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INTERGOVERNMENTAL AGREEMENT

FIRST AMENDMENT TO  
LAFAYETTE/LOUISVILLE BUFFER  
COMPREHENSIVE DEVELOPMENT PLAN  
INTERGOVERNMENTAL AGREEMENT

PARCEL NO. 12

This Intergovernmental Agreement by, between and among the City of Lafayette, a Colorado home rule municipal corporation (Lafayette); the City of Louisville, a Colorado statutory city (Louisville); 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 18th day of February, 1997.

WITNESSETH:

WHEREAS, Boulder County and Louisville are in the process contracting for purchase of a portion of Parcel No. 12, shown on and described in Exhibit A, attached hereto and incorporated herein by this reference, for open space purposes, with the portion of the property retained by the seller being approved by Boulder County for three residential lots, a density which conforms with the existing County regulations governing the property, the division of land being accomplished through Boulder County's Open Space Land division policy; and

WHEREAS, the Parties desire to amend the July 9, 1996. Lafayette/Louisville Buffer Comprehensive Development Plan Intergovernmental Agreement (hereinafter the "Original Agreement") in order to provide for the use of Parcel No. 12, located within the Plan Area shown on Exhibit A to the Agreement in accordance with the aforementioned contract for purchase; and

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 governments 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 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

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WHEREAS, ¶6 of the Original Agreement provides for its amendment through action of the governing bodies of the three Parties; and

WHEREAS, the Parties have each held hearings after proper public notice for the consideration of entering into this Agreement to amend the Original Agreement for the subject property, as shown and described on Exhibit A.

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

1. FIRST AMENDMENT TO LAFAYETTE/LOUISVILLE BUFFER  
COMPREHENSIVE DEVELOPMENT PLAN.

This First Amendment (the "Amendment") to the Original Agreement is adopted by the Parties, amending the Original Agreement only as set forth expressly herein, and governing the lands shown on Exhibit A, which is attached hereto and incorporated herein, shown as Parcel No. 12.

2. PARCEL NO. 12.

The subject property as shown on Exhibit A and designated as Parcel No. 12 on the Exhibit A to the Original Agreement, is approximately 58 acres, located in the NW1/4 of Section 5, T1S, R69W, 6th PM, Boulder County, Colorado.

3. SPECIFIC PARCEL PROVISION.

Notwithstanding anything to the contrary in ¶3(b) and ¶3(d) of the Original Agreement, Parcel No. 12 may be divided, a portion purchased by Boulder County and Louisville for open space purposes and a portion retained by the seller and approved by Boulder County as up to three (3) building lots, identified as parcels 1, 2 & 3 on Exhibit A, and such building lots may receive water service from Louisville or Lafayette. The northernmost thirty (30) feet of Parcel No. 12, identified as parcels 5 & 6 on Exhibit A, may also be dedicated to Lafayette for right-of-way purposes. Nothing in this section is intended to require Louisville or Lafayette to annex any portion of Parcel No. 12.

4. OTHER PROVISIONS.

All provisions of the Original Agreement, including but not limited to the term of said Original Agreement and the annexation and influence area provisions in ¶3, 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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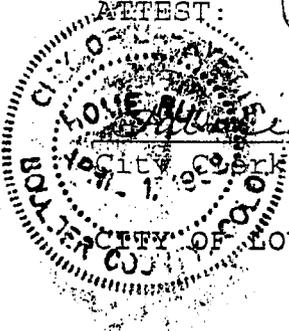
THIS AMENDMENT AGREEMENT made and entered into to be effective on the date as set forth above.

CITY OF LAFAYETTE

By: *Carolyn L. Buchholz* 4-8-97  
Carolyn L. Buchholz, Mayor Date

ATTEST:

APPROVED AS TO FORM:

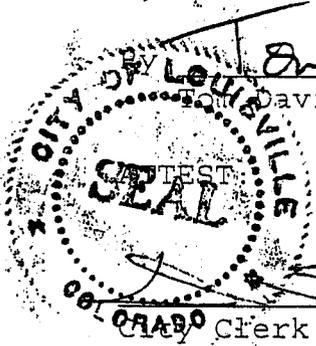


*[Signature]*  
City Clerk

*Patricia C. Tisdale*  
Patricia C. Tisdale, City Attorney

By: *Tom Davidson* 4-1-97  
Tom Davidson, Mayor Date

APPROVED AS TO FORM:



*[Signature]*  
Clerk

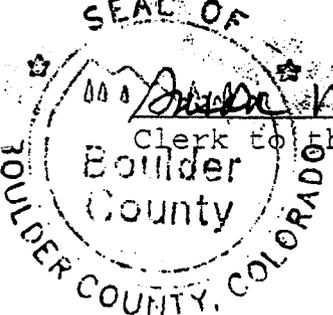
*Susan Griffiths*  
Susan Griffiths, City Attorney

COUNTY OF BOULDER  
BY: BOARD OF COUNTY COMMISSIONERS

*Ronald K. Stewart* 3-13-97  
Ronald K. Stewart, Chair Date

ATTEST:

APPROVED AS TO FORM:



*[Signature]*  
Clerk to the Board  
Boulder County

*H. Lawrence Hoyt*  
H. Lawrence Hoyt, County Attorney



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EXHIBIT A page 1 of 2  
Legal Description for the Property

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 1 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 5, WHENCE THE NORTHWEST CORNER OF SAID SECTION 5 BEARS NORTH 00°05'23" WEST 30.00 FEET; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF BASELINE ROAD, NORTH 89°39'08" EAST 1,250.77 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE COLORADO AND SOUTHERN RAILROAD; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE, SOUTH 31°47'48" EAST 880.47 FEET TO A POINT ON THE NORTHWESTERLY BOUNDARY LINE OF THE HILLSBOROUGH NORTH SUBDIVISION; THENCE ALONG SAID NORTHWESTERLY BOUNDARY LINE, SOUTH 58°10'32" WEST 210.00 FEET; THENCE SOUTH 34°16'31" WEST 339.96 FEET; THENCE SOUTH 27°14'10" WEST 180.03 FEET; THENCE SOUTH 45°18'58" WEST 290.15 FEET; THENCE SOUTH 43°25'08" WEST 520.12 FEET; THENCE SOUTH 14°16'53" WEST 50.90 FEET; THENCE SOUTH 89°57'24" WEST 317.53 FEET; THENCE SOUTH 60°34'14" WEST 178.45 FEET; THENCE SOUTH 43°53'12" WEST 195.06 FEET; THENCE SOUTH 89°53'46" WEST 74.50 FEET TO THE WEST ONE-QUARTER CORNER OF SAID SECTION 5; THENCE ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 5, NORTH 00°05'23" WEST 2,152.27 FEET TO THE POINT OF BEGINNING.

Recorder's Note: 6-20-97  
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