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CAMPUS DRIVE AMENDMENT TO SOUTHEAST BOULDER COUNTY, SOUTH 96TH STREET, DILLON ROAD AND US 287 AREA COMPREHENSIVE DEVELOPMENT PLAN INTERGOVERNMENTAL AGREEMENT



08/23/2010 02:05 PM
Boulder County Clerk, CO

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This Campus Drive Amendment to Southeast Boulder County, South 96th Street, Dillon Road and US 287 Area Comprehensive Development Plan Intergovernmental Agreement ("Amendment"), by, between and among the City and County of Broomfield ("Broomfield"); the City of Lafayette, a Colorado home rule municipal corporation ("Lafayette"); the City of Louisville, a Colorado home rule municipal corporation ("Louisville") and the County of Boulder, a body corporate and politic of the State of Colorado ("Boulder County"); (collectively the "Parties") is made to be effective on the 13th day of JULY, 2010.

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 to minimize the negative impacts of development on the surrounding areas and protect the environment, and it 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 Parties entered into the Southeast Boulder County, South 96th Street, Dillon Road and US 287 Area Comprehensive Development Plan Intergovernmental Agreement, as previously amended (the "Plan" or "IGA") to plan for and regulate the use of the lands within the Plan Area through joint adoption of a mutually binding and enforceable comprehensive development plan; and

WHEREAS, Section 4.16 of Exhibit A (Text Portion) of the IGA states that the parcels specifically identified therein (numbered 157520000002, 157520000003, 157520000004, 157520000005, 157520000020, 157520000019, and 157520000007 (now 157520000034), totaling approximately 78 acres in currently unincorporated Boulder County) are designated Rural Preservation Area with future use limited to agriculture and low density residential development; and

WHEREAS, ConocoPhillips Company, a Delaware corporation, the owner of parcels numbered 157520000002, 157520000003, 157520000019 and 157520000007 (now 157520000034), desires to annex to the City of Louisville certain of said parcels subject to Section 4.16 of Exhibit A (Text Portion) of the IGA; and

WHEREAS, ConocoPhillips Company desires to incorporate portions of the parcels annexed into Louisville into its overall plan for redevelopment of the former StorageTek campus; and

WHEREAS, in view thereof, the Parties have determined it is appropriate to amend the Plan to accommodate annexation of certain parcels and to allow certain right-of-way uses addressing potential use of the parcels for right-of-way uses, agriculture, and low density residential

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development at residential densities lower than currently contemplated under the Plan; and

WHEREAS, the Plan requires that a regulatory party to the Plan not approve or permit any annexation of Rural Preservation Area or development or change of use of any parcel in the Plan Area by any means in a manner inconsistent with the Agreement until and unless the Plan has been amended so that the proposed annexation, development or use of such parcel is consistent with the Plan; and

WHEREAS, the Parties have determined that it is in the best interests of the citizens of their respective jurisdictions to amend the IGA to permit consideration of applications for Louisville annexation and zoning of certain parcels subject to Section 4.16 of Exhibit A (Text Portion) of the IGA, and to permit approval of such applications if the City Council of the City of Louisville, after completing the processing of the applications and holding the requisite public hearings and in the exercise of its decision-making authority, finds that the applications meet the standards of the Louisville Comprehensive Plan and Louisville Municipal Code, understanding that approval of this Amendment is not a determination by any Party hereto that the application meets such standards; and

WHEREAS, the Parties have held public meetings or hearings after proper public notice for the consideration of entering into this Amendment.

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

1. The Exhibit A (Map Portion) of the IGA is amended to change from "Rural Preservation Area" to "City Preservation Area" the designation shown for the Parcels Numbered 157520000002, 157520000003, 157520000004, 157520000005, 157520000020, 157520000019, and 157520000007 (now 157520000034) (a total of approximately 78 acres) on said Exhibit.

2. Section 4.16 of Exhibit A (Text Portion) of the IGA is amended to read as follows:

4.16

(a) Parcels numbered 157520000002, 157520000003, 157520000004, 157520000005, 157520000020, 157520000019, and 157520000007 (now 157520000034) (a total of approximately 78 acres) on the attached map are currently unincorporated Boulder County and are designated Rural Preservation. The parties agree that Louisville may annex these Parcels in that the community of interest for these parcels is with Louisville for annexation purposes and that, if and when annexed to the City of Louisville, future use shall be as set forth below. Upon annexation, said Parcels are designated City Preservation Area.

(b) If and when parcels 157520000019 and 157520000007 (now 157520000034) (a total of approximately 20 acres) are annexed to the City of

Louisville, future use shall be limited to right-of-way uses, agriculture, and open space, subject to the following:

- (i) no residential units shall be permitted on these parcels;
- (ii) prior to the commencement of development of new right-of-way uses on these parcels, there shall be dedicated by the owner(s) thereof a conservation easement to all IGA parties limiting the use of these parcels to right-of-way uses, agriculture, and open space; and
- (iii) at the time of annexation of these parcels, Louisville shall annex the full length of the existing Paradise Lane right-of-way and the proposed Campus Drive right-of-way. Boulder County hereby consents to annexation by Louisville of said rights-of-way. Right-of-way, agriculture, and open space uses on parcels 157520000019 and 157520000034 may include, without limitation, street and streetscape improvements; pedestrian and bicycle paths and trails; trailhead facilities (including parking, interpretative/education kiosks or similar structures, and accessory picnic and shade structures, provided there are no more than 3,200 square feet of covered structures); fencing; utilities; and entry and gateway signage.

(c) If and when parcels 157520000002 and 157520000003 (a total of approximately 30 acres) are annexed to the City of Louisville, future use shall be limited to right-of-way uses, agriculture, and low density residential development, subject to the following:

- (i) the total, aggregate residential density on Parcel 157520000002 shall not exceed 6 units, which units and any accessory residential buildings/uses shall be clustered together;
- (ii) no residential units shall be permitted on Parcel 157520000003;
- (iii) all existing residential improvements on parcel 157520000003 must be removed prior to the issuance of a building permit for any residential structure on parcel 157520000002;
- (iv) new residential density on parcel 157520000002 may only be approved provided that a perpetual conservation easement granted to all IGA parties and limiting development of said parcel to the density and location limits of this Section 4.16(c) is secured as part of the approval of the new

- density; and
- (v) right-of-way uses may include, without limitation, street and streetscape improvements, pedestrian and bicycle trails and paths, fencing, and utilities.

(d) If and when parcels 157520000004, 157520000005 and 157520000020 (a total of approximately 30 acres) are annexed to the City of Louisville, future use shall be limited to right-of-way uses, agriculture, and low density residential development, subject to the following:

- (i) Louisville agrees to consider approval of residential use on said parcels with a density of no more than 1 unit per 4.5 acres, provided that a perpetual conservation easement granted to all IGA parties and limiting development to no more than 1 unit per 4.5 acres is secured as part of the approval of the new density;
- (ii) within or among such parcels, residential units and any accessory residential buildings/uses may be clustered together; and
- (iii) right-of-way uses may include, without limitation, street and streetscape improvements, pedestrian and bicycle trails and paths, fencing, and utilities.
- (iv) While any such parcel remains unincorporated, Boulder County agrees to consider approval of residential use with a density of no more than 1 unit per 4.5 acres on said parcel(s), provided that a perpetual conservation easement limiting development to no more than 1 unit per 4.5 acres is secured as part of the approval of such additional density.

3. Section 6.7 of Exhibit A (Text Portion) of the IGA is amended as follows: “The city Parties hereby grant their consent to the purchase or other acquisition through any process other than the exercise of eminent domain by Boulder County of any City Preservation parcel or portion thereof for open space purposes.”

4. This Amendment shall be recorded with the County Clerk and Recorder of Boulder County. The provisions of this Amendment shall be covenants running with the land and shall be binding upon all persons or entities having an interest in the lands described in and subject to this Amendment.

5. All other terms and conditions of the IGA shall remain in force and effect.

IN WITNESS WHEREOF, the Parties have executed this Amendment to be effective as of

the date first set forth above.

CITY AND COUNTY OF BROOMFIELD

By: [Signature]
Mayor

8-6-10
Date

ATTEST:
SEAL
CITY OF BROOMFIELD

APPROVED AS TO FORM:
[Signature]

By: Judith L. Reiser
City Clerk, Deputy

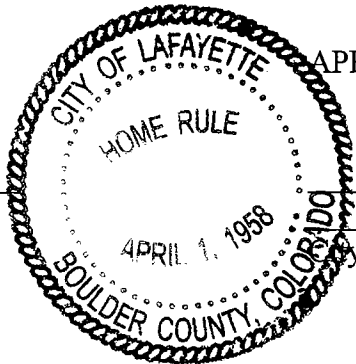
William A. Tuthill III
City and County Attorney

CITY OF LAFAYETTE

By: [Signature]
Chris Cameron, Mayor

7-15-10
Date

ATTEST:



APPROVED AS TO FORM:

By: [Signature]
City Clerk, Deputy

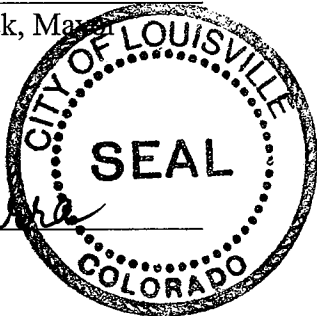
[Signature]
City Attorney

CITY OF LOUISVILLE

By: [Signature]
Charles L. Sisk, Mayor

07/12/10
Date

ATTEST:



APPROVED AS TO FORM:

By: [Signature]
City Clerk

[Signature]
Samuel J. Light
City Attorney

COUNTY OF BOULDER
BY: BOARD OF COUNTY COMMISSIONERS

By: Cindy Domenico
Cindy Domenico, Chair

7/13/10
Date

By: Ben Pearlman
Ben Pearlman, Vice Chair

7/13/10
Date

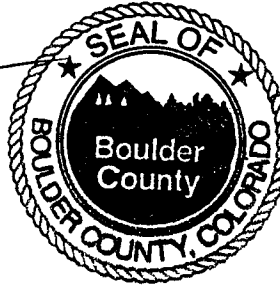
By: Will Toor
Will Toor, Commissioner

7/13/10
Date

ATTEST:

APPROVED AS TO FORM:

By: Mike Fydes
Clerk to the Board



Lawrence Hoyt
E. Lawrence Hoyt
County Attorney