

APR 29 1996

**INTERGOVERNMENTAL COOPERATIVE AGREEMENT
FOR PURPOSES OF HISTORIC PRESERVATION**

REC'D BY _____
TIME _____

BETWEEN THE COUNTY OF BOULDER AND
THE TOWN OF NEDERLAND FOR THE
PURPOSE OF HISTORIC PRESERVATION

THIS COOPERATIVE AGREEMENT is made and entered into this
20th day of AUGUST, 1996, by and between the Board of
County Commissioners of the County of Boulder, State of Colorado
("County") and the Town of Nederland, Colorado ("Town").

W I T N E S S E T H :

WHEREAS, the parties are authorized to enter into this Intergovernmental Agreement pursuant to Articles 1 and 20 of Title 29, Colorado Revised Statutes; and

WHEREAS, §30-11-107(1)(bb), C.R.S. gives boards of county commissioners the authority to provide for the preservation of cultural, historic, and architectural history within their respective counties by ordinance or resolutions, and to delegate the power to designate historic landmarks and historic districts to an historic preservation advisory board, among other powers related to historic preservation advisory board, which that statute grants; and

WHEREAS, the Town is authorized to protect the historically and archaeologically significant structures and properties within its jurisdiction pursuant to §29-20-104(1)(c), C.R.S.; and

WHEREAS, Boulder County having been granted Certified Local Government (CLG) status pursuant to the National Historic Preservation Amendments Act of 1980 (P.L. 96-515), has adopted Historic Preservation Regulations in support of this function; and has agreed to carry out the responsibilities of a CLG, in cooperation with the Office of Archaeology and Historic Preservation (OAHP), Colorado Historical Society; and

WHEREAS, the Boulder County Comprehensive Plan, Cultural Resources Element, Policy K1.04.2 encourages the County to cooperate with incorporated municipalities without CLG status through the use of intergovernmental agreements to offer these municipalities the advantage of the County's Historic Preservation Program; and

WHEREAS, the Town desires to adopt the County's Historic Preservation Regulations for use within its jurisdiction pursuant to the terms of this Agreement.

NOW, THEREFORE, the County and the Town agree as follows:

1. The County shall support efforts by the Town to establish a Nederland Historic Preservation Program pursuant to this Agreement. The County shall provide technical support as appropriate and shall support efforts by the Town to obtain grant funds, including CLG funds, for purposes of historic preservation.

2. The County shall dedicate 15 hours of County staff time on an annual basis from the date of this Agreement to Town's historic preservation issues without billing the Town. For time exceeding 15 hours, the Town may opt to pay for continued County staff time or decline to pay in which case the County may cease to provide general staff support. Prior to processing applications for Landmark Designations or Certificates of Appropriateness, the County and the Town shall negotiate billing for contractual services on a case-by-case basis.

3. Structures, sites, and districts within the Town may be nominated and designated as historic landmarks pursuant to the Boulder County Historic Preservation Regulations, Article 15 of the Boulder County Land Use Code. Specifically, all sections of the Boulder County Land Use Code addressing the Nomination and Designation of Historic Landmarks (§15-500), the Criteria for Landmark Designation (§15-50~~X~~), Certificate of Appropriateness for Historic Landmarks (§15-600), Hardship Relief (§15-700), and Appeals (§15-800) (collectively, the "Historic Preservation Regulations") are incorporated herein by reference and shall apply within the Town under the terms of this Agreement. The County shall inform the Town of any proposed changes or amendment to the Historic Preservation Regulations. The Town shall establish a Nederland Historic Preservation Subcommittee ("Subcommittee"). The purpose of the Subcommittee includes, but is not limited to, the nomination of properties within the Town for local historic landmark designation. The Subcommittee shall report to the Nederland Board of Trustees through a process to be determined by the Town.

RKS

4. Prior to a public hearing of the Boulder County Historic Preservation Advisory Board ("HPAB") considering the designation of a structure, site, or district within the Town, the Town shall review and make a recommendation that the designation of the local historic landmark be approved, conditionally approved or denied by the HPAB. The County shall not accept applications that are not supported by the Town.

5. The County has the authority to deny an application supported by the Town if the Board of County Commissioners finds that the nominated structure, site, or district does not meet the requirements of the Historic Preservations Regulations. The County has the authority to approve an application with conditions

different from those recommended by the Town, pursuant to the Historic Preservation Regulations. If the Board approves an application with different conditions, however, the Town shall either ratify its approval of the conditions approved by the County, or withdraw its recommendation for designation. If the Town withdraws its recommendation for designation, then the approval by the County shall be rescinded.

6. During the local designation process, the County, the Town, and the owner of the nominated property shall formulate a recommendation for specific standards and guidelines addressing the alteration of an approved Boulder County Historic Landmark. The specific standards and guidelines adopted from these recommendations, as well as the "Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation," Federal Register, Volume 48, No. 190, September 29, 1983, shall be the basis of decisions by the HPAB when considering applications for Certificates of Appropriateness.

7. Prior to public hearing of the Boulder County HPAB considering a Certificate of Appropriateness for the alteration of a Boulder County Historic Landmark within the Town, the Town shall review and make a recommendation that the HPAB approve, conditionally approve, or deny the Certificate of Appropriateness. The County shall not approve a Certificate of Appropriateness for any proposal within the Town that does not meet applicable zoning and building code regulations within the Town, or that is not supported by the Town.

8. Termination of this Agreement may be initiated by either the County or the Town. However, the terminating party must give 60 days written notice to the Chair of the Board of County Commissioners or to the Mayor, as the case may be, prior to finalizing termination. This Agreement shall terminate automatically upon the Town's obtaining CLG status.

9. Upon termination of this Agreement, any structures, sites, or districts landmarked under this Agreement shall convert to Nederland Historic Landmarks and shall be administered by the Town unless the Town has not obtained CLG status or passed its own historic preservations regulations. If the Town has not obtained CLG status or passed its own regulations, the landmark designation of any structure, site or district located in the Town shall be automatically rescinded upon termination of this Agreement.

BOULDER COUNTY

ATTEST:

Marian M. Schraft

By: Ronald K. Stewart

Clerk to the Board

TOWN OF NEDERLAND

ATTEST:

Town Clerk



By:



Silvia N. Iorio, Mayor

