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COUNTY COMMISSIONERS' OFFICE

FEB 21 2009



Boulder County Clerk, CO AMEND AGREE R 0.00

2977448

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02/06/2009 08:49A
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REC'D BY _____

**NORTH METRO FIRE RESCUE DISTRICT AMENDMENT TO SOUTHEAST
BOULDER COUNTY, SOUTH 96TH STREET, DILLON ROAD AND US 287 AREA
COMPREHENSIVE DEVELOPMENT PLAN INTERGOVERNMENTAL AGREEMENT**

This North Metro Fire Rescue District Amendment to Southeast Boulder County, South 96th Street, Dillon Road and US 287 Area Comprehensive Development Plan Intergovernmental Agreement ("Amendment"), by, between and among the City and County of Broomfield ("Broomfield"); the City of Lafayette, a Colorado home rule municipal corporation ("Lafayette"); the City of Louisville, a Colorado home rule municipal corporation ("Louisville") and the County of Boulder, a body corporate and politic of the State of Colorado ("Boulder County"); (collectively the "Parties") is made to be effective on the 9th day of December, 2008

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 to minimize the negative impacts of development on the surrounding areas and protect the environment, and it 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 Southeast Boulder County, South 96th Street, Dillon Road and US 287 Area Comprehensive Development Plan Intergovernmental Agreement, as previously amended (the "Plan" or "IGA") 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, the North Metro Fire Rescue District ("North Metro") is a special district organized and existing under § 32-1-101, et seq., C.R.S., as amended; and

WHEREAS, the Northwest Parkway Public Highway Authority and North Metro are subdividing an 8.512-acre parcel of property identified in the Plan as a portion of the "Gateway City Open Space Area" of parcel number 157521000018; and

WHEREAS, North Metro desires to construct a fire station on one of the lots created by the subdivision of such portion of the Gateway City Open Space Area for the purpose of providing fire, emergency rescue, emergency medical, and emergency hazardous materials services to persons using the Northwest Parkway, the Flatirons Crossing Mall, nearby residential and commercial properties, and portions of open space and other property that is the subject of the Plan to the extent the property is within North Metro's jurisdiction, and to areas outside its jurisdiction on an as-requested basis pursuant to the North Metro's existing Mutual Aid Agreements with other area fire districts; and

WHEREAS, under the terms of the Plan, Gateway City Open Space Area is designated as follows: "A parcel numbered 157521000018 (36.0 acres) on the attached map includes a portion designated as "A" (6.14 acres) titled Gateway City Open Space Area. Broomfield hereby agrees to acquire and allow only open space uses or entry feature uses on this parcel and will negotiate in good

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Fire Station Amendment
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faith to this end;" and

WHEREAS, the Plan requires that a regulatory party to the Plan not approve or permit any development or change of use of any parcel in the Plan Area by any means in a manner inconsistent with the Agreement until and unless the Plan has been amended so that the proposed development or use of such parcel is consistent with the Plan; and

WHEREAS, a change in the land use designation of the portion of the Gateway City Open Space Area proposed for a fire station will reduce the desired buffer effect of the designated parcel and the Northwest Parkway Public Highway Authority and North Metro have agreed to mitigate the impact of such change through the conservation of the portion of the Gateway City Open Space Area not used for fire station use and through the establishment of a funding mechanism to finance the acquisition of additional open space, acquired in fee or by perpetual conservation easement, in the vicinity of the Plan area; and

WHEREAS, the Parties have determined that it is in the best interests of the citizens of their respective jurisdictions to amend the IGA to permit consideration of an application by North Metro for the construction of a fire station, and to permit approval of such request if the City Council of Broomfield, after completing the processing of the application and holding the requisite public hearings and in the exercise of its decision-making authority, finds that the application meets the standards of the Broomfield Code and this Amendment, understanding that approval of this Amendment is not a determination by any Party that the application meets such standards; and

WHEREAS, the Parties have held public meetings or 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, the Parties agree as follows:

1. The Exhibit A (Map Portion) of the IGA is amended to delete the "Gateway City Open Space Area" designation shown for that 8.512-acre portion of Parcel Number 157521000018 that is identified on Exhibit 1.

2. Section 4.15 of Exhibit A (Text Portion) of the IGA is amended to read as follows:

4.15 A parcel numbered Number 157521000018 (36.0 acres) on the attached map is currently annexed to Broomfield. Upon approval by Broomfield in accordance with the applicable provisions of its Code, a 2.852-acre portion of a 5-acre portion of the parcel, identified on Exhibit 1, may be used by North Metro Fire Rescue District for the construction and operation of a fire station, subject to the following: (a) within thirty days after this Amendment is adopted by the Parties, North Metro dismisses all claims against the Parties and signs an agreement releasing



Fire Station Amendment

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all present and future claims it may have against the Parties arising from the Plan; (b) the station shall be constructed (and shall not be expanded while the Plan remains in effect) substantially in accordance with the color rendering and design guidelines attached as Exhibit 2 to this Amendment, including the portion of the design guidelines that show the approximate access to and from the station on the old alignment of 96th Street, hereafter referred to as "Disc Drive" and South 96th Street, and the parties to this agreement agree to grant reasonable access at such approximate locations provided that North Metro obtains a permit from the City of Louisville for access to that portion of Disc Drive that is within the City of Louisville and North Metro coordinates and mitigates construction impacts to the street and utilities as required by that permit, provides final drainage reports, does not object in the event the City of Louisville acts to vacate the unused portion of Disc Drive, and assumes responsibility for emergency snow removal if necessary to access the site from Disc Drive; (c) prior to a Certificate of Occupancy (CO) being issued for the fire station, North Metro shall pay into an open space land acquisition fund the amount of \$70,000. The \$70,000 amount shall be paid to Boulder County and deposited into a Boulder County and Broomfield jointly managed fund and be used solely for the acquisition of additional open space, acquired in fee or by perpetual conservation easement, in the Plan area or in the vicinity of the Plan area; and (d) within sixty days after this Amendment is adopted by the Parties, there shall be dedicated by the owner(s) thereof an undivided interest in one or more conservation easements to Boulder County, Louisville and Broomfield for that 5.660-acre portion of the parcel identified as "conservation easement area" in Exhibit 1 to this Amendment. That 4.34-acre parcel north of South 96th Street and west of the Northwest Parkway, identified on Exhibit 1, shall remain Gateway City Open Space Area to be used solely for open space or entry feature uses. No portions of the 8.512-acre parcel lying west of the Northwest Parkway shall be used for gateway signage by any Party.

3. This Amendment shall be recorded with the County Clerk and Recorder of Boulder County and the County Clerk and Recorder of the City and County of Broomfield. The provisions of this Amendment shall be covenants running with the land and shall be binding upon all persons or entities having an interest in the lands described in and subject to this Amendment.

4. The other terms and conditions of the IGA shall remain in force and effect.

IN WITNESS WHEREOF, the Parties have executed this Amendment to be effective as of the date first set forth above.

CITY AND COUNTY OF BROOMFIELD

593980-3



Fire Station Amendment
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CITY AND COUNTY OF BROOMFIELD

By: [Signature]
Mayor

January 9, 2009
Date



ATTEST:
By: Licia Regenes
Deputy City Clerk

APPROVED AS TO FORM:
[Signature]
William A. Tuthill III
City and County Attorney

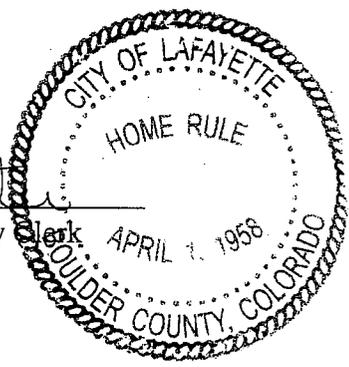
CITY OF LAFAYETTE

By: [Signature]
Christine L. Cameron, Mayor

December 9, 2008
Date

ATTEST:

By: [Signature]
Susan Koster, City Clerk



APPROVED AS TO FORM:
[Signature]
David S. Williamson
City Attorney

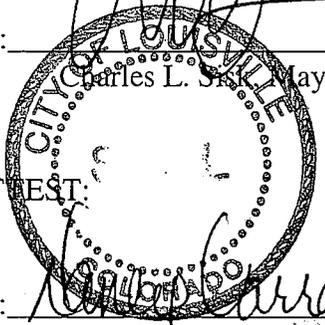
CITY OF LOUISVILLE

By: [Signature]
Charles L. Skiff, Mayor

1-24-09
Date

ATTEST:

By: [Signature]
City Clerk



APPROVED AS TO FORM:
[Signature]
Samuel J. Light
City Attorney



Fire Station Amendment

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COUNTY OF BOULDER
BY: BOARD OF COUNTY COMMISSIONERS

By: Ben Pearlman
Ben Pearlman, Chair

12/16/08
Date

By: Cindy Domenico
Cindy Domenico, Commissioner

12/16/08
Date

By: Will Toor
Will Toor, Vice Chair

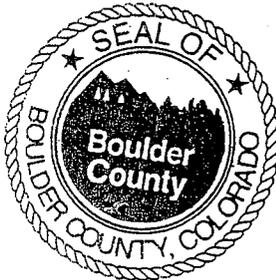
12/16/08
Date

ATTEST:

By: White Ryder
Clerk to the Board

APPROVED AS TO FORM:

H. Lawrence Hoyt
H. Lawrence Hoyt
County Attorney





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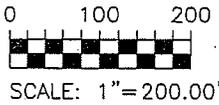
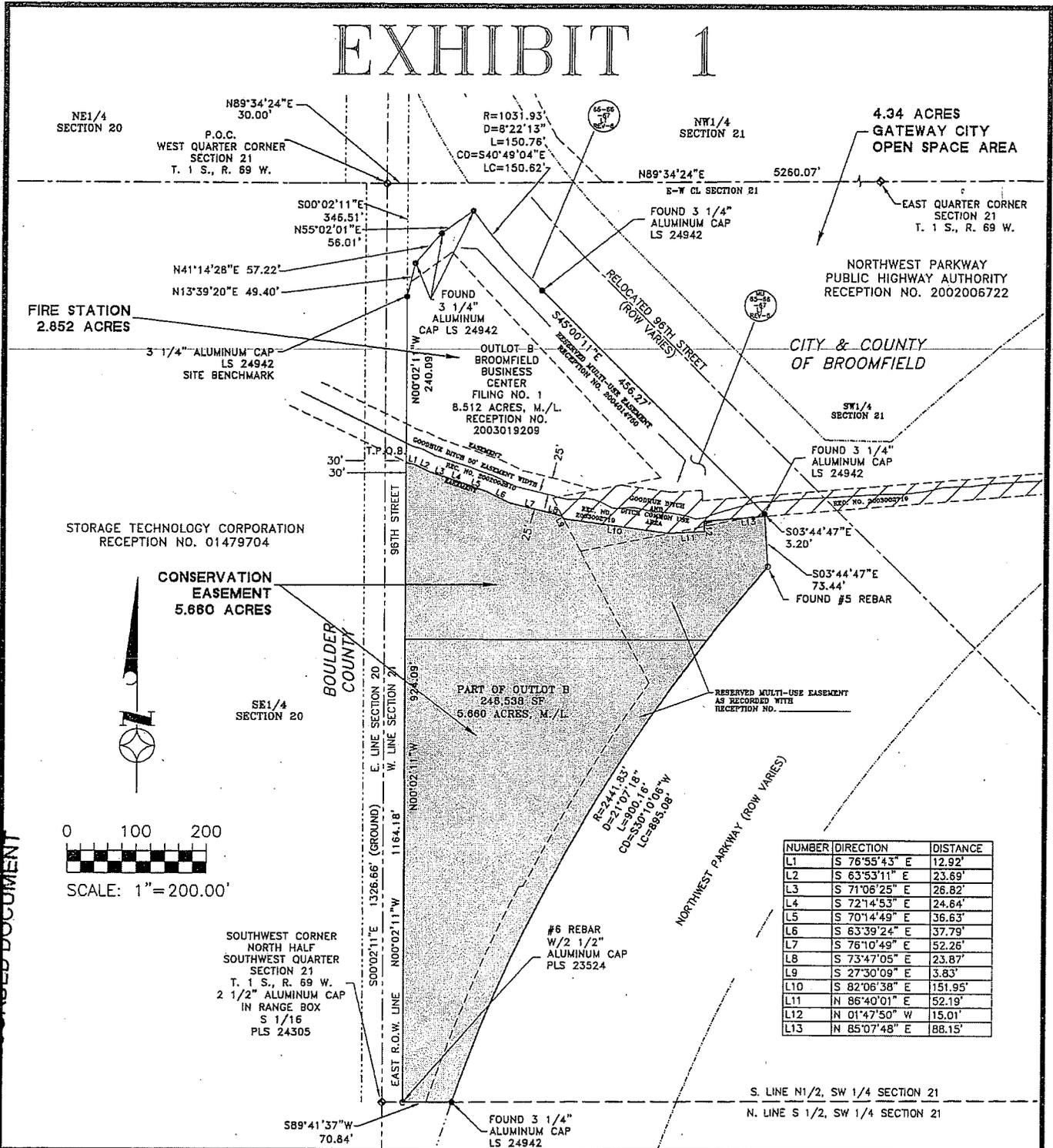
Boulder County Clerk, CO AMEND AGREE R 0.00

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EXHIBIT 1
DESCRIPTION/DEPICTION OF AFFECTED PARCELS



EXHIBIT 1



NUMBER	DIRECTION	DISTANCE
L1	S 76°55'43" E	12.92'
L2	S 63°53'11" E	23.69'
L3	S 71°06'25" E	26.82'
L4	S 72°14'53" E	24.64'
L5	S 70°14'49" E	36.63'
L6	S 63°39'24" E	37.79'
L7	S 76°10'49" E	52.26'
L8	S 73°47'05" E	23.87'
L9	S 27°30'09" E	3.83'
L10	S 82°06'38" E	151.95'
L11	N 86°40'01" E	52.19'
L12	N 01°47'50" W	15.01'
L13	N 85°07'48" E	88.15'

SCANNED AS RECEIVED. IMAGE REFLECTS QUALITY OF RECORDED DOCUMENT

Western States
SURVEYING, Inc.
 12753 SOUTH PARKER ROAD, SUITE 205
 PARKER, CO 80134-3486 (303) 841-7436

NOTE: THIS DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.

OWNER:
NORTH METRO FIRE RESCUE DISTRICT

NORTH METRO FIRE RESCUE DISTRICT STATION #67

CALC: AVV DATE: 10/31/08
 DRWN: AVV COMMIT. NO.
 JOB NO. 20745:001.2
 DWG. NAME: CON. REM. SHEET 3 OF 3

AREA OF PARCELS: 5.660 AC. 246,538 SQ. FT.

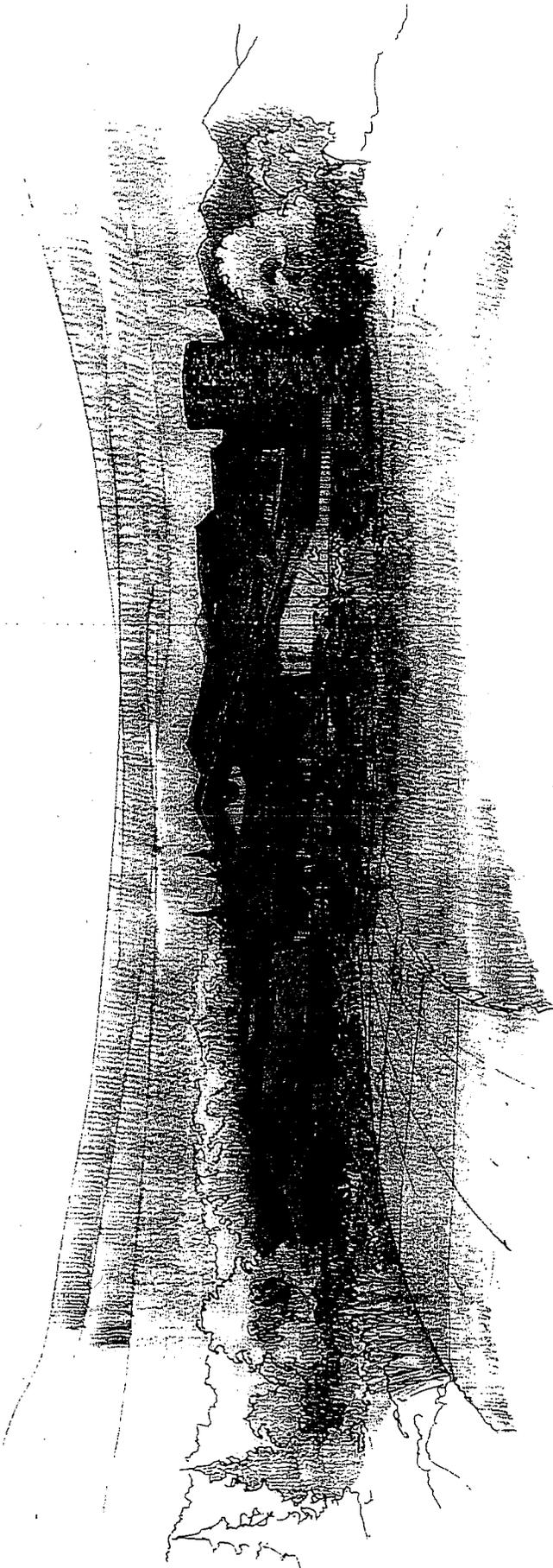


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Boulder County Clerk, CO AMEND AGREE R 0.00

D 0.00



North Metro Fire Rescue District
Station #67

ALLRED&ASSOCIATES
Architecture • Planning • Interior Design

500 Burbank Street, Suite 125 | Broomfield, Colorado, 80020
ph: 303/465-4306 | fax: 303/465-4382 | www.allredch.com

EXHIBIT 2



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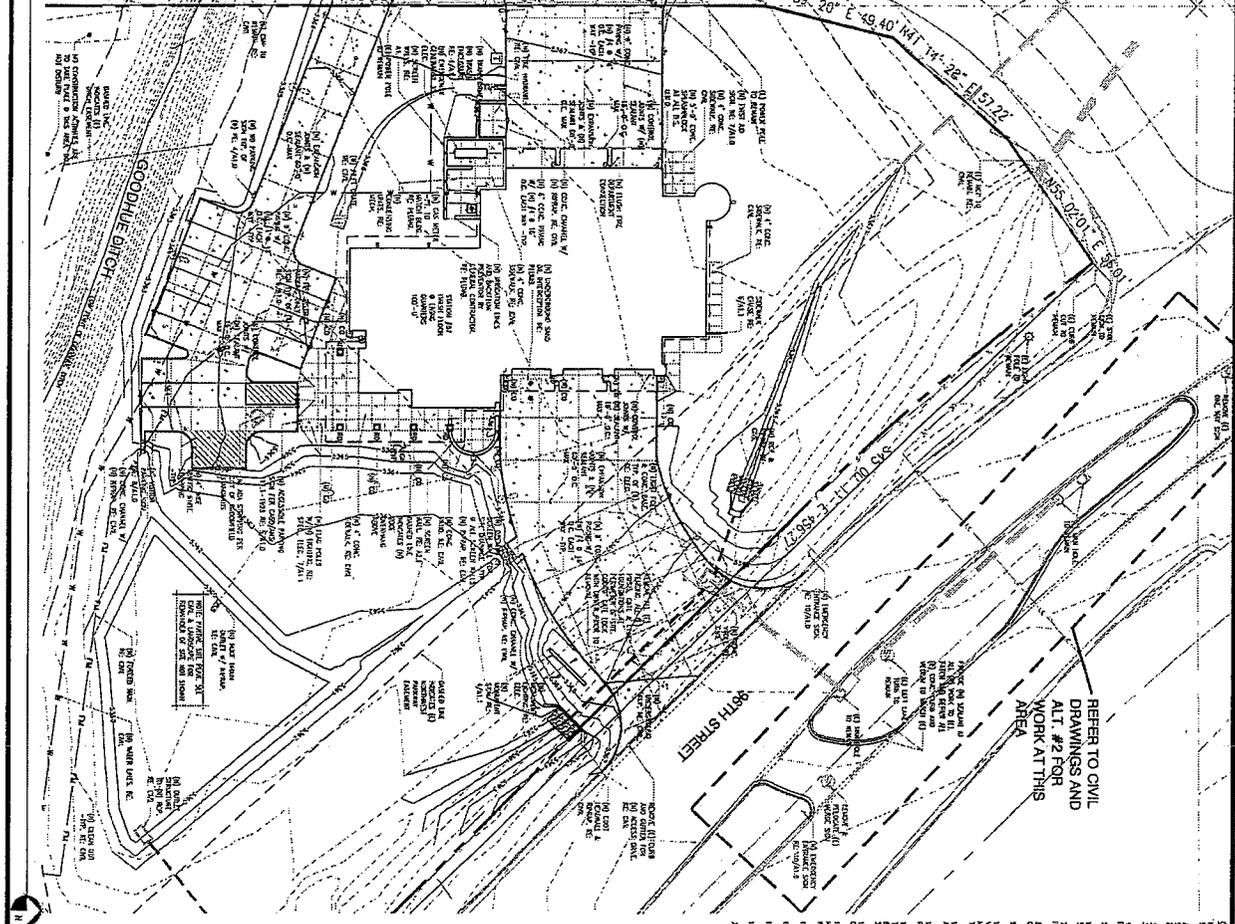
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The architectural design of Station #67 shall conform to the general design as shown on the attached color rendering and the following standards;

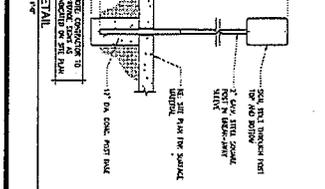
1. The building shall include "360 degree" architecture. All sides of the building are to be treated with the same architectural style, use of materials, and details as the front elevation.
2. The base of the building shall use stone or a similar stone like product to that shown in the attached rendering.
3. The colors of materials shall be similar in appearance to those shown in the attached rendering. In general subdued colors typical of the native grasses, wood, rocks, and soil of the high Colorado plains shall be used. Soft Browns, amber, gold, buffs, terra cottas and taupe are examples of such colors. Accent and trim colors must complement and enhance the primary building color. Bold brash, intense, bright, accent colors are prohibited.
4. All mechanical equipment such as compressors, air conditioners, emergency generators, tanks, and ground communications equipment shall be screened (by wall or landscaping) to maximum extent possible with out degrading the operation of the equipment and/or painted to match the building/roof as appropriate.



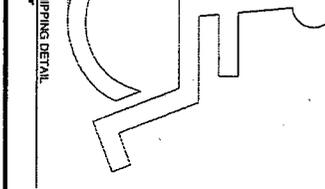
1 ARCHITECTURAL SITE PLAN
SCALE: 1"=20'



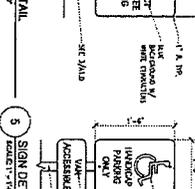
2 ADA STRIPING DETAIL
SCALE: 1"=10'



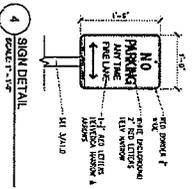
3 POLE DETAIL
SCALE: 1"=10'



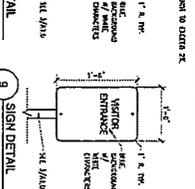
4 SIGN DETAIL
SCALE: 1"=10'



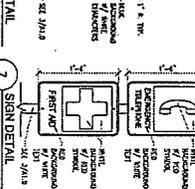
5 SIGN DETAIL
SCALE: 1"=10'



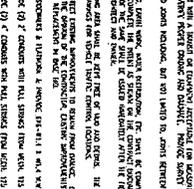
6 SIGN DETAIL
SCALE: 1"=10'



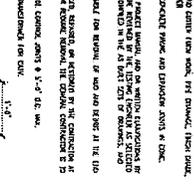
7 SIGN DETAIL
SCALE: 1"=10'



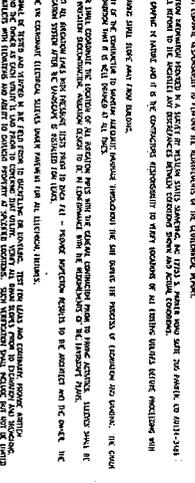
8 SIGN DETAIL
SCALE: 1"=10'



9 SIGN DETAIL
SCALE: 1"=10'



10 SIGN DETAIL
SCALE: 1"=10'



GENERAL NOTES:
1. REFER TO ALL DRAWINGS FOR DIMENSIONS, MATERIALS, FINISHES, AND OTHER NOTES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.
5. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES.
6. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT STREETS.
7. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT ALLEYS.
8. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT DRIVEWAYS.
9. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT SIDEWALKS.
10. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT PARKING AREAS.

SITE PLAN - FOR INFO ONLY

AI.0

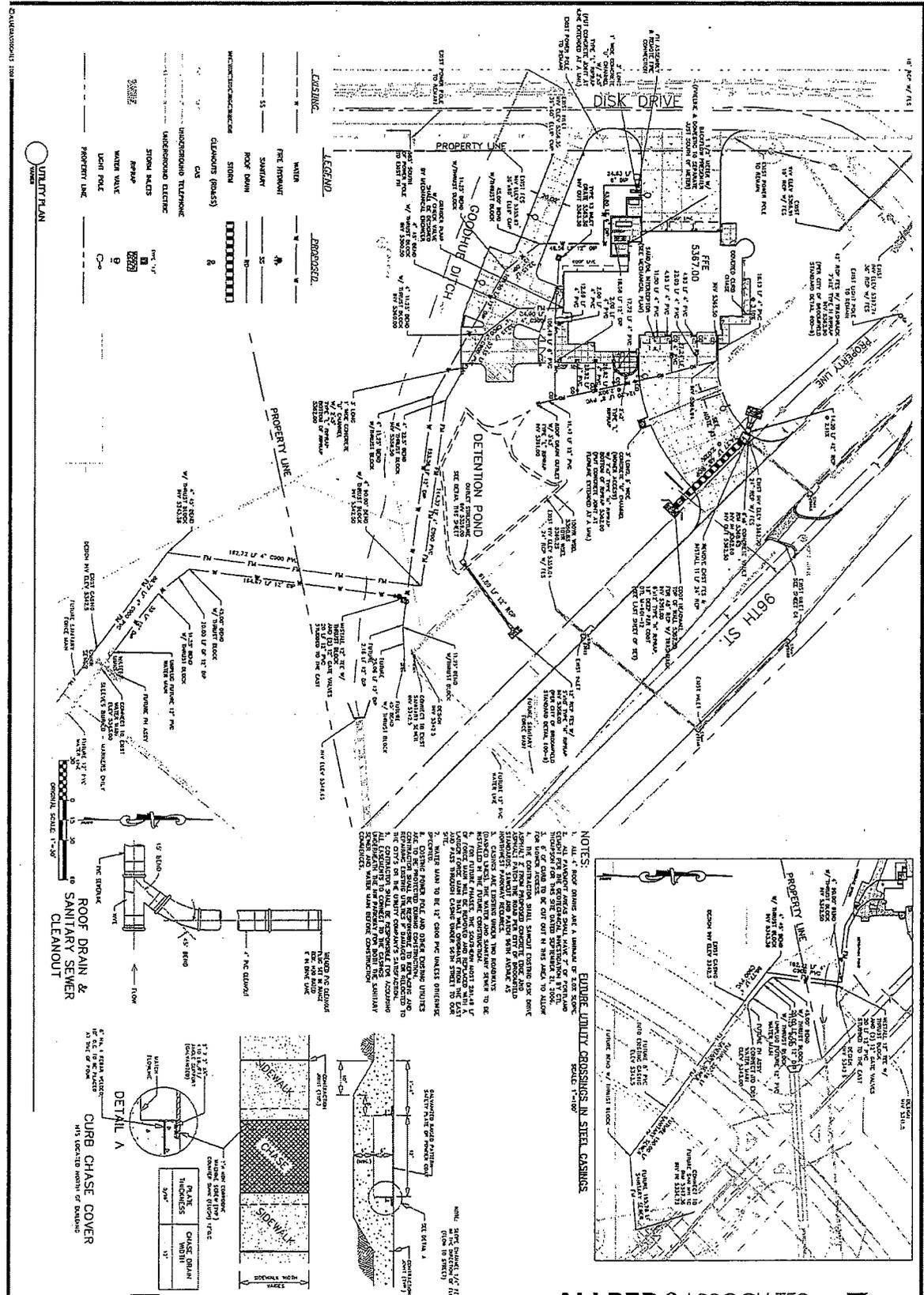
NMFRD Station #67 at Varra Park

ALLRED & ASSOCIATES

ARCHITECTURE • PLANNING • INTERIOR DESIGN

CONSTRUCTION SET - JOB NO. 0626

SCALE: 1"=20'0" REVISIONS: Δ Δ Δ Δ



C2

NMFRD Station #67 at Varra Park

ALLRED & ASSOCIATES

ARCHITECTURE • PLANNING • INTERIOR DESIGN

CONSTRUCTION SET • JOB NO. 0626

SCALE: REVISIONS: