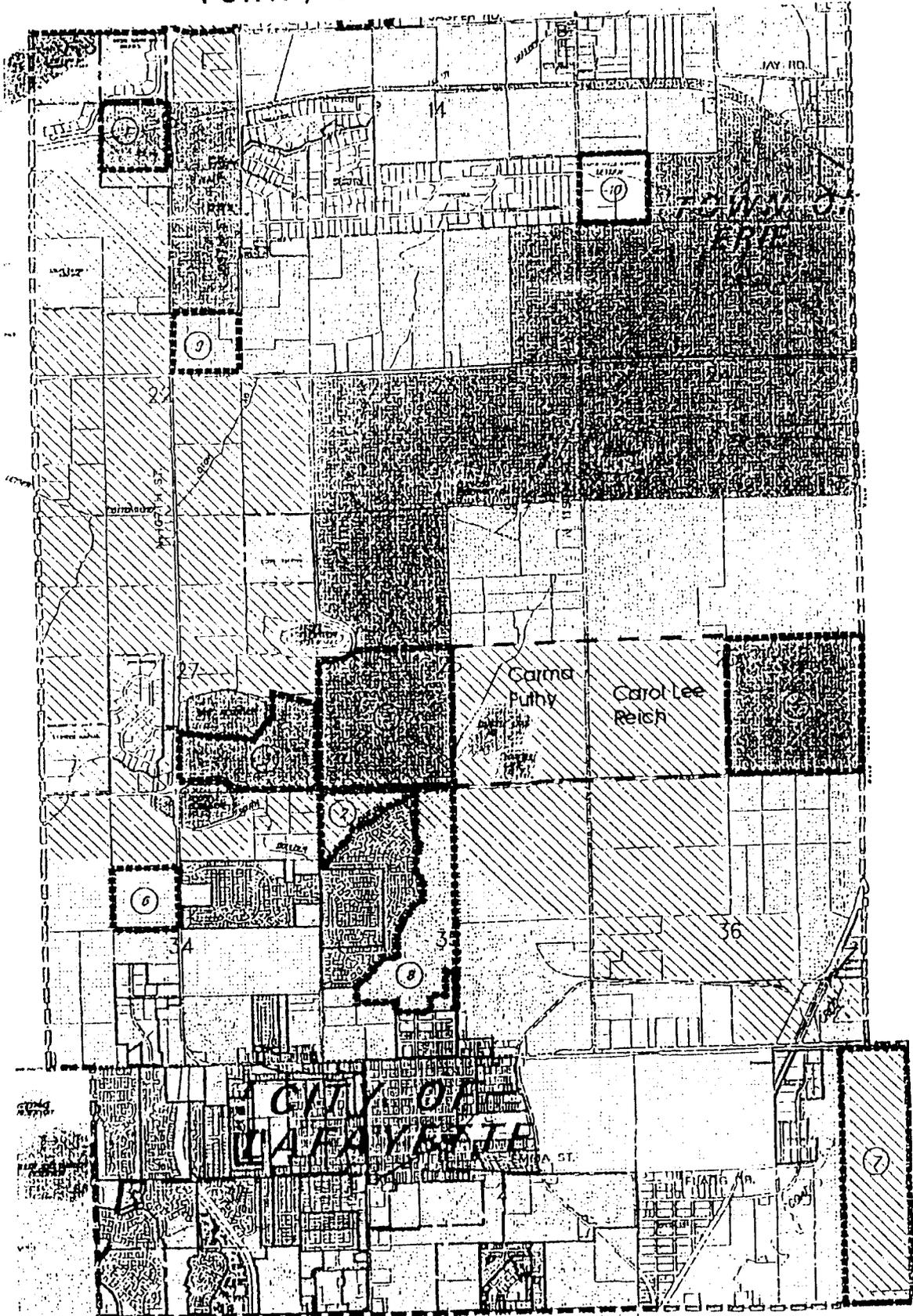


EXHIBIT "A"
EAST BOULDER COUNTY IGA AMENDMENT
FUTHY / CMN ENTERPRISES, INC.



CMN ENTERPRISES DEVELOPMENT PROPOSAL
4 SINGLE FAMILY LOTS

