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FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT  
U.S. 36 CORRIDOR COMPREHENSIVE DEVELOPMENT PLAN

THIS FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT U.S. 36 CORRIDOR COMPREHENSIVE DEVELOPMENT PLAN ("Amendment") is made and entered into this 9<sup>th</sup> day of April, 2002, by, between and among the City of Boulder, a Colorado home rule city ("Boulder"), the City of Louisville, a Colorado home rule city and formerly a Colorado statutory city ("Louisville"), the Town of Superior, a Colorado statutory town ("Superior"), and the County of Boulder, a body corporate and politic ("Boulder County"), (collectively the "Parties").

RECITALS

WHEREAS, the Parties entered into that Intergovernmental Agreement, U.S. 36 Corridor Comprehensive Plan dated June 20, 2000, (the "IGA");

WHEREAS, the IGA provides that:

The Rural Preservation parcels located west of S. 88<sup>th</sup> Street and north of US 36, adjacent to the City of Louisville's boundaries, currently owned by Carlson and Scriffiny, shall be treated as Louisville Influence Area upon the occurrence of the following event: the fee dedication of land for open space purposes equivalent in size [to] the combined acreage of the parcels and located within 1/2 mile of the parcels and within the City of Louisville in the US 36 view corridor;

WHEREAS, Boulder County has reached an agreement with an owner of the above-referenced Rural Preservation parcels (the "Parcels") providing that the owner shall convey a 3.548 acre tract of the Parcels to Boulder County for open space purposes in exchange for Boulder County's conveyance of a 3.147 acre tract of the County's adjacent open space to the owner;

WHEREAS, the owners of the Parcels have applied to the City of Louisville to annex 9.959 acres of the Parcels and the 3.147 acre tract that the owner will receive as part of the exchange with Boulder County;

WHEREAS, the owner desires that the 9.959 acres of the Parcels be designated Louisville Influence Area, and that the remaining 3.548 acres remain open space; and

WHEREAS, the Parties desire to amend the IGA to allow only a portion of the Parcels to be treated as Louisville Influence Area and to allow the remaining 3.548 acre tract to be treated as Rural Preservation under the IGA.

Rob



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

1. Paragraph 3.7 of Exhibit A (text portion) of the IGA is hereby replaced in its entirety with the following (new terms are capitalized):

3.7 Specific Parcel Provision. The Rural Preservation parcels, OR ANY PORTION THEREOF, located west of S. 88<sup>th</sup> Street and north of US 36, adjacent to the City of Louisville's boundaries, currently owned by Carlson and Scriffiny, shall be treated as Louisville Influence Area upon the occurrence of the following event: the dedication of A FEE OR CONSERVATION EASEMENT INTEREST IN land for open space purposes equivalent in size to the combined acreage of the parcels OR TO SAID PORTION THEREOF, and located within ½ mile of the parcels and within the City of Louisville in the US 36 view corridor. ANY PORTION OF THESE RURAL PRESERVATION PARCELS THAT IS IN EXCESS OF THE DEDICATION FOR OPEN SPACE PURPOSES SHALL HEREAFTER BE TREATED AS RURAL PRESERVATION AND SUBJECT TO THE DEVELOPMENT LIMITATIONS ON RURAL PRESERVATION AREA PARCELS SET FORTH BELOW.

2. Pursuant to Paragraph 6 of the IGA, this Amendment shall be effective only upon approval by resolution or ordinance adopted by the governing body of each of the Parties, after notice and hearing as may be required by law.

3. All other provisions of the IGA remain in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year first above set forth.



CITY OF LOUISVILLE, a Colorado home rule city

By: Tom Davidson  
Tom Davidson, Mayor

Attest:

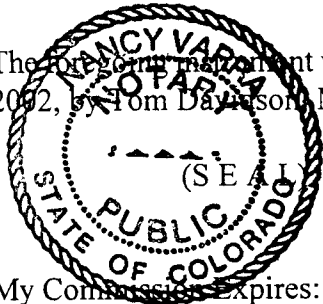
Nancy Carra  
City Clerk

Approved as to form:

[Signature]  
City Attorney

STATE OF COLORADO    )  
  ) ss.  
COUNTY OF BOULDER    )

The foregoing instrument was acknowledged before me this 2<sup>ND</sup> day of April, 2002, by Tom Davidson, Mayor of the City of Louisville.



Nancy Carra  
Notary Public

My Commission Expires: My Commission Expires May 6, 2002

TOWN OF SUPERIOR, A Colorado statutory town

By: [Signature], Mayor

Attest:



~~City~~ Clerk

Town

Approved as [Signature]

[Signature]

~~City~~ Attorney

Town

STATE OF COLORADO )  
 ) ss.  
COUNTY OF BOULDER )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2002, by \_\_\_\_\_, Mayor of the Town of Superior.

(SEAL)

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_.

CITY OF BOULDER, A Colorado home rule city

By: \_\_\_\_\_, Mayor

Attest:

*Alisa Lewis*  
City Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney

STATE OF COLORADO )  
  ) ss.  
COUNTY OF BOULDER )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2002, by \_\_\_\_\_, Mayor of the City of Boulder.

( S E A L )

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_.

COUNTY OF BOULDER, a body  
corporate and politic

By: Jana L. Mendez  
Jana L. Mendez, Chair

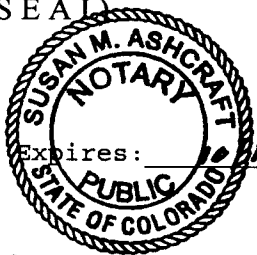
By: Paul D. Danish  
Paul D. Danish, Vice-Chair

By: Ronald K. Stewart  
Ronald K. Stewart, Commissioner

STATE OF COLORADO     )  
                                   ) ss.  
COUNTY OF BOULDER     )

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of April,  
2002, by Jana L. Mendez, Chair, Paul D. Danish, Vice-Chair, Ronald K. Stewart, Commissioner, of  
the Board of County Commissioners of the County of Boulder, a body corporate and politic.

(SEAL)



Susan M. Ashcraft  
Notary Public

My Commission Expires: 10/17/2005

My Commission Expires 10/17/2005