

AMENDMENT TO
INTERGOVERNMENTAL AGREEMENT
East Central Boulder County
Comprehensive Development Plan

LEYNER PROPERTY

This Amendment to Intergovernmental Agreement by, between and among the City of Lafayette, a Colorado home rule municipal corporation (Lafayette); the Town of Erie, a Colorado statutory town (Erie); 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 17 day of FEB, 1997.

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 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, in order to ensure that the unique and individual characters of Lafayette and Erie, respectively, are preserved, the Parties, on December 21, 1994, entered into a comprehensive development plan which recognized the annexed areas and development approved by each community, accompanied by binding commitments by the responsible jurisdictions for the preservation of the rural character of surrounding lands within the Plan Area, such actions being in the best interest of the citizens of each of the Parties; and

WHEREAS, Albert M. Leyner (hereinafter "Leyner") owns certain real property within the County of Boulder, State of Colorado, as shown on Exhibit A, attached hereto and incorporated herein by this reference (hereinafter referred to collectively as the "Property" and individually as "Parcel A", "Parcel B" and "Parcel C"). The Property is identified in the original East Central Boulder County Comprehensive Development Plan Intergovernmental Agreement as "Parcel No. 1"; and

WHEREAS, the Property contains approximately +/- 40 acres of open land; the current use of the Property is for agricultural purposes; the Property's present and continued agricultural use and its open space values are of great importance to the Parties and to the people of the County of Boulder and are worthy of preservation; and

WHEREAS, Leyner is willing to sell an interest in a portion of the Property to the County in order to assure its preservation in perpetuity, and the Parties recognize the public benefit to be

served by such preservation as described in the Boulder County Comprehensive Plan Environmental Resources and/or Open Space Sections; and

WHEREAS, the purchase agreement negotiated contemporaneously for acquisition of the interests in the Property by the County permits Leyner to apply to the Town of Erie for creation of a ninth residential unit upon the Property located on Parcel A as shown on Exhibit A, attached hereto; and

WHEREAS, the original East Central Boulder County Comprehensive Development Plan Intergovernmental Agreement (hereinafter the "IGA") limits development of the Property to a total of eight residential units, and therefore the Parties desire to adopt an amendment thereto (hereinafter the "Amendment") permitting the ninth unit consistent with the negotiated purchase agreement.

NOW, THEREFORE, in consideration of the mutual promises and terms and conditions set forth hereinbelow, the Parties agree to amend the IGA as follows:

1. The paragraph in Section 4 of the IGA designated "Parcel No. 1" is hereby amended to read as follows:

Parcel No. 1: [A parcel of +/- 40 acres, owned by Leyner, west of US Hwy. 287, proposed for annexation to Erie and projected for residential use]

The Town of Erie shall permit only residential and agricultural uses on the property, with no more than 9 units allowed to be constructed thereon, 8 of said units to be located upon Parcel C as shown on Exhibit B, attached to this Amendment. Parcel B shown on said Exhibit B shall continue to serve as setback buffer area adjacent to the westerly right-of-way line of US Hwy 287.

Parcel A contains approximately 23.050 acres, and, subject to the conditions and restrictions set forth hereinbelow, one development right shall attach to Parcel A. The Town of Erie may permit, upon Parcel A, Leyner or his successor(s)-in-interest to construct one residence on the Property, said residence not to exceed 6000 square feet of living area. All agricultural outbuildings shall be located west of the residence and shall not exceed a total footprint of 1500 square feet. The residence and outbuildings are to be located south of the railroad right-of-way, and the residence shall be at least 500 feet west of the western right-of-way line of US Hwy 287. The construction of any structures on the Property which are not permitted pursuant to this Amendment is prohibited. For purposes of this Amendment, fencing

shall not be deemed a structure.
Approval of the creation of Parcel A, Parcel B and Parcel C as shown on Exhibit B is subject to the subdivision, platting and other land use regulations of the Town of Erie, and will become effective upon approval of the Town of Erie.

2. This Amendment is subject to completion of the purchase by the County of those interests to be acquired pursuant to the purchase agreement between the County and Leyner. Should the purchase by the County not take place, the Parcels shall not be legally divided parcels, and no development right shall attach to the "Parcel A" described on Exhibit A, and the Town of Erie shall not approve any such subdivision nor development pursuant to this Amendment, the language of the original IGA remaining in full force and effect until the completion of this condition precedent.

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

CITY OF LAFAYETTE

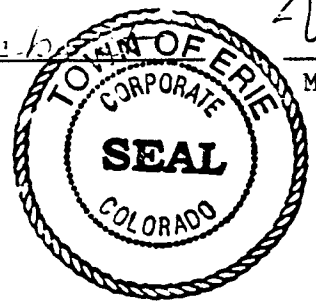
By: *Charles J. Buehler* Mayor Nov 18, 1997 Date

ATTEST: APPROVED AS TO FORM:
Jarvis Peterson City Clerk *Patricia C. Tisdale* Patricia C. Tisdale, City Attorney

TOWN OF ERIE

By: *Victor Smith* Victor Smith, Mayor 1-13-98 Date

ATTEST: APPROVED AS TO FORM:
Donald K. ... Town Clerk *Mark R. Shapiro* Mark R. Shapiro, Town Attorney



COUNTY OF BOULDER
BY: BOARD OF COUNTY COMMISSIONERS

Ronald K Stewart
Ronald K. Stewart, Chair

2/17/98
Date

ATTEST:

APPROVED AS TO FORM:

James M. Ashcraft
Clerk to the Board

H. Lawrence Hoyt
H. Lawrence Hoyt, County Attorney

EXHIBIT A

