

RESOLUTION NO. 2000-132

CONCERNING AMENDING THE LONGMONT PLANNING AREA
COMPREHENSIVE DEVELOPMENT PLAN INTERGOVERNMENTAL AGREEMENT
TO SIMPLIFY CONSENT TO OPEN SPACE ACQUISITIONS

WHEREAS, the City of Longmont and Boulder County entered into the Longmont Planning Area Comprehensive Development Plan Intergovernmental Agreement on June 19, 1997, which provides, in part, that Boulder County may purchase open space within Longmont's planning area only upon the agreement of the City; and

WHEREAS, the current procedure requires that Longmont's consent to purchase may only be obtained by an amendment to the Agreement; and

WHEREAS, the City and the County desire to amend the Agreement to simplify the process of obtaining the City of Longmont's consent to purchase open space within the Longmont planning area; and

WHEREAS, this Intergovernmental Agreement is reasonably necessary to protect, enhance and preserve the public health, safety and welfare of the citizens of Boulder County.

NOW, THEREFORE, BE IT RESOLVED that:

1. Section 3(b) of the Longmont Planning Area Comprehensive Development Plan Intergovernmental Agreement is hereby amended to read as follows:
 3. OPEN SPACE.
 - (b) Boulder County agrees that, for the term of this Agreement, it will not purchase any of the lands within the LPA for open space purposes, excepting only those lands which are designated "open space" on the Longmont Area Comprehensive Plan or otherwise changed to open space pursuant to an LACP amendment, and excepting those lands which are currently under contract or for which a letter of intent has been sent to the owner and which have been referred to the City of Longmont and except for those lands for which the consent of the City Council has been obtained as provided in section 5. Nothing in this section is intended to affect the continued ownership and maintenance of open space lands within the LPA which Boulder County currently owns or which are currently under contract with Boulder County or for which a letter of intent has been sent to the owner, and which have been referred to the City for comment.
2. Section 5 of the Longmont Planning Area Comprehensive Development Plan Intergovernmental Agreement is hereby amended to read as follows:
 5. IMPLEMENTATION PROCEDURES.

A plan amendment, agreed to by both the city and county must occur in order to

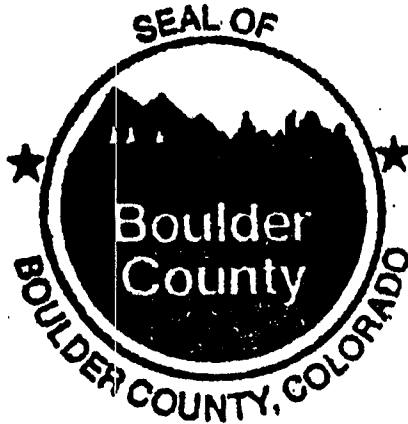
annex, or allow any use or development of any parcel within the Plan Area where such annexation or use or development does not comply with the Plan. Where the County seeks to acquire land for open space within the LPA after referral as provided in section 6(a), the City Council may, by resolution, agree to such acquisition and may condition its consent, and substantial compliance with such conditions shall be required for such acquisition to proceed.

The Parties each agree to undertake all steps to adopt procedures, plans, policies, and ordinances or other regulations as may be necessary to implement and enforce the provisions of this Plan. The Parties agree that, in adopting such procedures, plans, policies, ordinances or regulations, each will give the other Party sufficient advance notice of such action as will enable such Party, if it so desires, to comment upon the planned actions of that Party.

3. The terms and conditions of the Agreement not modified by this Amendment remain in full force and effect, and the Agreement and this Amendment No. 2 shall be construed as one contract and the context of each shall be determined from consideration of the other.
4. This Amendment No. 2 shall take effect immediately upon its approval by the Board of County Commissioners, its approval from the Longmont City Council having been previously obtained in Ordinance O-2000-38.

ADOPTED this 29th day of August, 2000, by the Board of County Commissioners of the County of Boulder, State of Colorado.

(SEAL)



ATTEST:

Susan M. Ashcraft
Clerk to the Board

BOARD OF COUNTY COMMISSIONERS
OF BOULDER COUNTY

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Ronald K. Stewart, Chair

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Jana L. Mendez, Vice-Chair

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