



**FOURTH AMENDMENT TO INTERGOVERNMENTAL AGREEMENT:
BOULDER COUNTY AND THE TOWN OF NEDERLAND
FOR THE MUD LAKE PROPERTY**

THIS FOURTH AMENDMENT to Intergovernmental Agreement between the Town of Nederland, a Colorado municipal corporation (“the Town”) and the County of Boulder, State of Colorado, a body politic and corporate (“the County”) (collectively hereinafter referred to as the “Parties”) is executed to be effective the 1ST day of DECEMBER 2005.

RECITALS

A. The Town and the County previously entered into that certain Intergovernmental Agreement: Boulder County and the Town of Nederland For the Mud Lake Property, effective December 17, 1999, recorded December 21, 1999, at Reception No. 2008471”) (“the Agreement”), as amended by that certain Amendment to Intergovernmental Agreement: Boulder County and the Town of Nederland for the Mud Lake Property, effective July 24, 2001 and recorded August 30, 2001 at Reception No. 2180976, the Second Amendment to Intergovernmental Agreement: Boulder County and the Town of Nederland for the Mud Lake Property effective the 1st day of December, 2002, and recorded December 31, 2002, at Reception No. 2378808; and as further amended by the Third Amendment to Intergovernmental Agreement: Boulder County and the Town of Nederland for the Mud Lake Property effective the 6th day of July, and recorded July 13, 2004, at Reception No. 2606701 (collectively, the “IGA”).

B. The functions described in this Fourth Amendment 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; part 1 of article 12 of title 31; and parts 2 and 3 of article 23 of title 31, C.R.S., as amended; and

C. Section 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

D. The Parties desire to amend the IGA pursuant to the provisions of §29-20-105, C.R.S., as amended, to extend the term of the comprehensive development plan attached to the Third Amendment to the IGA.

E. The Parties have each held hearings after proper public notice for the consideration of entering into this Fourth Amendment.

NOW, THEREFORE, in consideration of the recitals and the mutual promises, covenants and undertakings hereinafter set forth, and other good and valuable consideration, which is hereby acknowledged and receipted for, the Parties hereby agree that the IGA shall be and hereby is amended to extend the term of the Mud Lake Open Space Comprehensive Development Plan, set forth in Exhibit C to the Third Amendment to Intergovernmental



Agreement: Boulder County and the Town of Nederland for the Mud Lake Property, for an additional 24 months (to and including January 6, 2008).

Except as specifically amended by this Amendment, the IGA remains in full force and effect.

This Amendment may be executed in counterparts, which when combined shall be deemed a complete original, and all of which shall constitute one and the same agreement. Facsimile signatures shall be acceptable to and binding upon all parties.

This Amendment shall be recorded in the office of the Clerk and Recorder of Boulder County, Colorado.

If any part of this Amendment is found, decreed or held to be void or unenforceable such finding, decree or holding shall not affect the other remaining provisions of this Agreement which shall remain in full force and effect.

IN WITNESS WHEREOF, the Town and the County have executed this Amendment on the dates set forth in their respective acknowledgments intending that this Agreement be effective as of the day and year first above set forth.

[SEAL]



Board of County Commissioners of the County of Boulder, State of Colorado

ATTEST:

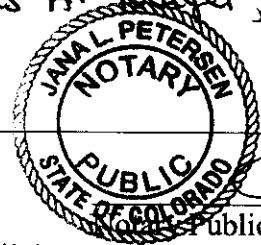
Jana Petersen
Jana Petersen, Deputy Clerk

By: *Ben Pearlman* Ben Pearlman, Chair
Thomas A. Mayer Thomas A. Mayer, Vice-Chair

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

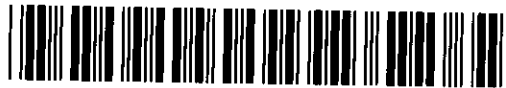
The foregoing instrument was acknowledged before me this 1ST day of December, 2005, by ~~Ben Pearlman, Chair~~ of the Board of County Commissioners of Boulder County, Colorado, a body corporate and politic. Thomas A. Mayer, Vice-Chair

Witness my hand and official seal.
My Commission Expires: _____



Jana Petersen

My Commission Expires 07/15/09



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Boulder County Clerk, CO AMEND AGREE R 0.00

Town of Nederland, State of Colorado

[SEAL]



Chris B. Perret
Chris B. Perret, Mayor

ATTEST:

Sheridan Garcia
Sheridan Garcia, Town Clerk