

#00768640 06/24/86 10:03 AM REAL ESTATE RECORDS
F1415 CHARLOTTE HOUSTON BOULDER CNTY CO RECORDER

AGREEMENT

THIS AGREEMENT, made this 7th day of February
1980, by and between the City of Boulder, a Colorado Municipal
Corporation, hereinafter referred to as "City", and Scott and
Kathy Swaney, Celeste Berger, Terry W. Mowbray and Colton Realty
Corporation whose addresses are 1790 Sumac Avenue, Boulder,
Colorado 80302, 1800 Sumac Avenue, Boulder, Colorado 80302,
4157 19th Street, Boulder, Colorado 80302 and 325 Canyon Blvd.,
Boulder, Colorado 80301, respectively, hereinafter referred to
as "Applicants"

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WITNESSETH:

RECITALS

WHEREAS, the Applicants are the owners of real property
described in the attached Exhibit A, and by reference made a
part of this Agreement, which real property shall hereinafter
be referred to as the "subject property"; and

WHEREAS, the Applicants are interested in obtaining approval
from the City of a request for the annexation of the subject
property and a zoning designation of ER-E (Estate Residential
Established),

WHEREAS, the City is interested in ensuring that certain
things be accomplished by the Applicant in order to protect the
public health, safety and welfare;

COVENANTS

NOW, THEREFORE, in consideration of the recitals, premises
and covenants herein set forth, and other good and valuable
consideration herein receipted for, the parties agree as follows:

1. The Applicants shall pay to the City the applicable
park acquisition fees for existing residences prior to second
reading before Council of the ordinance annexing the subject
property.

2. Prior to receiving service from the City water utility system the Applicants shall:

(a) Design and construct any water service system in accordance with a water utility and fire protection plan to be submitted and approved by the Director of Utilities as part of a planned unit development and subdivision.

(b) Pay to the City the then-current plant investment fee, service line and meter charges.

(c) Construct all utilities in accordance with the approved plan and have same inspected and approved by the City including the recording of any necessary easements.

(d) File a petition for inclusion in the Municipal Subdistrict of the Northern Colorado Water Conservancy District prior to second reading before Council.

(e) Lots 7, 8, 9 and 10 will reimburse the RE-2 Crestview School District for a water line installation at \$2.18 per front foot.

(f) Prior to second reading, pay applicable front foot charges for other existing water mains.

3. Prior to receiving service from the City sanitary sewer utility system, the Applicants shall:

Pay to the City the then-current plant investment fee and service and installation charges applicable to the service requested, and design and construct a sewer system in accordance with the standards and requirements of the Director of Public Utilities. Prior to the issuance of any building permit on the subject property, the Applicants understand that they may be responsible for extension of the sewer main, in accordance with the City's utility requirement which, presently terminates offsite and in such event shall be required to obtain or dedicate all necessary easements to permit construction of the sewer system upon notice by the City.

4. All proposed development will be under the Planned Unit Development procedures of the Land Use Regulations and prior to any building permit issuance on the site, the property will be subdivided in accordance with the Subdivision Regulations of the City of Boulder.

5. Applicants must agree to comply with the requirements of Council Resolution #115, and in addition, will provide at least 15% of the residential units in the project as low-moderate income housing as defined by the City of Boulder Housing Authority.

6. Applicants agree to pay for one-half of the full cost of street improvements when requested by the City. The City may require adequate financial guarantees for street improvements prior to any development.

7. The Applicants must dedicate, at such time as requested by the City, an easement for Wonderland Creek for flood control purposes. The Applicants are responsible for keeping all structures out of the Wonderland Creek Channel.

8. This Agreement may be recorded in order to put prospective purchasers or other interested parties on notice as to any of the terms contained herein. A release executed by the City Attorney or a member of his staff shall be binding upon the City and release the property from any claim by the City under the terms hereof.

9. If at any time any part hereof has been breached by the Applicants, the City may withhold approval of any or all building permits applied for on the subject property until the breach, or breaches, has, or have been cured.

10. The Agreements and Covenants as set forth herein shall run with the land and shall be binding upon the Applicant, their heirs, successors, representatives and assigns, and all persons who may hereafter acquire an interest in the subject property,

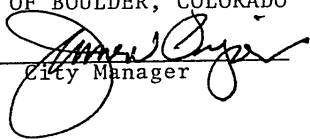
10-4

or any part thereof. If it shall be determined that this Agreement creates an interest in land, that interest shall vest, if at all, within the lives of Gary Kretschmer and the undersigned, plus twenty years and three hundred sixty-four days.

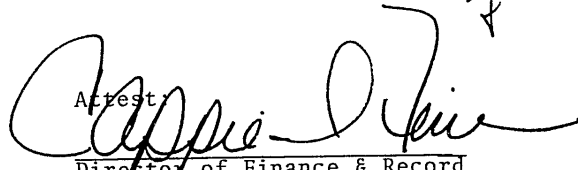
EXECUTED on the day and year first above written.

CITY OF BOULDER, COLORADO

By:


City Manager

Attest



Director of Finance & Record
Ex-officio City Clerk

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State of Colorado
County of Boulder SS.

The foregoing instrument was acknowledged before me this 19th day
of February 1980, by Celeste Berger.

Witness my hand and official seal.



My commission expires 12 9 81

Mary Ann Coleman
Notary Public

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STATE OF COLORADO)
) SS.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this
24 day of May, 1985 by Scott Swaney.

WITNESS my hand and official seal.

My commission expires 10-22-88

Joyce P. Brown
Notary Public

1739 Broadway
Boulder, Colorado 80302



JOYCE P. BROWN, Notary Public
4855 Tanglewood Ct.
Boulder, CO 80301
My Commission Expires April 5, 1987

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Addendum to Annexation Agreement

February 2, 1981

The City of Boulder will recognize all currently platted lots as buildable parcels as indicated in Exhibit A of the Annexation Agreement. All development on said lots must meet the requirements of the Land Use Regulations except that of minimum lot size within the ER-E (Estate Residential-Established) Zone. Any development which necessitates the resubdivision of existing lots will require that those lots conform with the land use regulations applicable at the time of subdivision.

[Signature]
City Manager

Attest:
[Signature]
Director of Finance and Record
Ex-Officio City Clerk

[Signature]
Scott Swaney

[Signature]
Celeste Berger

Kathy Swaney

[Signature]
Terry Mowbray

[Signature]
Ron Greathead

STATE OF COLORADO
) SS.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this 9 day of Feb., 1981, by Scott Swaney, Kathy Swaney, Celeste Berger, Terry Mowbray and Ron Breathead.

WITNESS my hand and official seal.

My commission expires 9-1-84

[Signature]
Notary Public



Addendum to Annexation Agreement

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February 2, 1981

The City of Boulder will recognize all currently platted lots as buildable parcels as indicated in Exhibit A of the Annexation Agreement. All Development on said lots must meet the requirements of the Land Use Regulations except that of minimum lot size within the ER-E (Estate Residential-Established) Zone. Any development which necessitates the resubdivision of existing lots will require that those lots conform with the land use regulations applicable at the time of subdivision.

James W. Dyer
City Manager

Attest:
Cappie J. Quire
Director of Finance and Record
Ex-Officio City Clerk

Scott Swaney

Celeste Berger

Kathy Swaney

Kathy Swaney

Terry Mowbray

Dean E. Apger

Dean E. Apger

Ron Greathead

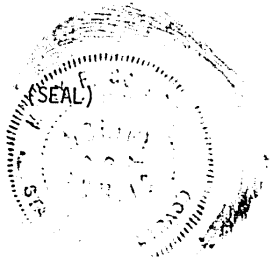
STATE OF COLORADO)
) SS.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this 19th day of February, 1981, by Scott Swaney, Kathy Swaney, Celeste Berger, Terry Mowbray and Ron Greathead.

WITNESS my hand and official seal.
My Commission expires My Commission Expires October 20, 1984

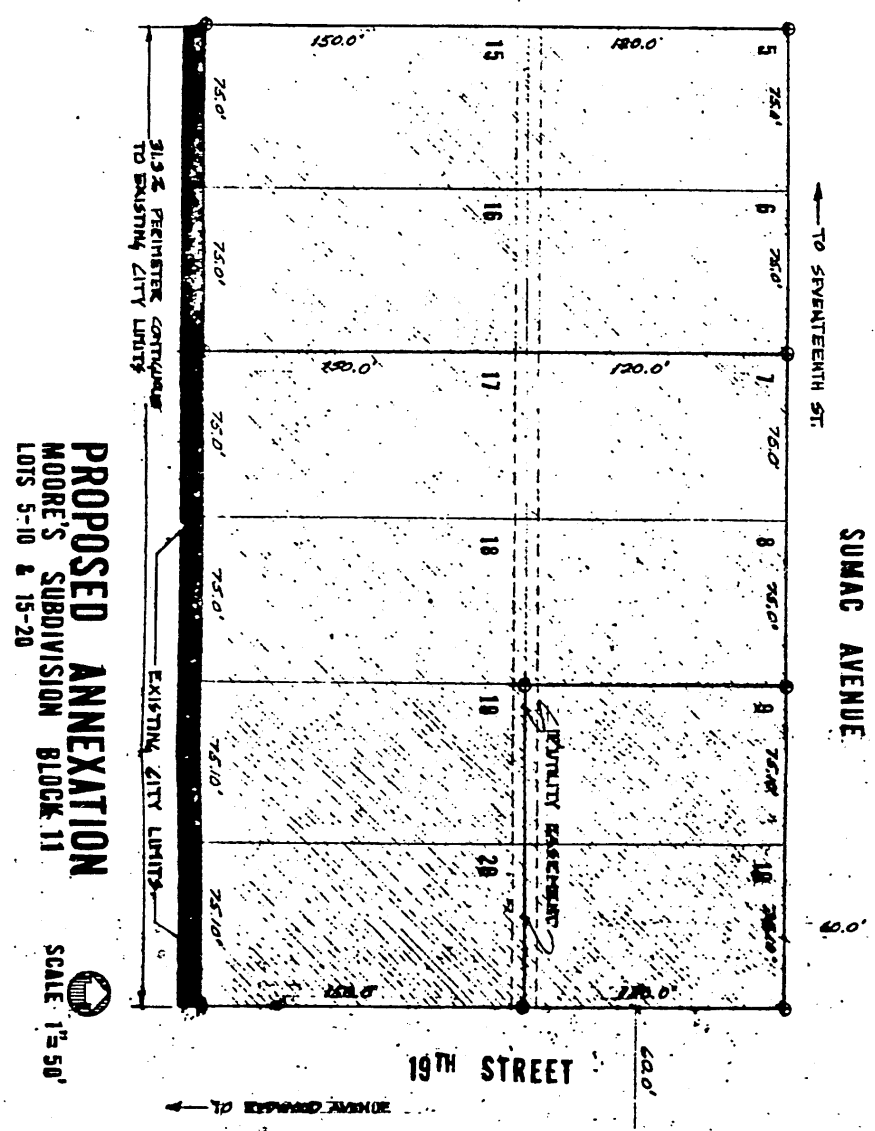
Mary E. Schadt

Notary Public



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"EXHIBIT A"



PROPOSED ANNEXATION
MOORE'S SUBDIVISION BLOCK 11
 LOTS 5-10 & 15-20

SCALE: 1"=50'

LEGAL DESCRIPTION

A TRACT OF LAND IN THE SW 1/4, SECTION 18, T.1 N., RANGE 70 W OF THE 6TH E.M., DESCRIBED AS FOLLOWS: BEGINNING AT THE NW CORNER LOTS 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, & 20 OF BLOCK 11 OF THE MOORE SUBDIVISION PLAT, BK. 5, PL. 94 - BOULDER CO. RECORDS.