

**AMENDMENT TO INTERGOVERNMENTAL AGREEMENT FOR
U.S. 36 CORRIDOR COMPREHENSIVE DEVELOPMENT PLAN TO ALLOW CITY
OF LOUISVILLE TO PROVIDE WATER SERVICE TO PUBLIC SERVICE COMPANY
OF COLORADO'S FOOTHILLS GAS COMPRESSOR STATION APPROVED IN
BOULDER COUNTY LAND USE DOCKET #SI-06-001**

This Amendment ("Amendment") to the Intergovernmental Agreement governing the U.S. 36 Corridor Comprehensive Development Plan dated June 20, 2000, by, between and among the City of Boulder, a Colorado home rule city ("Boulder"), the City of Louisville, a Colorado statutory 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 _____ day of _____ 2006.

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, effective June 20, 2000, the Parties entered into an Intergovernmental Agreement governing the U.S. 36 Corridor Comprehensive Development Plan ("the IGA"), whose purposes are to ensure that the unique and individual character of Boulder, Louisville, and Superior, respectively, are preserved, and to recognize the annexed areas and development approved by each community accompanied by binding commitments for the preservation of the rural character of surrounding lands identified within the Plan Area under the IGA; and

WHEREAS, the parcels designated in the IGA's Plan Area as Rural Preservation lands, are intended to remain within the unincorporated area of Boulder County, subject to the governing land use regulations of the County to preserve their rural character, so that these lands may continue to serve as defining buffer areas between the jurisdictions of the Municipal Parties; and

WHEREAS, to this end, the IGA's Rural Preservation lands do not currently have municipal utility services, and may not be annexed by a Municipal Party without an amendment to the IGA; and

WHEREAS, the Boulder Countywide Coordinated Comprehensive Development Plan Intergovernmental Agreement, entered into between the Parties and other municipalities within Boulder County effective October 16, 2003 ("the Super IGA"), affirmatively prohibits the party municipalities from providing water service to Rural Preservation lands unless the Super IGA or the underlying IGA so provides; and

WHEREAS, the Super IGA allows for municipal water service to Rural Preservation lands only for development existing on the Super IGA's effective date; and

WHEREAS, for these reasons, a Municipal Party may not provide water service to Rural Preservation lands designated in the IGA without an amendment to the IGA; and

WHEREAS, in Docket #SI-06-001, as set forth in Resolution 2006-80, adopted on June 15, 2006 ("the Docket Approval"), Boulder County approved an "activities of state interest" permit under Article 8 of the Boulder County Land Use Code, for Public Service Company of Colorado (doing business as Xcel Energy ("Xcel")) to construct a gas compressor station (known as "the Foothills Gas Compressor Station") on property located approximately 0.5 mile south of S. 66th Street and Marshall Drive in Section 23, T1S, R70W, unincorporated Boulder County (the "Foothills Gas Compressor Station Property"); and

WHEREAS, the Foothills Gas Compressor Station will increase the capacity of Xcel's Mountain Southern System by over 50%, to help meet the peak-day natural gas requirements of customers in Boulder, Eagle, Grand, Lake, and Summit Counties, Colorado, over a 10-year planning horizon; and

WHEREAS, the Foothills Gas Compressor Station Property is designated as Rural Preservation land in the IGA; and

WHEREAS, as part of the Docket Approval, Xcel proposed to obtain water service for the Foothills Gas Compressor Station from Louisville, and Louisville agreed to provide this service so long as the Parties agree to an amendment to the IGA for this sole and limited purpose; and

WHEREAS, water service to the Foothills Gas Compressor Station is needed mainly to irrigate and maintain the landscaping which the Docket Approval requires to be installed to screen the facility; and

WHEREAS, the Parties find that Louisville's provision of water service to the Foothills Gas Compressor Station, as contemplated in the Docket Approval, will not lead to urban growth or urban development on the Foothills Gas Compressor Station Property, so long as the water provided is confined to the public utility use allowed in the Docket Approval; and

WHEREAS, the Parties therefore find that the contemplated water service does not contravene the intent of the IGA to ensure the continuation of rural development on Rural Preservation Lands, and can be approved through this Amendment; and

WHEREAS, the Parties acknowledge that they have each held hearings after proper public notice for the purpose of considering entering into this Amendment.

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

1. Louisville may provide water service to the Foothills Gas Compressor Station Property, so long as such service is confined to the Foothills Gas Compressor Station use authorized in the Docket Approval.

2. This Amendment does not authorize any water service by a Municipal Party to Rural Preservation lands designated in the IGA, other than the limited water service for the Foothills Gas Compressor Station Property allowed in Paragraph 1, immediately above.

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

CITY OF BOULDER

By: _____
Mark Ruzzin, Mayor

_____ Date

ATTEST:

APPROVED AS TO FORM:

City Clerk

Ariel Calonne, City Attorney



CITY OF LOUISVILLE

Charles L. Sisk, Mayor

11/8/06
_____ Date

ATTEST:

APPROVED AS TO FORM:

Shirley Carra

City Clerk

Samuel J. Light

Samuel J. Light, City Attorney

TOWN OF SUPERIOR

By: _____
Andrew Muckle, Mayor Date

ATTEST: APPROVED AS TO FORM:

Town Clerk Kendra Carberry, Town Attorney

COUNTY OF BOULDER
BY: BOARD OF COUNTY COMMISSIONERS

By: Ben Pearlman 12/5/06
Ben Pearlman, Chair Date

ATTEST: APPROVED AS TO FORM:

White Ryder Lawrence Hoyt
Clerk to the Board H. Lawrence Hoyt, County Attorney

