



**FIRST AMENDMENT TO
LYONS PLANNING AREA
COMPREHENSIVE DEVELOPMENT PLAN
INTERGOVERNMENTAL AGREEMENT**

**THIS FIRST AMENDMENT TO LYONS PLANNING AREA
COMPREHENSIVE DEVELOPMENT PLAN INTERGOVERNMENTAL
AGREEMENT** ("First Amendment") by and between the Town of Lyons, a Colorado statutory municipal corporation ("Lyons" or "Town of Lyons"), and the County of Boulder, a body politic and corporate of the State of Colorado ("County" or "Boulder County") is made to be effective on the Effective Date as defined on the signature page of this First Amendment. The Town and the County are collectively referred to in this First Amendment as the "Parties."

WITNESSETH

WHEREAS, § 29-20-101 *et seq.*, C.R.S. as amended, authorizes 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 (i.e., town and county) governments to cooperate and contract with each other for the purposes 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 character of Lyons and of the rural area within Boulder County outside the Lyons Planning Area (hereinafter the "LPA") are preserved, the Parties entered into the Lyons Planning Area Comprehensive Development Plan Intergovernmental Agreement (hereinafter the "Original Agreement") effective December 10, 2002, adopting a comprehensive development plan which, *inter alia*, recognizes the area of potential urbanization within the LPA which would not be interrupted by Boulder County open space, accompanied by a commitment by Lyons for the preservation of the rural character of lands surrounding the LPA within Boulder County, is in the best interest of the citizens of each of the Parties; and

WHEREAS, at the hearing of the Board of County Commissioners held on December 10, 2002, to consider adoption of the Original Agreement, representatives of the Town and the owners of the Stone Mountain Lodge property (hereinafter the "Property") suggested that the Property should be considered for inclusion in the designated Lyons Planning Area in the Original Agreement; and

WHEREAS, the Parties desire to accommodate this requests as set forth in this First Amendment; and

WHEREAS, the Board of County Commissioners of the County held a noticed public hearing on December 9, 2004, and continued on January 4, 2005, to consider the amendment of the Original Agreement in order to permit the Property to be annexed, at the discretion of the Town, and to be developed in accordance with the Town's regulations, subject to the terms and conditions set forth herein.

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

1.0 STONE MOUNTAIN LODGE PROPERTY.

The portion of the Stone Mountain Lodge property, as described on Exhibit B, attached and incorporated by reference, which lies below the 5,600 elevation line as depicted on the United States Geological Survey Map of the area, shall be included in the designated Lyons Planning Area as shown on the Map Exhibit A attached and incorporated by reference. The remainder of the Property shall be within the Plan Area boundary of the Original Agreement, but not within the designated Lyons Planning Area. Boulder County shall continue to recognize the entirety of the property, both within and without the Lyons Planning Area, as one parcel, so that the principal use of such parcel, as is currently permitted as legally nonconforming in the unincorporated County, or as may be permitted by the Town of Lyons upon annexation and development in accordance with this First Amendment, shall be located solely upon the portion of the property designated within the Lyons Planning Area. If the area within the Lyons Planning Area should be annexed into the Town of Lyons during the term of this First Amendment, the Town may treat the area within the Lyons Planning Area as the entirety of the parcel for purposes of determining compliance with minimum lot size, setbacks, height limitations, and other zoning and land use regulations. The Town of Lyons shall not annex the Property, or any portion of the Property, through a "flagpole" annexation, but rather annexation may only occur on a parcel-by-parcel basis, i.e. through 1/6th contiguity with the then-existing Town limits on an adjacent parcel of private property.

All of the provisions of this First Amendment shall survive any annexation and remain applicable to the Property.

2.0 AMENDED MAP.

The Map for the Original Agreement is amended and superseded by the Map attached as Exhibit A. The amended map, after adoption of this First Amendment Intergovernmental Agreement, shall be the official map of the Original Agreement and used unless and until further amended as provided in Section 9.0 of the Original Agreement.

3.0 ORIGINAL AGREEMENT AS AMENDED.

The Original Agreement shall continue in full force and effect in accordance with its terms, except as is expressly amended by the terms of this First Amendment.

6.0 COUNTERPART.

This Intergovernmental Agreement may be executed in any number of counterparts, which together shall constitute the agreement of the Parties.



THIS AGREEMENT is made and entered into to be effective on the later of the dates of approval by the Town of Lyons or Boulder County (the "Effective Date").

**TOWN OF LYONS:
BOARD OF TRUSTEES**

By: [Signature]
Mayor or Mayor Pro Tem

Date: February 7, 2005

ATTEST:

Debra K. Babler, cme
Town Clerk

APPROVED AS TO FORM:
[Signature]
Town Attorney

**COUNTY OF BOULDER:
BOARD OF COUNTY COMMISSIONERS**

By: [Signature]
Chair

Date: January 6th, 2005

ATTEST:

[Signature]
Clerk to the Board
Deputy

APPROVED AS TO FORM:

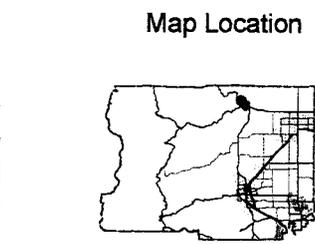
[Signature]
County Attorney

EXHIBIT A
Docket IGA-04-003
Lyons Planning Area
IGA Amendment
Stone Mountain Lodge Parcel

Legend

USGS 40' Elevation Contours as depicted Boulder County GIS

- 5,600 elevation
- - - 40' minor contours
- 200' major contours
- ▨ Area added to Lyons Planning Area

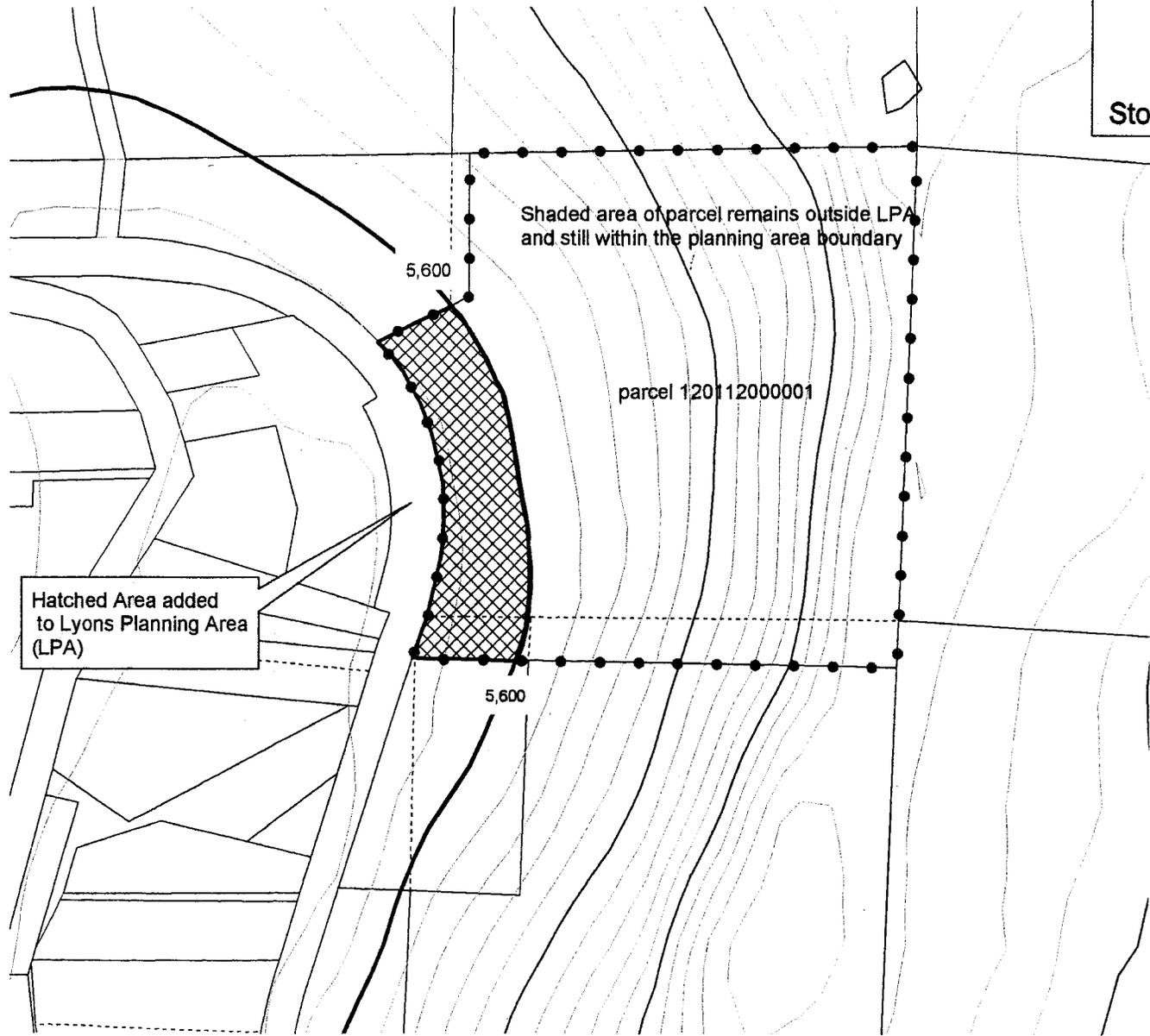
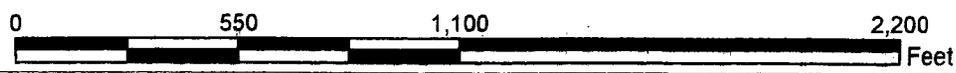


January 4, 2005



This map is for illustrative purposes only, and is not suitable for parcel-specific decision making. The areas depicted here are approximate. More site-specific studies may be required to draw accurate conclusions.

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Hatched Area added to Lyons Planning Area (LPA)

Boulder County Clerk, CO RHEND AGREE R 0.00

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D 0.00



PARCEL A:

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 71 WEST OF THE 6TH PRINCIPAL MERIDIAN, BOULDER COUNTY, COLORADO SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 12 FROM WHENCE THE EAST QUARTER CORNER OF SAID SECTION BEARS SOUTH 4 DEGREES 04 MINUTES 44 SECONDS WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE SOUTH 4 DEGREES 04 MINUTES 44 SECONDS WEST, 1489.63 FEET ALONG THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 88 DEGREES 09 MINUTES 39 SECONDS WEST 1325.47 FEET TO A POINT ON THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE NORTH 3 DEGREES 17 MINUTES 04 SECONDS EAST, 113.78 FEET ALONG SAID WEST LINE TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF COLORADO STATE HIGHWAY NO. 36, SAID POINT BEING EASTERLY AND AT A RIGHT ANGLE FROM ENGINEERS CENTERLINE STATION 114 + 33.96; THENCE 178.63 FEET, MORE OR LESS, ALONG THE ARC OF A CURVE TO THE LEFT ALSO AT RIGHT ANGLES AND 50.00 FEET EASTERLY FROM THE CENTERLINE OF SAID HIGHWAY NO. 36 (SAID CENTERLINE BEING DEFINED BY A SPIRAL CURVE HAVING A DELTA EQUAL TO 9 DEGREES 22 MINUTES 30 SECONDS, RATE OF CHANGE EQUAL TO 3 DEGREES 07 MINUTES 27 SECONDS, AND TOTAL LENGTH OF 250 FEET) SAID ARC BEING SUBTENDED BY A CHORD BEARING NORTH 14 DEGREES 53 MINUTES 25 SECONDS EAST, 178.53 FEET; THENCE CONTINUING ALONG THE EASTERLY RIGHT OF WAY OF SAID HIGHWAY, 673.10 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID ARC BEING SUBTENDED BY A CHORD BEARING NORTH 13 DEGREES 44 MINUTES 13 SECONDS EAST 654.08 FEET; THENCE LEAVING SAID RIGHT OF WAY NORTH 64 DEGREES 28 MINUTES 06 SECONDS EAST 237.39 FEET; THENCE NORTH 3 DEGREES 17 MINUTES 04 SECONDS EAST 450.41 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 12; THENCE ALONG SAID NORTH LINE SOUTH 88 DEGREES 39 MINUTES 49 SECONDS EAST, 1294.01 FEET TO THE POINT OF BEGINNING.

PARCEL B:

A TRIANGULAR SHAPED PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 71 WEST OF THE 6TH PRINCIPAL MERIDIAN, LYING NORTH AND EAST OF THE EASTERLY RIGHT OF WAY LINE OF COLORADO HIGHWAY 36 AND WEST OF THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12 FROM WHENCE THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER BEARS NORTH 3 DEGREES 17 MINUTES 04 SECONDS EAST, 477.48 FEET AND WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE SOUTH 3 DEGREES 17 MINUTES 04 SECONDS EAST, 360.12 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF COLORADO HIGHWAY 36; THENCE 317.56 FEET ALONG THE ARC OF A CURVE TO THE LEFT AND ALONG SAID EASTERLY RIGHT OF WAY LINE, SAID ARC BEING SUBTENDED BY A CHORD BEARING NORTH 26 DEGREES 15 MINUTES 03 SECONDS WEST, 315.55 FEET THENCE NORTH 64 DEGREES 28 MINUTES 06 SECONDS EAST, 177.54 FEET TO THE POINT OF BEGINNING,

COUNTY OF BOULDER, STATE OF COLORADO.