



**WILLOW RANCH TDR AMENDMENT TO
U.S. 36 CORRIDOR COMPREHENSIVE DEVELOPMENT PLAN
INTERGOVERNMENTAL AGREEMENT**

This Willow Ranch TDR Amendment to U.S. 36 Corridor Comprehensive Development Plan Intergovernmental Agreement by, between and among the city of Boulder, a Colorado home rule city (Boulder), the City of Louisville, a Colorado home rule city (Louisville); the Town of Superior, a Colorado statutory town (Superior)(hereinafter, collectively, the "Municipal Parties"); 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 16th day of October, 2003.

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, in order to minimize the negative impacts of development 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 Parties entered into the U.S. 36 Corridor Comprehensive Development Plan Intergovernmental Agreement, as previously amended, (hereinafter the "IGA") in order 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, Boulder County has been approached by Lawrence J. & Pamela R. Abrams, landowners who own 118.35 acres in two tracts, an 80 acre tract on the north side of S. Boulder Road south of Baseline Reservoir, and a 38.35 acre tract on the south side of S. Boulder Road slightly to the east of the northerly tract, who have filed an application for a TDR NUPUD subdivision, sending 3 dwelling units from the northerly tract ("Sending Site") to be located upon the southerly tract ("Receiving Site") as part of a 5-lot subdivision, which tracts are both within the Rural Preservation Area of the IGA, as well as Area III of the Boulder Valley Comprehensive Plan; and

WHEREAS, the IGA, in Exhibit A, Sections 3.1 & 3.2, states that no density increase beyond the limits permissible under the Boulder County Land Use Code on the effective date of the IGA shall be approved for any such parcel in the Rural Preservation Area, nor shall such parcels serve as "receiving parcels" for TDR units without amendment of the IGA; and

WHEREAS, the Parties have determined that it is in the best interest of the citizens of their respective jurisdictions to amend the IGA to permit consideration of the Willow Ranch TDR NUPUD subdivision pursuant to the application received by the County, and to permit approval of said application if the Board of County Commissioners should, after completing the processing of the application and holding the requisite public hearings and in the exercise of its decision-making authority, find that the application meets the standards of the Boulder County Land Use Code for



TDR NUPUD subdivisions, understanding that approval of this amendment of the IGA (hereinafter the "Amendment") is not a determination by any Party hereto that the application meets such standards; and

WHEREAS, the Parties have each held 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 herein, the Parties agree that the Willow Ranch Amendment to US 36 Comprehensive Development Plan Intergovernmental Agreement (IGA) be and hereby is approved to permit, subject to the exercise of the independent decision-making authority of the Board of County Commissioners pursuant to the Boulder County Land Use Code, the approval of the Willow Ranch TDR NUPUD application, subject to such conditions as the said Board may in its discretion impose.

THIS AGREEMENT made and entered into to be effective on the date as set forth above.

CITY OF BOULDER

By: [Signature]
Will Toor, Mayor

11/10/03
Date

ATTEST:

APPROVED AS TO FORM:

[Signature]
City Clerk

[Signature] for
Jerry Gordon, Acting City Attorney

CITY OF LOUISVILLE

[Signature]
Thomas Davidson, Mayor

12/14/03
Date

APPROVED AS TO FORM:


[Signature]
City Clerk

[Signature]
Samuel J. Light, City Attorney



TOWN OF SUPERIOR

By: Susan Spence, Mayor

12/1/03
Date

ATTEST: Phyllis Gordon

APPROVED AS TO FORM

Phyllis Gordon
Town Clerk

Kathleen Haddock
Kathleen Haddock, Town Attorney

COUNTY OF BOULDER
BY: BOARD OF COUNTY COMMISSIONERS

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

1/6/04
Date

ATTEST:

APPROVED AS TO FORM:

Jessie M. Ashcraft
Clerk to the Board

Lawrence Hoyt
Lawrence Hoyt, County Attorney

