



Boulder County Clerk, CO AMEND AGREE R 0.00 D 0.00

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D 0.00

Feb 4

INTERGOVERNMENTAL AGREEMENT
AMENDMENT TO
EAST CENTRAL BOULDER COUNTY
COMPREHENSIVE DEVELOPMENT PLAN
KENOSHA FARMS 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 ____ day of December 1996.

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

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 Kenosha Farms 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.*, C.R.S. ,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

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 "Plan Area," as shown on the map portion of the Development Regulations ("Regulations") attached hereto as Exhibit A; and

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

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

This Amendment (the "Amendment") to the 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 "Kenosha Farms."

2. THE "KENOSHA FARMS" PROPERTY.

The property shown on Exhibit A designated as the "Kenosha Farms" property is currently owned by CMN Enterprises, Inc., of Boulder, Colorado. The property is approximately 200 acres, located in Section 12, T1N, R69W, 6th PM, Boulder County, Colorado. Said property is hereby given the specific parcel designation as Parcel No. 11, as if set forth in the Exhibit A to the original Plan Intergovernmental Agreement.

3. ANNEXATION TO ERIE.

The Kenosha Farms property may be annexed to the Town of Erie. Said property is designated "Erie Influence Area," and the provisions of the original Plan Intergovernmental Agreement related to said designation shall control as if fully set forth herein.

4. SPECIFIC PARCEL DEVELOPMENT REGULATION.

The Kenosha Farms property, shown as Parcel 11 on Exhibit A, may, upon annexation by the Town of Erie, be approved for development of residential units. Within the approximately 200 acres, upon the area located in the southerly two-thirds of Section 12, urban density residential development may be approved.

Upon the northerly one-third of the property, 28 rural density residential units with a minimum lot size of one (1) acre may be approved in accordance with the following limitations. Prior to approval and recording of a final plat for said rural residential area or any portion thereof, ten (10) Transferrable Development Rights generated from lands designated "Rural Preservation Area" in the East Central Boulder County Comprehensive Development Plan and certified by Boulder County must be registered to the applicant on the books of the Boulder County Land Use Department and the Certificates surrendered to the Town, which will forthwith transmit same to the County for cancellation.

All of the property between the Boulder and Weld County Ditch and Kenosha Road which is subject to a conservation easement previously conveyed to Boulder County shall remain undeveloped as open space, excepting the existing right-of-way access across such area to the balance of the property, and except for storm drainage improvements which may be constructed to serve the development on the balance of the property upon approval of construction plan by Boulder County, which minimize disturbance and do not harm the natural eco-system values of the conservation easement and wetlands contained therein, which approval shall not be unreasonably withheld.



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5. 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.

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

CITY OF LAFAYETTE

By: 12-17-96
Carolyn Buchholz, Mayor Date

ATTEST:

City Clerk

APPROVED AS TO FORM:

Patricia C. Tisdale, City Attorney

TOWN OF ERIE

By: 12/16/96
Victor Smith, Mayor Date

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Douglas C. Thorburn, Town Attorney

COUNTY OF BOULDER

BY: BOARD OF COUNTY COMMISSIONERS

By: 12/19/96
Ronald K. Stewart, Chair Date

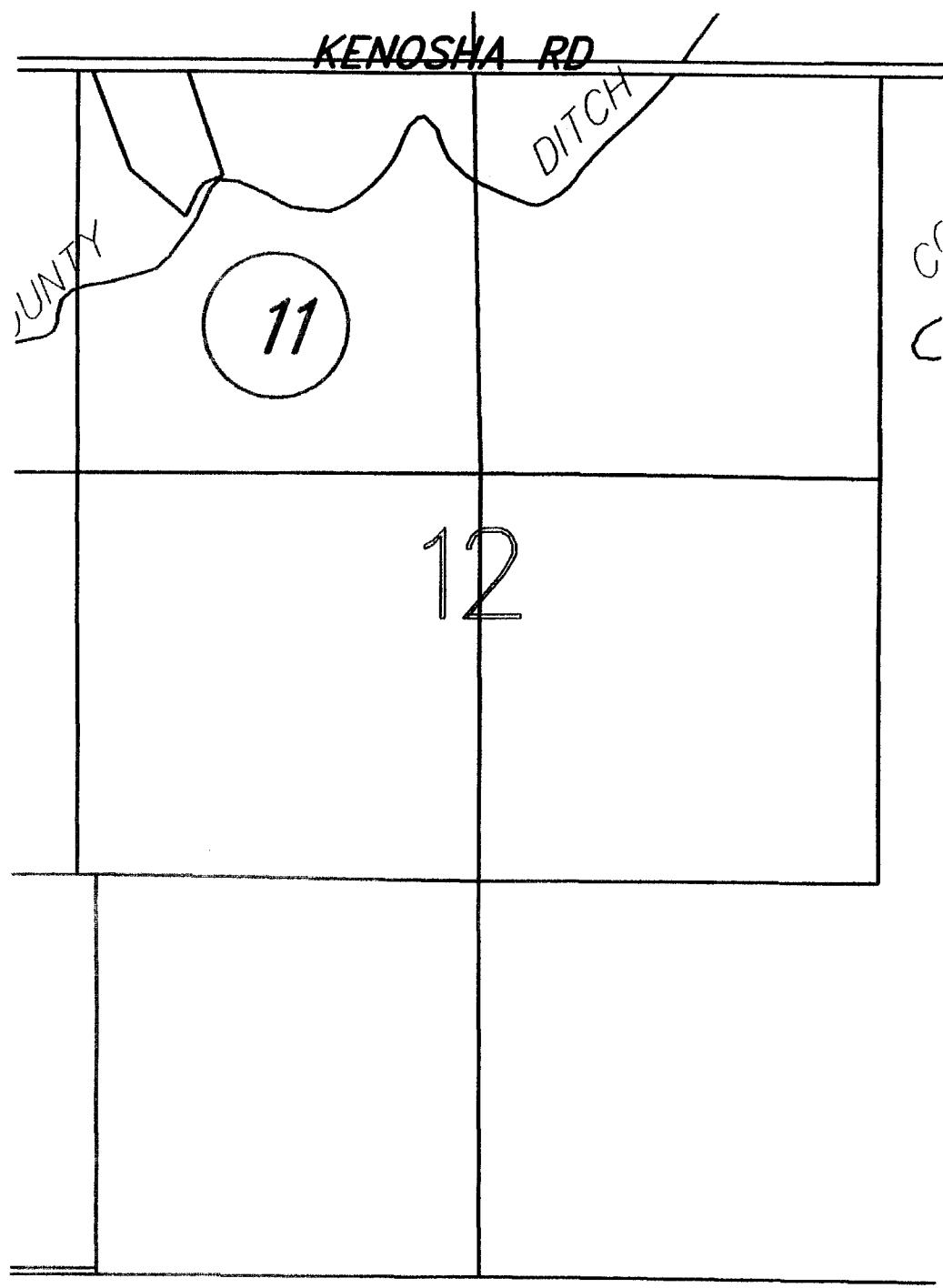
ATTEST:

Clerk to the Board

APPROVED AS TO FORM:

H. Lawrence Hoyt, County Attorney

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**Exhibit A to Kenosha Farms Amendment -
EAST CENTRAL BOULDER COUNTY
COMPREHENSIVE DEVELOPMENT PLAN
Parcel 11**

Erie Influence Area

scale: 1 inch = 12 feet

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BOULDER COUNTY LAND USE
Date Compiled: 01/28/97



Map Location

