MEMORANDUM

TO: Planning Board
FROM: Sloane Walbert, Case Manager
DATE: November 23, 2015
SUBJECT: **Informational Item:**
ORDINANCE amending subsection 9-12-2(b), "Prohibition of Sale Before Plan Approval," B.R.C. 1981 to allow the owner of the property at 2180 Violet Ave. to sell a portion of the unplatted parcel to Habitat for Humanity of Boulder Valley, Inc. for the purposes of developing affordable housing. The subject property is zoned Residential - Medium 2 (RM-2) and Residential - Low 1 (RL-1). Case number LUR2015-00110.

This memorandum constitutes official notice as required by Section 79 of the City of Boulder Charter of any ordinance relating to housing, building codes or zones. No action is required by the Planning Board.

On December 1, 2015, the City Council will be asked to consider an ordinance to amend subsection 9-12-2(b), B.R.C. 1981, which prohibits the sale of any parcel of land that has not been subdivided in accordance with the city's subdivision regulations. The ordinance will enable the property owner (2145 Upland LLC) to sell a portion of the property located at 2180 Violet Ave. to Habitat for Humanity of Boulder Valley, Inc. before January 1, 2016. Refer to **Attachment A** for a survey of the proposed parcel to be purchased. Per Habitat for Humanity's attached written statement (**Attachment C**), if they do not own the property by that time, they will lose eligibility for Community Development Block Grant Disaster Recovery (CDBG-DR) grants for the planned low-income housing development on the property. The proposed ordinance can be found in **Attachment B**.

While this request only involves the allowance to sell a portion of property prior to subdivision in order to meet a federal funding deadline, a subsequent Concept Plan, Site Review, subdivision review with Preliminary and Final Plats and an Annexation Agreement Amendment would be required in order to develop the property as proposed by Habitat for Humanity. The result of the proposed ordinance would only allow for a fee simple portion of the property at 2180 Violet to be sold in order to meet a federal funding deadline.

BACKGROUND

The subject property is located at 2180 Violet Ave. at the southwest corner of 22nd Street and Violet Avenue (refer to Figure 1). The property was annexed into the city in 1997 and is subject to the requirements of the attached annexation agreement (**Attachment D**). As part of annexation, the northern portion of the property was assigned a zoning designation of Residential - Medium 2 (RM-2) and the southern portion of the property was zoned Residential - Low 1 (RL-1).

Figure 1: Vicinity Map

The annexation agreement contains very specific affordable housing requirements for the property including size-restricted units affordable to the first purchaser of the unit. This means that subsequent sales of each property would allow the affordability restrictions to be terminated over time. (As a note, the Restricted Unit Housing Program did not meet the city's affordable housing goals and was discontinued in 2002.) In addition to the required restricted units, the agreement requires the applicant to provide eight permanently affordable units, affordable in perpetuity, to households earning between 60% and 120% of the area median income (AMI), with an average income of 90% of AMI.

The owner also annexed two other properties simultaneously in 1997, located at 2145 Upland Ave. and 1917 Upland Ave., each of which has an annexation agreement including restricted units provisions. The 2145 Upland Ave. agreement's affordable housing requirement is based on the development potential of the property resulting in either one permanently affordable unit for households earning up to 90% of AMI or one size restricted unit initially affordable to households earning up 110% of AMI. The 1917 Upland Ave. agreement requires two units that are permanently affordable to households earning between 60% to 120% of the area median income (AMI), and one size-restricted unit initially affordable to households earning up 110% of AMI. Refer to Figure 2 for a vicinity map and **Attachments E and F** for the annexation agreements.

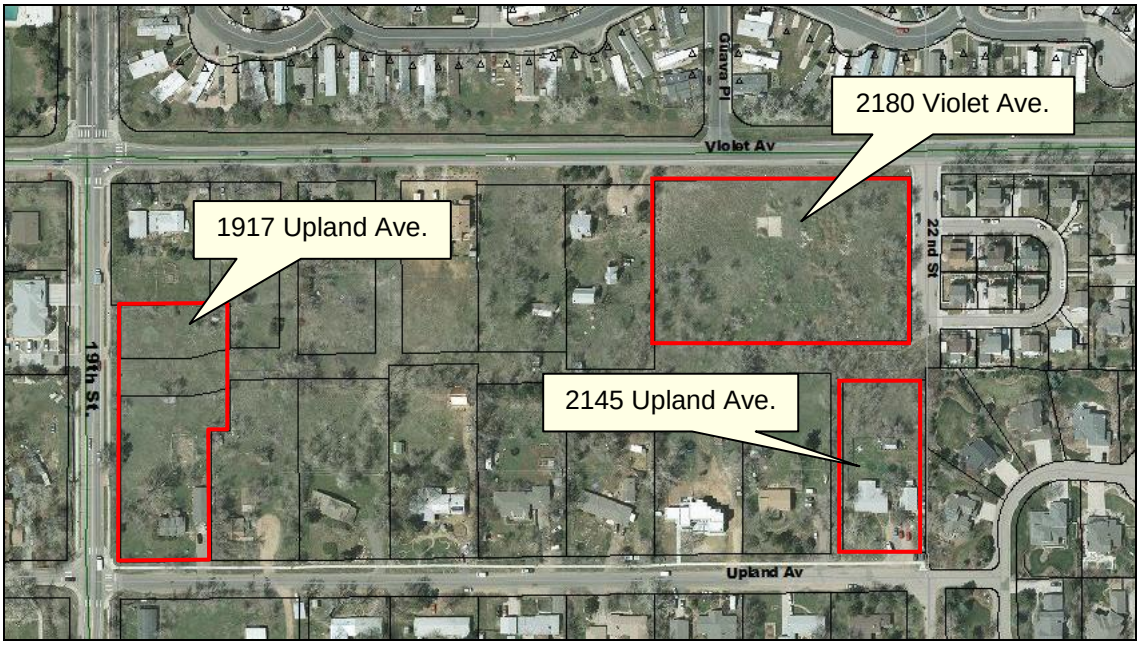

Figure 2: Vicinity Map

ANALYSIS

As indicated in the attached written statement, it is the current property owner's and Habitat for Humanity's ultimate goal to amend the annexation agreements that affect the three properties to transfer all of the affordable housing provisions required by the respective annexation agreements to the property at 2180 Violet Ave., absolving the properties at 2145 Upland Ave. and 1917 Upland Ave. of any future affordable housing requirements or contributions.

More specifically, under the current annexation agreement for 2180 Violet, the owner is required to provide eight permanently affordable units and five restricted units. With this proposal, Habitat will provide 15 permanently affordable for-sale units on the 2180 Violet property. Through the annexation agreement amendment, Habitat for Humanity intends to ask for additional density beyond the underlying zoning on the property to allow 17 units of

permanently affordable units. Any proposed amendments to the annexation agreements will be considered by Planning Board and City Council at that time.

The three annexation agreements require a total of 17 affordable units, 11 permanently affordable units affordable to households with incomes ranging from 60% to 120% of AMI and six restricted units that are only made affordable to the first purchaser; subsequent sales can be made to a market rate buyer and at market rate pricing as noted above. Habitat for Humanity's mission is to provide permanently affordable housing to households earning up to 60% of AMI; in Boulder, the range of incomes for households purchasing homes through Habitat for Humanity is 40% - 60% of AMI. Allowing Habitat to provide the required affordable housing results in a deeper and permanent level of affordable housing. Refer to **Attachment G** for an analysis of the current development potential on the subject properties and proposed affordable housing.

Per Boulder Valley Comprehensive Plan policy 1.24, applications for annexation are required to demonstrate a special opportunity or benefit to the city with emphasis given to the provision of permanently affordable housing. In 1997 when the three properties were annexed, the affordable housing provisions included in the respective annexation agreements were determined to provide such a benefit. However, staff finds that facilitating a proposal that would allow the exploration of a development plan that could result in 15 permanently affordable units represents a much greater permanent housing benefit than what was required in 1997. Community benefit would be fully explored in the context of subsequent review processes. The subject ordinance would only allow for Habitat for Humanity to secure the property and meet their funding deadline.

Questions about the proposed ordinance or decision should be directed to Sloane Walbert at (303) 441-4231 or via email at walberts@bouldercolorado.gov.

ATTACHMENTS

A. Survey of Proposed Parcel (2180 Violet Ave.)
B. Ordinance No. 8095
C. Written Statement
D. Annexation Agreement – 2180 Violet Ave.
E. Annexation Agreement – 2145 Upland Ave.
F. Annexation Agreement – 1917 Upland Ave.
G. Estimated Development Potential

EXHIBIT A

A PORTION OF TRACT 3021A, A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST, OF THE 6TH PRINCIPAL MERIDIAN
CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO DESCRIBED AS:

COMMENCING AT THE NORTHEAST CORNER OF THE SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, AND CONSIDERING THE NORTH LINE OF THE SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18 AS MONUMENTED TO BEAR SOUTH 89°53'00" WEST WITH ALL BEARINGS HEREIN RELATIVE THERETO;

THENCE ALONG THE EAST LINE OF THE SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18 SOUTH 00°03'02" EAST 30.00 FEET (L1) TO THE SOUTH RIGHT-OF-WAY OF VIOLET AVENUE;

THENCE DEPARTING THE SAID EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18 AND ALONG THE SAID SOUTH RIGHT-OF-WAY OF VIOLET AVENUE SOUTH 89°53'00" WEST 24.00 FEET (L2) TO THE WEST RIGHT-OF-WAY OF NORTH 22ND STREET, SAID POINT BEING THE POINT OF BEGINNING;

THENCE DEPARTING THE SAID SOUTH RIGHT-OF-WAY OF VIOLET AVENUE AND ALONG THE SAID WEST RIGHT-OF-WAY OF NORTH 22ND STREET SOUTH 00°03'02" EAST 152.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF VINE ALLEY;

THENCE DEPARTING THE SAID WEST RIGHT-OF-WAY OF NORTH 22ND STREET AND ALONG THE SAID SOUTH RIGHT-OF-WAY OF VINE ALLEY SOUTH 89°53'00" WEST 407.43 FEET TO THE EAST LINE OF TRACT 3021D;

THENCE DEPARTING THE SAID SOUTH RIGHT-OF-WAY OF VINE ALLEY AND ALONG THE SAID EAST LINE OF TRACT 3021D NORTH 00°04'27" EAST 152.00 FEET TO THE SAID SOUTH RIGHT-OF-WAY OF VIOLET AVENUE;

THENCE DEPARTING THE SAID EAST LINE OF TRACT 3021D AND ALONG THE SAID SOUTH RIGHT-OF-WAY OF VIOLET AVENUE NORTH 89°53'00" EAST 407.10 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.4 ACRES, BEING ALSO 61,904.5 FT², MORE OR LESS.

THIS DESCRIPTION WAS PREPARED BY EARL F. HENDERSON, PLS (LICENSE #34993) FOR AND ON BEHALF OF ZENITH LAND SURVEYING, INC. IT IS NOT BASED UPON A MONUMENTED LAND SURVEY BY ZENITH LAND SURVEYING. THIS NOTE IS INCLUDED ACCORDING TO CRS 38-35-106.5. IT IS A LEGAL PART OF THE DESCRIPTION AND SHOULD NOT BE DELETED.

REVISED NOVEMBER 7, 2015
REVISED NOVEMBER 1, 2015
REVISED OCTOBER 24, 2015

COLORADO LICENSED
EARL FLETCHER HENDERSON
34993
11/7/15
PROFESSIONAL LAND SURVEYOR

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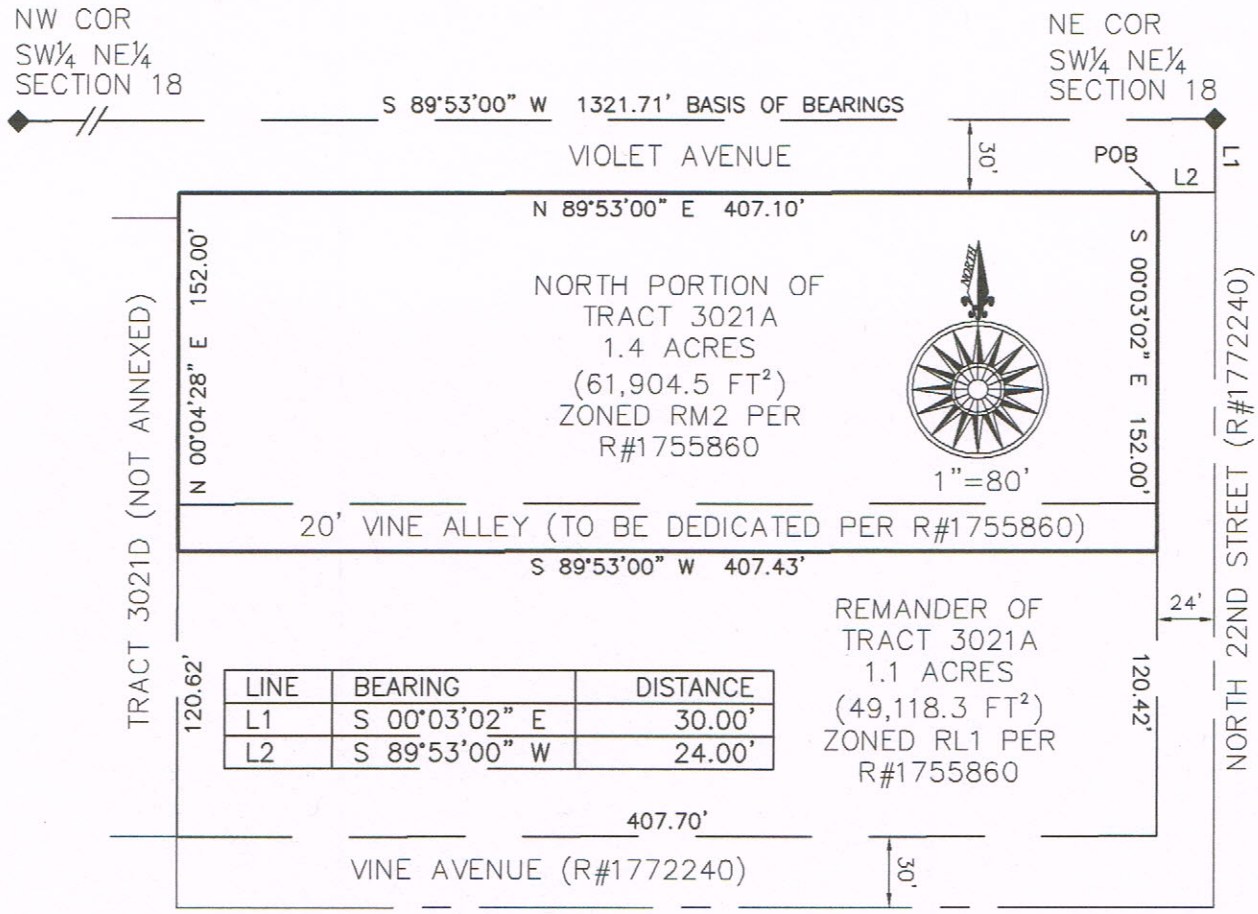
1880 Hawthorn Place
Boulder, Colorado 80304
303-579-2057-Tel.
www.ZenithLS.com

SCALE: 1"=80'	JOB NO. 12009A
DATE: 10/20/2015	PAGE 1 OF 2

EXHIBIT A

A PORTION OF TRACT 3021A, A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST, OF THE 6TH PRINCIPAL MERIDIAN
CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO



LINE	BEARING	DISTANCE
L1	S 00°03'02" E	30.00'
L2	S 89°53'00" W	24.00'

NOTES:

THIS EXHIBIT MAP IS PROVIDED SOLELY FOR THE PURPOSE OF VISUALIZING THE PROPERTY DESCRIPTION ON SHEET 1. IT IS NOT BASED ON A MONUMENTED LAND SURVEY. THIS EXHIBIT MAP IS MEANT FOR VISUALIZATION PURPOSES ONLY AND SHOULD NOT BE USED TO DEFINE ANY EASEMENT OR PROPERTY LINES.

REVISED NOVEMBER 7, 2015
REVISED NOVEMBER 1, 2015
REVISED OCTOBER 26, 2015
REVISED OCTOBER 24, 2015

COLORADO LICENSED
EARL FLETCHER HENDERSON
34993
11/7/15
PROFESSIONAL LAND SURVEYOR

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SCALE: 1"=80'	JOB NO. 12009A
DATE: 10/20/2015	PAGE 2 OF 2

ORDINANCE NO. 8095

AN ORDINANCE AMENDING SUBSECTION 9-12-2(b), B.R.C. 1981, TO ALLOW THE OWNER OF THE PROPERTY GENERALLY LOCATED AT 2180 VIOLET AVENUE TO SELL A PORTION OF AN UNPLATTED, PROPOSED SUBDIVISION TO HABTITAT FOR HUMANITY OF THE BOULDER VALLEY, INC. UNDER CERTAIN CONDITIONS, AND SETTING FORTH RELATED DETAILS.

THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO FINDS:

A. 2145 Upland LLC, a Colorado limited liability company, is the owner (the "Owner") of an approximately 1.2 acre parcel of land (the "Property"), a legal description of the Property is attached hereto as Exhibit A, which constitutes the northern portion of a larger parcel of land generally located at 2180 Violet Avenue (the "Larger Parcel), a legal description of the Larger Parcel is attached hereto as Exhibit B;

B. Habitat for Humanity of Boulder Valley, Inc., a Colorado nonprofit corporation, intends to purchase the Property to build and maintain permanently affordable housing;

C. Habitat for Humanity of Boulder Valley, Inc. must acquire ownership of the Property prior to January 1, 2016 to be eligible for CDBG-DR grants for the planned low-income housing development on the Property.

D. The Property has not yet been subdivided from the Larger Parcel;

E. The subdivision process will require several months to be completed; and

F. Subsection 9-12-2(b), B.R.C 1981, prohibits, among other things, the sale of any portion of a proposed subdivision until a plat thereof has been recorded.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. Subsection 9-12-2(b), B.R.C. 1981, is hereby amended to allow the Owner to sell the Property to Habitat for Humanity of Boulder Valley, Inc. prior to the recording of a plat of a subdivision creating a separate lot for the Property, provided, however, that (1) the Property is not resold, nor is construction commenced thereon, prior to the time of a plat of the subdivision creating a lot for the Property and consistent with the requirements of Chapter 9-12, Subdivision, B.R.C. 1981, has been recorded, and (2) a concept plan review and site review approval shall be completed for the Larger Parcel prior to application for said subdivision consistent with the requirements of Subsection 9-2-14(b), B.R.C. 1981, as those requirements would apply in the absence of this ordinance and a sale of the Property prior to recording of a plat.

Section 2. This ordinance shall be considered an amendment to Chapter 9-12, "Subdivision," B.R.C. 1981. To the extent that this ordinance conflicts with any other ordinance of the city, such ordinance shall be suspended for the limited purpose of implementing this ordinance. Nothing in this ordinance shall be construed as a waiver of the City's police power.

Section 3. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, is consistent with the goals and policies of the Boulder Valley Comprehensive Plan, and covers matters of local concern.

Section 4. The city council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this 17th day of November, 2015.

_____
Mayor

Attest:

_____
City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY this 1st day of December, 2015.

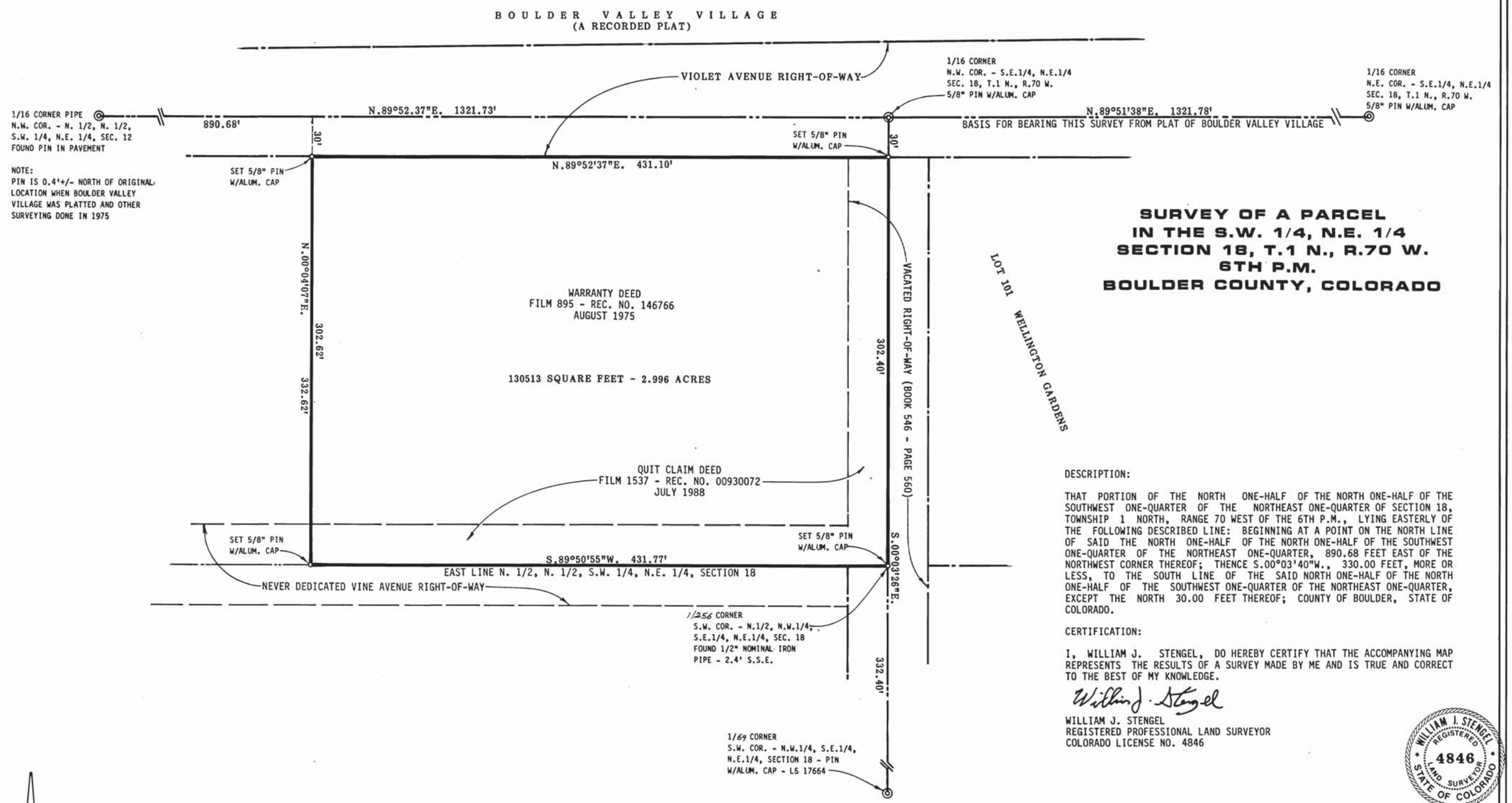
_____
Mayor

Attest:

_____
City Clerk

K:\pldr\o-8095-2nd reading-violet, 2180-2457.docx

LS-88-0020



SURVEY OF A PARCEL
IN THE S.W. 1/4, N.E. 1/4
SECTION 18, T.1 N., R.70 W.
6TH P.M.
BOULDER COUNTY, COLORADO

DESCRIPTION:

THAT PORTION OF THE NORTH ONE-HALF OF THE NORTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT A POINT ON THE NORTH LINE OF SAID THE NORTH ONE-HALF OF THE NORTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER, 890.68 FEET EAST OF THE NORTHWEST CORNER THEREOF; THENCE S.00°03'40"W., 330.00 FEET, MORE OR LESS, TO THE SOUTH LINE OF THE SAID NORTH ONE-HALF OF THE NORTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER, EXCEPT THE NORTH 30.00 FEET THEREOF; COUNTY OF BOULDER, STATE OF COLORADO.

CERTIFICATION:

I, WILLIAM J. STENGEL, DO HEREBY CERTIFY THAT THE ACCOMPANYING MAP REPRESENTS THE RESULTS OF A SURVEY MADE BY ME AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

William J. Stengel

WILLIAM J. STENGEL
REGISTERED PROFESSIONAL LAND SURVEYOR
COLORADO LICENSE NO. 4846

WILLIAM J. STENGEL REGISTERED 4846 LAND SURVEYOR STATE OF COLORADO

N

BOULDER COUNTY
STAFF SURVEYOR'S CERTIFICATE

I CERTIFY THIS SURVEY COMPLIES WITH THE INTENT OF COLORADO REVISED STATUTE 38-51-102 AND HOUSE BILL 1025. THIS REVIEW DOES NOT GUARANTEE SURVEY ACCURACY OR TITLE RESEARCH. SURVEY FILED IN COUNTY LAND USE OFFICE.

Jack Eynon Bowen

SCALE: 1" = 50'

0' 100' 200'

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within six years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

WILLIAM J. STENGEL
LAND SURVEYOR
1049 STEARNS AVENUE • BOULDER, COLORADO
COLORADO REG NO. 4846 | WYOMING REG. NO. 406 | Phone 494-5663

SCALE	DATE	FIELD BOOK	FILE NO.
1" = 50'	AUG. '88	87/48	3/254A

LS-88-0020

Flatirons Habitat for Humanity®

Building homes building stability building community!

October 23, 2015

Sloane Walbert
Planner I, Department of Community Planning and Sustainability
City of Boulder
1739 Broadway, 3rd Floor
P.O. Box 791
Boulder, CO 80306-0791

Dear Sloane,

Thank you so much for your assistance with our effort to take advantage of a unique opportunity to purchase land in north Boulder. The willingness of everyone to meet with us and find a way for us to work toward acquisition of this land is most appreciated.

Flatirons Habitat for Humanity has an opportunity to receive CDBG-DR funds with which to purchase land for new construction. This opportunity, along with Robert Naumann's cooperation, gives us an unexpected chance to acquire land for 14 units of permanently affordable homes for ownership by hard-working families in the 25% - 60% AMI range. This funding opportunity does come with some challenges: we must close by 12/31/2015; the land must be subdivided before closing; the land must pass an environmental review that is currently in process. Given the placement of Vine Alley we are hoping to amend the allowable units in the Annexation Agreement to 17 through that process after closing.

We are aware that we will be required to formally subdivide the property following site review. It is our goal to create a site plan for this property that is sensitive to the neighborhood and is complementary to the plans being developed by Mr. Naumann for the single family homes he will build on the rest of the tract. Both Mr. Naumann and FHFH concur with your request to dedicate Vine Alley during this process. We have made some minor revisions to the drawings to accommodate this request.

We typically build permanently affordable 1,100 square foot homes that include three bedrooms, and one and one half bathrooms. Over the years, Flatirons Habitat has partnered with professional architects to make sure the overall design of our homes coincides with the overall look of the adjacent neighborhoods. Our homes have met or exceeded all building standards. Our community of volunteers provides the vast majority of our construction labor. On average it takes about nine months to complete a home. We have made a commitment to be a leader in building sustainable and energy-efficient affordable homes for hard-working families. We take advantage of Boulder's solar grants to ensure our homes have renewables. As an affiliate, we are interested in programs that will recognize our commitment to quality construction and design. We partner with programs and certifications, such as LEED for Homes, ENERGYSTAR, and Indoor airPLUS.

Our program is "a hand-up, NOT a hand-out." Families, at the time of closing on their home, commit to paying a monthly 0% interest mortgage payment, property taxes, home insurance, and Home Owners Association (HOA) fees. The HOA maintains the standard for the outside appearance of the home. We provide general education to our homeowners about ALL aspects of home ownership, including maintaining a home.

Many thanks

Susan A. Lythgoe, Executive Director

1455 Dixon Ave. Suite 210, Lafayette, CO 80026 | 303.447.3787 | flatironshabitat.org

ATTACHMENT D

Boulder County Clerk, CO AR R 51.00 D 0.00
1755860
Page: 1 of 10
12/16/1997 10:05A

ANNEXATION AGREEMENT

THIS AGREEMENT, made this November 8, 1997, by and between the CITY OF BOULDER, a Colorado home rule city, hereinafter referred to as "City;" and Robert C. Naumann, hereinafter referred to as "Applicant":

WITNESSETH:

RECITALS

WHEREAS, the Applicant is the owner of the real property generally described as 2100 Violet Avenue and more particularly described in Exhibit A, included by reference and hereby made a part of this agreement, which real property shall hereinafter be referred to as the "Subject Property"; and,

WHEREAS, the Applicant is interested in obtaining approval from the City of the annexation of the Subject Property in order to provide adequate urban services to said area, particularly city water and sewer; and

WHEREAS, the parties anticipate that annexation, with an initial zoning designation of Medium Density Residential - Established (MR-E) and Low Density Residential - Established (LR-E) will be consistent with the Boulder Valley Comprehensive Plan; and

WHEREAS, the City is interested in insuring that certain terms and conditions of annexation be met by the Applicant in order to protect the public health, safety and welfare and prevent the placement of an unreasonable burden on the physical, social, economic, or environmental resources of the City.

Unofficial Copy

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COVENANTS

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

1. Prior to the first reading of the annexation ordinance, the Applicant shall:

(a) File an application, and pay the applicable fees, for inclusion in the Boulder Municipal Subdistrict of the Northern Colorado Water Conservancy District;

(b) Pay the applicable water line assessment for the 8" main in Violet Ave of $1,200.00;

(c) Pay the applicable water line assessment for the 12" main in Violet Ave of $1,837.01;

(d) Dedicate to the City of Boulder, in fee and at no cost, the following property for street purposes:

(1) a 30' wide right-of-way for Vine St along the southern line of the Subject Property;

(2) a 20' wide right-of-way for Vine alley thru the approximate center of the Subject Property running east to west;

(3) a 24' wide right-of-way for N. 22nd St. along the eastern line of the Subject Property; and

(4) a 7.5' wide public access easement for a pedestrian and bicycle path;

all in the locations depicted on the Infrastructure Plan for Crestview East, attached hereto as Exhibit B and incorporated herein by reference;

(e) Provide proof of payment of property taxes for the current year for the property dedicated in (d) above;

(f) Sell, or execute a "First Right of Refusal" agreement, in a form acceptable to the City Manager, for any water rights associated with, or appurtenant to the subject properties;

Unofficial Copy

2. The Applicant shall pay their pro-rata share of future improvements to Violet Ave, N. 22nd Street, Vine alley and Vine St. and/or to participate in and to not dissent therefrom or oppose or remonstrate against the establishment of a Local Improvement District (LID).

   If the Applicant develops prior to the formation of the LID, the applicant will be responsible for constructing on and off site drainage and street improvements in accordance with the approved Infrastructure Plan for the Crestview East Neighborhood, as required by the City to serve the annexing property at time of redevelopment. If a LID is formed after the construction of street improvements by a property owner, said owner may be eligible for a credit in accordance with Section 8-1-14 of the Boulder Revised Code, 1981 (BRC).

   Further, if the City does not acquire the entire Vine St. ROW adjacent to the Subject Property within one year of the date of this annexation or when the Applicant is permitted to obtain building permits for the units on the southwest corner of the Subject Property, whichever occurs later, the City will allow the Applicant to obtain access to his lots fronting on Vine St. by means of an access lane, until such time as Vine St. is built in its ultimate configuration.

Unofficial Copy

3. No development review application, nor building permit which exceeds 25% of the Boulder County Assessor's Actual Value of the existing structure, nor building permit for a new dwelling unit, shall be approved or issued for any individual parcel unless the Applicant for that parcel has agreed to meet the following requirements:

   (a) At time of redevelopment, the Subject Property shall be developed at a density consistent with the zoning; additionally, subdivision of the Subject Property may not reduce the density below that allowed by the parcel's square footage;

   (b) Eight (8) of the units permitted at time of development shall be permanently affordable and sold to households earning between 60% and 120% of the Area Median Income (AMI) and shall be distributed such that the average is affordable to households earning 90% of AMI;

   If these units are rental units they must be affordable to households earning less than 90% of AMI. Applicant shall co-operate with the City Housing Division in establishing the appropriate rental rates for the units, but in no

event will the rental rates be less than an amount equal to the PITI paid by the Applicant for the units;

(c) One (1) of the units in the area zoned LR-E (Low Density Residential - Established) which are permitted at time of development shall be size restricted (a "restricted unit" as that term is defined in Chapter 9-6, B.R.C.) and be initially affordable to households earning 110% of AMI;

(d) In the event that an increase in the development excise tax is adopted by the electorate in the November 1997 election, the allowable purchase price of the Restricted or permanently affordable units described or an increase in development fees currently charged in the August 1997 review of the B.R.C., 1981 is adopted by City Council after August 15, 1995, other than the normal annual increases resulting from increases in the AMI or CPI above will be increased by the increase in the tax or fees, as applicable;

(e) Four (4) of the units in the area zoned MR-E (Medium Density Residential - Established) which are permitted at time of development shall be size restricted (a "restricted unit" as that term is defined in Chapter 9-6, B.R.C.) and initially affordable to households earning between 80% and 120% of the Area Median Income (AMI) and shall be distributed such that the average is affordable to households earning 110% of AMI;

(f) At time of redevelopment, the Applicant shall execute, in a form acceptable to the City Attorney and the City Manager, covenants and deed restrictions for the permanently affordable and size and price restricted units, which shall include the initial sales price, the rental rate, and the index by which rates may increase, or which permanently restricts the size of the units, so as to guarantee the perpetual affordability of the units and which shall be recorded against the Subject Property; and

(g) The Applicant acknowledges that no building permits for improvements which are less than twenty-five percent (25%) of the Boulder County Assessor's actual value, will be issued which precludes the ability of an Applicant to redevelop the Subject Property consistent with the conditions noted above.

4. The City agrees that upon passage of the annexation ordinance at second reading, the City staff will continue to process the subdivision applicant for the Subject Property,

Unofficial Copy

previously filed. It is anticipated by the parties that a final decision on the subdivision can be completed within 120 days thereafter.

5. The Applicant shall convey drainage from the site in a manner that does not adversely affect abutting property owners.

6. The Applicant waives any vested property rights that may have arisen under Boulder County jurisdiction.

7. Applicant shall maintain the Silver Lake Ditch as it abuts the property until such time as the lateral is abandoned by the Silver Lake Ditch Co.

8. The Applicant shall demonstrate compliance with the North Boulder Subcommunity Plan Design Guidelines upon redevelopment which shall include but is not limited to the following continuing limitations on the Subject Property:

   (a) Street trees shall be selected from the "large maturing" varieties from the list of trees approved by the City Forester and planted as required by the City Forester at time of redevelopment;

   (b) Fences and landscaping berms are permitted in required front yards and side yard abutting a public street (up to the front facade of the principal building and the side yard building envelope) so long as either or the combination of both does not exceed forty-eight inches (48") in height. In no event may a berm exceed thirty-six inches (36") in height;

   Up to 7 foot fences are permitted in interior sideyard or rearyard setbacks so long as they are located at or behind the front facade of the principal building and at or behind the sideyard building envelope;

   (c) At least one "Entry" element including but not limited to, covered and uncovered porches and front doors, shall be provided on facades abutting a public street;

   (d) Attached and detached garages shall be setback at least ten feet (10') from the front facade of the principal building; or if side-loaded, may not project beyond the front facade of the building;

   (e) No direct driveway access to Violet Ave. shall be permitted;

Unofficial Copy

(f) Service access and parking shall be located off of the Vine alley only;

(g) Two story maximum above grade not including basements;

(h) No floor area ratio is imposed on the units to be built on the Subject Property; and

(i) Setbacks shall be measured from the boundaries of the pedestrian and bicycle easement.

9. This Agreement and any document executed pursuant hereto shall be null and void and of no consequence in the event that the Subject Property is not annexed to the City.

The Agreements and covenants as set forth herein shall run with the land and shall be binding upon the Applicant, his heirs, successors, representatives and assigns, and all persons who may hereafter acquire an interest in the Subject Property, 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 the undersigned plus twenty (20) years and 364 days.

In the event the Applicant breaches or fails to perform any required action under or fails to pay any fee specified under the Covenants of this Agreement, the Applicant acknowledges that the City may take all reasonable actions to cure the breach, including but not limited to the filing of an action for specific performance of the obligation to connect to the water and/or sewer system of the City. In the event the Applicant fails to pay any monies due under this agreement or fails to perform any affirmative obligation hereunder, the Applicant agrees that the City may collect the monies due in the manner provided for in Section 2-2-12, B.R.C. 1981, as amended, as if the said monies were due and owing pursuant to a duly adopted ordinance of the City or the City may perform the obligation on behalf of the Applicant, and collect its costs in the manner herein provided. The Applicant agrees to waive any rights he or she may have under Section 31-20-105, C.R.S., based on the City's lack of an enabling ordinance authorizing collection of this specific debt, or acknowledges that the adoption of the annexation ordinance is such enabling ordinance.

Unofficial Copy

EXECUTED on the day and year first above written.

OWNER:

BY: Robert C. Naumann
Robert C. Naumann

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this 26th day of August 1997, by Robert C. Naumann.

WITNESS MY HAND AND OFFICIAL SEAL

My commission expires: 4/16/99.

Melissa K. Nelson
Notary Public

Unofficial Copy

CITY OF BOULDER, COLORADO

BY: _____
City Manager

ATTEST:

_____
Director of Finance
Ex-officio City Clerk

APPROVED AS TO FORM:

_____
City Attorney

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EXHIBIT A

2100 Violet

DESCRIPTION:

THAT PORTION OF THE NORTH ONE-HALF OF THE NORTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT A POINT ON THE NORTH LINE OF SAID THE NORTH ONE-HALF OF THE NORTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER, 890.68 FEET EAST OF THE NORTHWEST CORNER THEREOF; THENCE S.00°03'40"W., 330.00 FEET, MORE OR LESS, TO THE SOUTH LINE OF THE SAID NORTH ONE-HALF OF THE NORTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER, EXCEPT THE NORTH 30.00 FEET THEREOF; COUNTY OF BOULDER, STATE OF COLORADO.

CERTIFICATION:

I, WILLIAM J. STENGEL, DO HEREBY CERTIFY THAT THE ACCOMPANYING MAP REPRESENTS THE RESULTS OF A SURVEY MADE BY ME AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

William J. Stengel

WILLIAM J. STENGEL
REGISTERED PROFESSIONAL LAND SURVEYOR
COLORADO LICENSE NO. 4846

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Recorder's Note: 12-16-97
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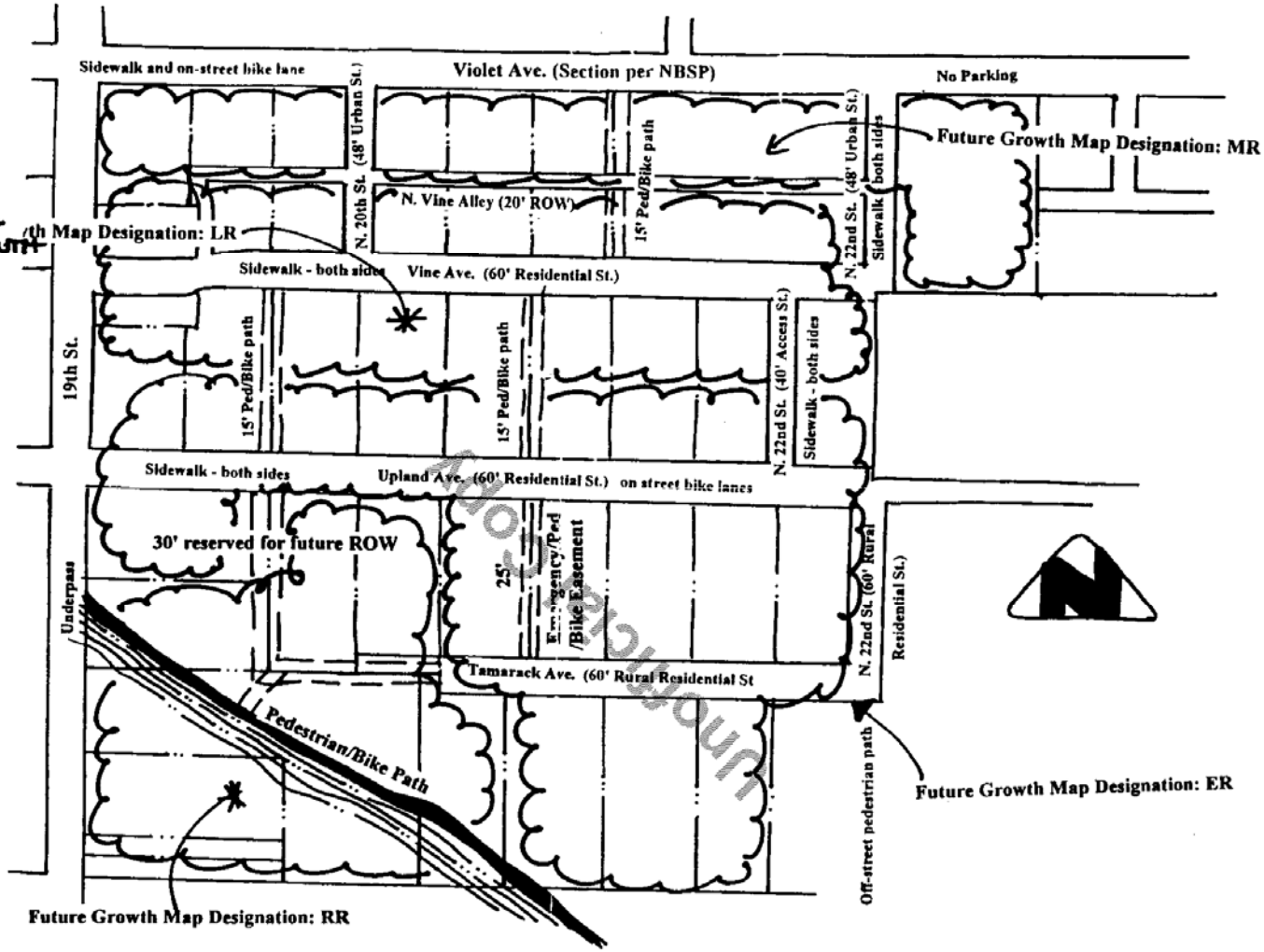
may not reproduce legibly.

EXHIBIT B

2100 Violet

City Council and Planning Board Zoning and Infrastructure Plan



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ATTACHMENT E

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Page: 1 of 9
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ANNEXATION AGREEMENT

THIS AGREEMENT, made this November 8, 1997, by and between the CITY OF BOULDER, a Colorado home rule city, hereinafter referred to as "City;" and Robert C. Naumann, hereinafter referred to as "Applicant":

WITNESSETH:

RECITALS

WHEREAS, the Applicant is the owner of the real property generally described as 2145 Upland Avenue and more particularly described in Exhibit A, included by reference and hereby made a part of this agreement, which real property shall hereinafter be referred to as the "Subject Property"; and

WHEREAS, the Applicant is interested in obtaining approval from the City of the annexation of the Subject Property in order to provide adequate urban services to said area, particularly city water and sewer; and

WHEREAS, the parties anticipate that annexation, with an initial zoning designation of Low Density Residential - Established (LR-E) and Estate Residential - Established (ER-E) will be consistent with the Boulder Valley Comprehensive Plan; and

WHEREAS, the City is interested in insuring that certain terms and conditions of annexation be met by the Applicant in order to protect the public health, safety and welfare and prevent the placement of an unreasonable burden on the physical, social, economic, or environmental resources of the City.

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Unofficial Copy

COVENANTS

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

1. Prior to the first reading of the annexation ordinance, the Applicant shall:

   (a) File an application, and pay the applicable fees, for inclusion in the Boulder Municipal Subdistrict of the Northern Colorado Water Conservancy District;

   (b) Pay the applicable Flood Control Plant Investment Fee of $1843.06;

   (c) Pay the applicable Park Land Acquisition and Capital Improvement Fee of $1,709.00;

   (d) Dedicate to the City of Boulder, in fee and at no cost, the following land for street purposes:

      (1) a 30' wide right-of-way for Vine St along the north side of the Subject Property; and

      (2) a 20' wide right-of-way for N. 22nd St along the west side of the Subject Property;

   (e) Provide proof of payment of property taxes for the current year on the property dedicated in (d) above; and

   (f) Sell the one (1) share of the Silver Lake Ditch appurtenant to the Subject Property.

2. The Applicant shall pay their pro-rata share of future improvements to Upland Avenue, N. 22nd St, and Vine St. and to participate in and to not dissent therefrom or oppose or remonstrate against the establishment of a Local Improvement District (LID).

   If the Applicant develops or redevelops prior to the formation of a LID, the Applicant will be responsible for constructing on and off site drainage and street improvements in accordance with the approved infrastructure plan for the Crestview

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East Neighborhood, as required by the City's Subdivision Regulations in Chapter 9-5, B.R.S., to serve the annexing property at time of development. If a local improvement district is formed after the construction of street improvements by a property owner, said owner may be eligible for a credit in accordance with Section 8-1-14 of the Boulder Revised Code, 1981 (B.R.C.).

3. No development review application, nor building permit which exceeds 25% of the Boulder County Assessor's Actual Value of the existing structure, nor building permit for a new dwelling unit, shall be approved or issued for any individual parcel unless the Applicant for that parcel has agreed to meet the following requirements:

   (a) At time of redevelopment, the Subject Property shall be developed at a density consistent with the zoning; additionally, subdivision of the Subject Property may not reduce the density below that allowed by the parcel's square footage;

   (b) If the LR-E portion of the property is developed with three units, then one (1) of the units provided at time of development of the Subject Property shall be permanently affordable for a household earning ninety percent (90%) of AMI. If the LR-E portion of the property is developed with only two units, then one (1) of the units shall be size restricted and initially affordable to households earning up to 110% of AMI; and

   (c) At time of development, the Applicant shall execute, in a form acceptable to the City Attorney and the City Manager, covenants and deed restrictions for the permanently affordable or restricted unit, which shall include the initial sales price, the rental rate, if applicable, and the index by which rates may increase, and, as applicable, covenants to guarantee the size, owner occupancy, and perpetual affordability of the unit, and which shall be recorded against the Subject Property; and

   (d) In the event that an increase in the development excise tax is adopted by the electorate in the November 1997 election, the allowable purchase price of the Restricted or permanently affordable units described or an increase in development fees currently charged in the August 1997 review of the B.R.C., 1981 is adopted by City Council after August 15, 1995, other than the normal annual increases resulting from increases in the AMI or CPI above will be increased by the increase in the tax or fees, as applicable.

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(e) The Applicant acknowledges that no building permits for improvements which are less than twenty-five (25%) of the Boulder County Assessor's actual value, will be issued which precludes the ability of an Applicant to redevelop the Subject Property consistent with the conditions noted above.

4. The Applicant shall convey drainage from the site in a manner that does not adversely affect abutting property owners.

5 The Applicant waives any vested property rights that may have arisen under Boulder County jurisdiction.

6 Applicant shall maintain the Silver Lake Ditch as it abuts the property until such time as the lateral is abandoned by the Silver Lake Ditch Co.

7. The Applicant shall demonstrate compliance with the North Boulder Subcommunity Plan Design Guidelines upon redevelopment which shall include but is not limited to the following continuing limitations on the Subject Property:

(a) Street trees shall be selected from the "large maturing" varieties from the list of trees approved by the City Forester and planted as required by the City Forester at time of redevelopment;

(b) Fences and landscaping berms are permitted in required front yards and side yard abutting a public street (up to the front facade of the principal building and the side yard building envelope) so long as either or the combination of both does not exceed forty-eight inches (48") in height. In no event may a berm exceed thirty-six inches (36") in height;

Up to 7 foot fences are permitted in interior sideyard or rearyard setbacks so long as they are located at or behind the front facade of the principal building and at or behind the sideyard building envelope;

(c) At least one "Entry" element including but not limited to, covered and uncovered porches and front doors, shall be provided on facades abutting a public street;

(d) Attached and detached garages shall be setback at least ten feet (10') from the front facade of the principal building; or if side-loaded, may not project beyond the front facade of the building;

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(e) Two story maximum above grade not including basements; and

(f) No floor area ratio is imposed on the units to be built on the Subject Property.

8. This Agreement and any document executed pursuant hereto shall be null and void and of no consequence in the event that the Subject Property is not annexed to the City.

The Agreements and covenants as set forth herein shall run with the land and shall be binding upon the Applicant, his heirs, successors, representatives and assigns, and all persons who may hereafter acquire an interest in the Subject Property, 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 the undersigned plus twenty (20) years and 364 days.

In the event the Applicant breaches or fails to perform any required action under or fails to pay any fee specified under the Covenants of this Agreement, the Applicant acknowledges that the City may take all reasonable actions to cure the breach, including but not limited to the filing of an action for specific performance of the obligation to connect to the water and/or sewer system of the City. In the event the Applicant fails to pay any monies due under this agreement or fails to perform any affirmative obligation hereunder, the Applicant agrees that the City may collect the monies due in the manner provided for in Section 2-2-12, B.R.C. 1981, as amended, as if the said monies were due and owing pursuant to a duly adopted ordinance of the City or the City may perform the obligation on behalf of the Applicant, and collect its costs in the manner herein provided. The Applicant agrees to waive any rights he or she may have under Section 31-20-105, C.R.S., based on the City's lack of an enabling ordinance authorizing collection of this specific debt, or acknowledges that the adoption of the annexation ordinance is such enabling ordinance.

Unofficial Copy

EXECUTED on the day and year first above written.

OWNER:

BY: Robert C. Naumann
Robert C. Naumann

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this 21st day of August, 1997, by Robert C. Naumann.

WITNESS MY HAND AND OFFICIAL SEAL

My commission expires: 4/16/99.

Melissa K Richson
Notary Public

Unofficial Copy

CITY OF BOULDER, COLORADO

BY: _____
City Manager

ATTEST:

_____
Director of Finance
Ex-officio City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Unofficial Copy

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2145 Upland

EXHIBIT "A"

LEGAL DESCRIPTION

A tract of land situated in the Northeast One Quarter of Section 18, Township 1 North, Range 70 West of the 6th P.M., described as follows:
Beginning at the South One Quarter corner of said Section 18; thence North 0°05'30" East along the North-South centerline of said Section 18, a distance of 3,328.4 feet; thence North 89°50' East, 1,171.06 feet to the TRUE POINT OF BEGINNING; thence North 0°03'40" East, 332.25 feet; thence North 89°51'44" East, 152.51 feet; thence South 0°02'23" East, 332.18 feet; thence South 89°50' West, 153.09 feet to the True Point of Beginning,
EXCEPT the South 30 feet thereof;
County of Boulder, State of Colorado.

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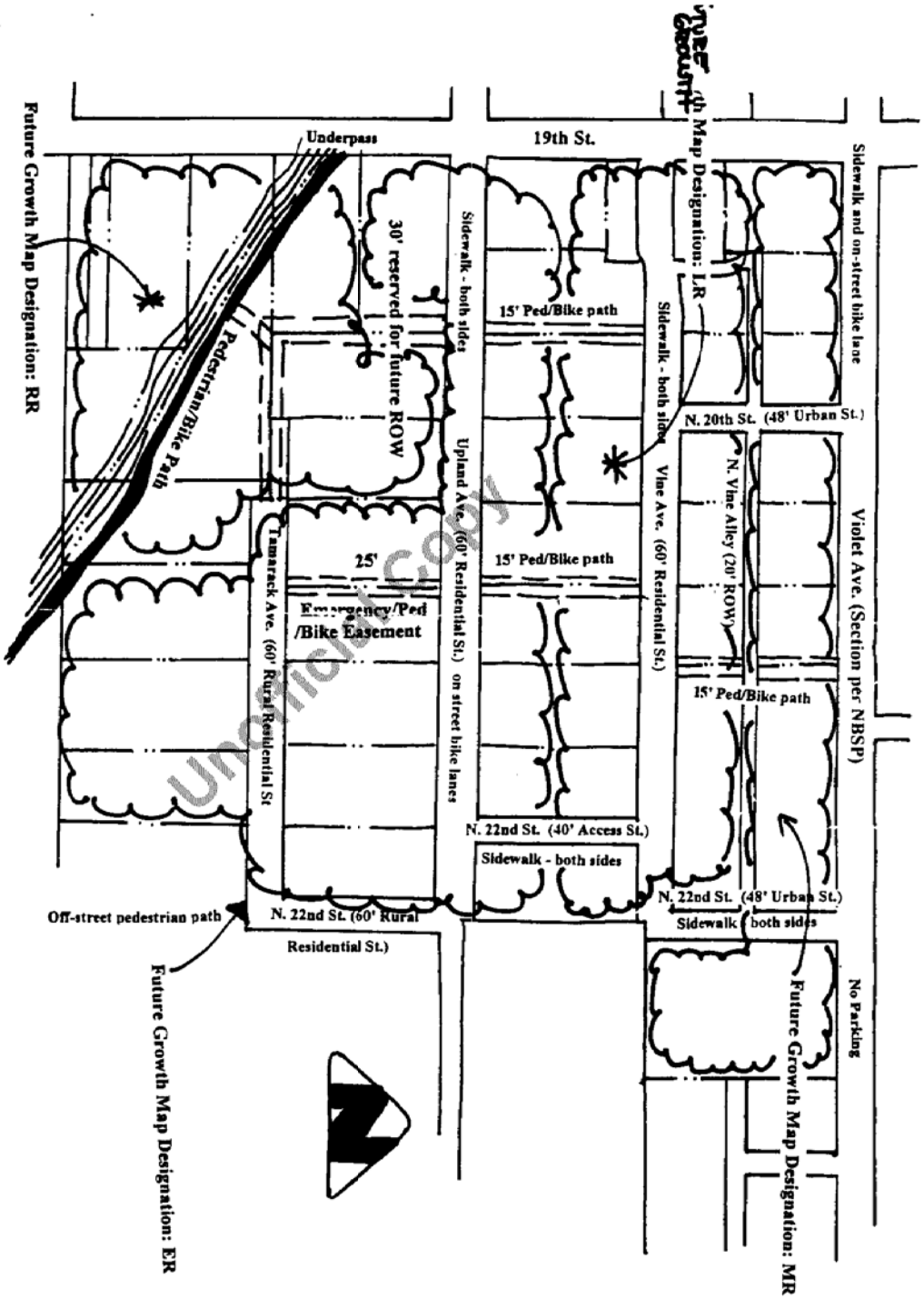
City Council and Planning Board Zoning and Infrastructure Plan



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ATTACHMENT F

Boulder County Clerk, CO AA R 46.00 D 0.00
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Page: 1 of 9
12/16/1997 10:05A

ANNEXATION AGREEMENT

THIS AGREEMENT, made this November 8, 1997, by and between the CITY OF BOULDER, a Colorado home rule city, hereinafter referred to as "City;" and Robert C. Naumann, hereinafter referred to as "Applicant":

WITNESSETH:

RECITALS

WHEREAS, the Applicant is the owner of the real property generally described as 1917 Upland Avenue and more particularly described in Exhibit A, included by reference and hereby made a part of this agreement, which real property shall hereinafter be referred to as the "Subject Property"; and,

WHEREAS, the Applicant is interested in obtaining approval from the City of the annexation of the Subject Property in order to provide adequate urban services to said area, particularly city water and sewer; and

WHEREAS, the parties anticipate that annexation, with an initial zoning designation of Low Density Residential - Established (LR-E) and Estate Residential - Established (ER-E), will be consistent with the Boulder Valley Comprehensive Plan; and

WHEREAS, the City is interested in insuring that certain terms and conditions of annexation be met by the Applicant in order to protect the public health, safety and welfare and prevent the placement of an unreasonable burden on the physical, social, economic, or environmental resources of the City.

RECORDER'S NOTE: This document lacks a notary signature and/or seal 12-16-97

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COVENANTS

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

1. Prior to the first reading of the annexation ordinance, the Applicant shall:

   (a) File an application, and pay the applicable fees, for inclusion in the Boulder Municipal Subdistrict of the Northern Colorado Water Conservancy District;

   (b) Pay the applicable Flood Control Plant Investment Fee of $1,314.28;

   (c) Pay the applicable Park Land Acquistion and Capital Improvement Fee of $1,709.00;

   (d) Pay the outstanding water assessment for the main in 19th St of $9,918.45;

   (e) Pay the outstanding water assessment for the main in Upland Ave of $44.93;

   (f) Pay the outstanding sewer main assessment of $1,884.65;

   (g) Dedicate to the City of Boulder, in fee and at no cost, the following property for street purposes:

      (1) a 10.5' wide right-of-way to enlarge 19th St to 40.5 feet in width from the centerline;

      (2) a 60' wide right-of-way for Vine St. in a location as depicted in the approved Infrastructure Plan for the Crestview East area, attached hereto as Exhibit B and incorporated herein by reference; and

   (h) Provide proof of payment of property taxes for the current year for the property dedicated in (g) above.

2. The Applicant shall pay their pro-rata share of future improvements to 19th St, N. 22nd St, and Vine St. and/or to participate in and to not dissent therefrom or oppose or remonstrate against the establishment of a Local Improvement District (LID).

Unofficial Copy

If the Applicant redevelops prior to the formation of the LID, the Applicant will be responsible for constructing on and off site drainage and street improvements in accordance with the approved Infrastructure Plan for the Crestview East Area, as required by the City to serve the annexing property at time of development. If a LID is formed after the construction of street improvements by a property owner, said owner may be eligible for a credit in accordance with Section 8-1-14 of the Boulder Revised Code, 1981 (BRC).

3. No development review application, nor building permit which exceeds 25% of the Boulder County Assessor's Actual Value of the existing structure, nor building permit for a new dwelling unit, shall be approved or issued for any individual parcel unless the Applicant for that parcel has agreed to meet the following requirements:

(a) At time of redevelopment, the Subject Property shall be developed at a density consistent with the zoning; additionally, subdivision of the Subject Property may not reduce the density below that allowed by the parcel's square footage;

(b) Two (2) of the units provided at time of development shall be permanently affordable for households earning between 60% and 120% of the Area Median Income (AMI) and shall be distributed such that the average is affordable to households earning 90% of AMI;

(c) One (1) of the units in the area zoned LR-E (Low Density Residential - Established) which are permitted at time of redevelopment shall be size restricted and initially affordable to households earning 110% of AMI;

(d) In the event that an increase in the development excise tax is adopted by the electorate in the November 1997 election, the allowable purchase price of the Restricted or permanently affordable units described or an increase in development fees currently charged in the August 1997 review of the B.R.C., 1981 is adopted by City Council after August 15, 1995, other than the normal annual increases resulting from increases in the AMI or CPI above will be increased by the increase in the tax or fees, as applicable;

(e) At time of redevelopment, the Applicant shall execute, in a form acceptable to the City Attorney and the City Manager, covenants and deed restrictions for the permanently affordable and size and price restricted units, which shall include the initial sales price, the rental rate, and the index by which rates may increase, or which permanently restricts the size of the units, so as to

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guarantee the perpetual affordability of the units and which shall be recorded against the Subject Property; and

(f) The Applicant acknowledges that no building permits for improvements which are less than 25% of the Boulder County Assessor's actual value, will be issued which precludes the ability of an Applicant to redevelop the Subject Property consistent with the conditions noted above.

4. The Applicant shall convey drainage from the site in a manner that does not adversely affect abutting property owners.

5. The Applicant waives any vested property rights that may have arisen under Boulder County jurisdiction.

6. The Applicant shall demonstrate compliance with the North Boulder Subcommunity Plan Design Guidlines upon redevelopment which shall include but is not limited to the following continuing limitations on the Subject Property:

(a) Street trees shall be selected from the "large maturing" varieties from the list of trees approved by the City Forester and planted as required by the City Forester at time of redevelopment;

(b) Fences and landscaping berms are permitted in required front yards and side yard abutting a public street (up to the front facade of the principal building and the side yard building envelope) so long as either or the combination of both does not exceed forty-eight inches (48") in height. However, in no event may a berm exceed thirty-six inches (36") in height;

For properties abutting 19th Street, a fence which shall not exceed thirty-six inches (36") in height may be located on the top of the thirty-six inches (36") berm;

Up to 7 foot fences permitted on interior sideyard or rearyard lot lines equal to or behind the front facade of the principal building;

(c) At least one "Entry" element including but not limited to, covered and uncovered porches and front doors shall be provided on facades abutting a public street;

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(d) Attached and detached garages shall be setback at least 10' from the front facade of the principal building; or if side-loaded, may not project beyond the front facade of the building;

(e) Two story maximum above grade not including basements; and

(f) No floor area ratio is imposed on the units to be built on the Subject Property.

7. This Agreement and any document executed pursuant hereto shall be null and void and of no consequence in the event that the Subject Property is not annexed to the City.

The Agreements and covenants as set forth herein shall run with the land and shall be binding upon the Applicant, his heirs, successors, representatives and assigns, and all persons who may hereafter acquire an interest in the Subject Property, 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 the undersigned plus twenty (20) years and 364 days.

In the event the Applicant breaches or fails to perform any required action under or fails to pay any fee specified under the Covenants of this Agreement, the Applicant acknowledges that the City may take all reasonable actions to cure the breach, including but not limited to the filing of an action for specific performance of the obligation to connect to the water and/or sewer system of the City. In the event the Applicant fails to pay any monies due under this agreement or fails to perform any affirmative obligation hereunder, the Applicant agrees that the City may collect the monies due in the manner provided for in Section 2-2-12, B.R.C. 1981, as amended, as if the said monies were due and owing pursuant to a duly adopted ordinance of the City or the City may perform the obligation on behalf of the Applicant, and collect its costs in the manner herein provided. The Applicant agrees to waive any rights he or she may have under Section 31-20-105, C.R.S., based on the City's lack of an enabling ordinance authorizing collection of this specific debt, or acknowledges that the adoption of the annexation ordinance is such enabling ordinance.

Unofficial Copy

EXECUTED on the day and year first above written.

OWNER:

BY: _____
Robert C. Naumann

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this 21st day of August 1997, by Robert C. Naumann.

WITNESS MY HAND AND OFFICIAL SEAL

My commission expires: 4/16/99.

_____
Notary Public
~~Address~~ _____

Unofficial Copy

CITY OF BOULDER, COLORADO

BY: _____

City Manager

ATTEST:

_____
Director of Finance
Ex-officio City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Unofficial Copy

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EXHIBIT A

1917 Upland

PARCEL I:

A tract of land in the Southeast Quarter of the Northeast Quarter of Section 18, Township 1 North, Range 70 West of the 6th P.M., described as follows: Commencing at the Southeast corner of Section 18; thence North 0°08'30" West 3978.54 feet along the West line of said Section 18; thence North 89°33' East 2626.56 feet to the Northwest corner of that tract of land conveyed to Charles J. Backer as described in Deed recorded on Film 580, Reception No. 826040 of the Boulder County Records, thence North 89°57' East 187.27 feet along the North line of that tract of land described on Film 580, Reception No. 826040, to the Northwest corner of that tract of land conveyed to Bruce W. Lacock and Ruth M. Lacock by deed recorded April 16, 1971, Film 728, Reception No. 973035; thence South 0°05'30" West along the most Westerly line of the said land conveyed to Lacock a distance of 232.61 feet to the TRUE POINT OF BEGINNING; thence North 89°57' East 30.13 feet to the Westerly line of the said land conveyed to the said Lacock; thence South 0°05'30" West along the Westerly line of the said Lacock land and the Westerly line of the land conveyed to Floyd Keith Kinchelos, et al, by deed recorded January 4, 1967, Film 591, Reception No. 836383, a distance of 200.35 feet; thence South 89°57' West 217.40 feet to the West line of that tract of land described on said Film 580, Reception No. 826040, thence North 0°05'30" East 200.35 feet along the West line of that tract of land described on said Film 580, Reception No. 826040 to a point from which the TRUE POINT OF BEGINNING bears North 89°57' East; thence North 89°57' East 187.27 feet to the TRUE POINT OF BEGINNING, EXCEPT the West 30 feet thereof for road purposes.

PARCEL II:

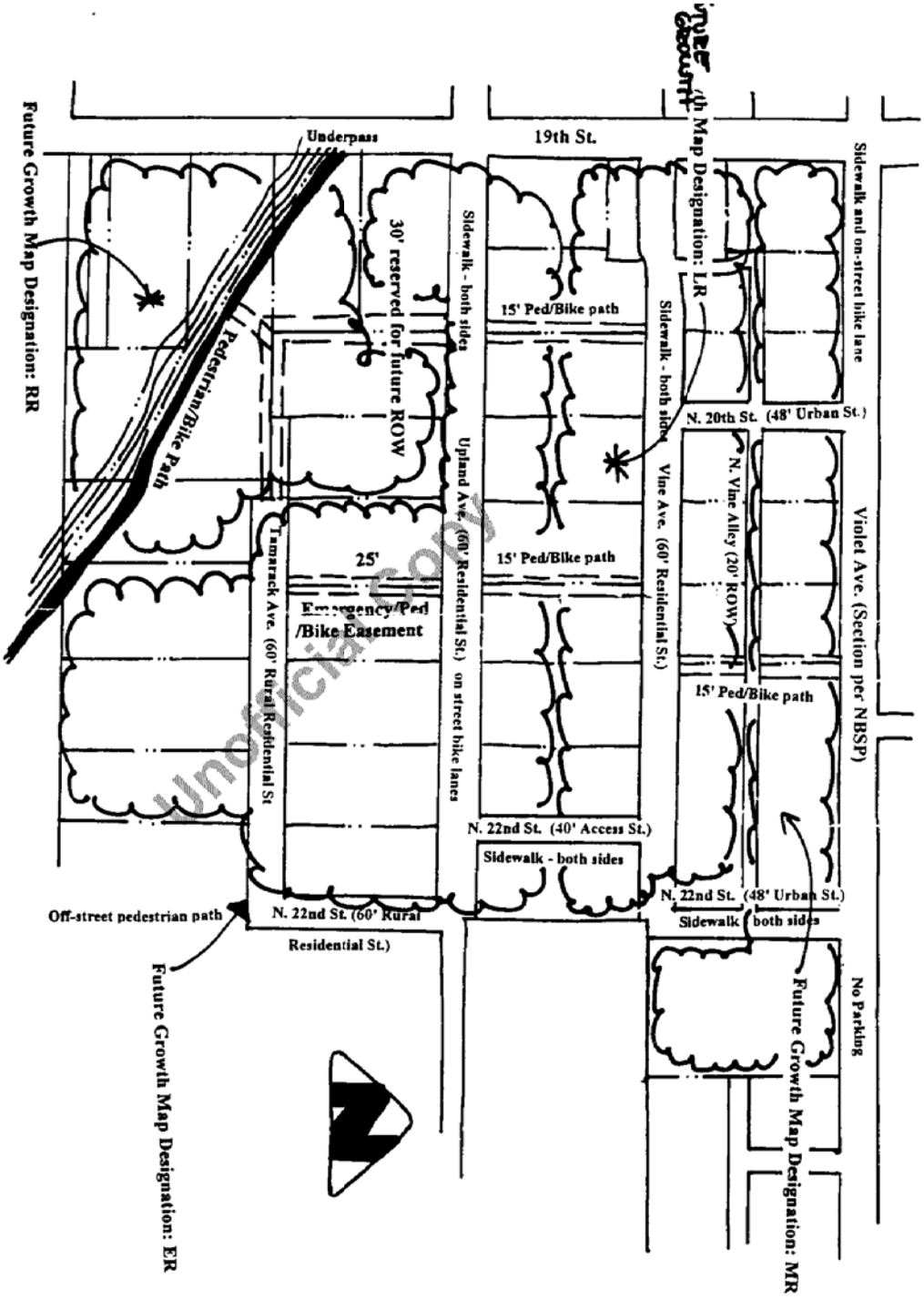
A tract of land in the Southeast Quarter of the Northeast Quarter of Section 18, Township 1 North, Range 70 West of the 6th P.M., described as follows: Commencing at the Southeast corner of Section 18; thence North 0°08'30" West 3978.54 feet along the West line of said Section 18; thence North 89°33' East 2626.56 feet to the Northwest corner of that tract of land conveyed to Charles J. Backer as described in Deed recorded on Film 580, Reception No. 826040 of the Boulder County Records; thence North 89°57' East 187.27 feet along the North line of that tract of land described on said Film 580, Reception No. 826040, to the Northwest corner of that tract of land conveyed to Bruce W. Lacock and Ruth M. Lacock by Deed recorded April 16, 1971, Film 728, Reception No. 973035, thence South 0°05'30" West along the most Westerly line of the said land conveyed to Lacock a distance of 232.61 feet; thence North 89°57' East 30.13 feet to the Westerly line of the said land conveyed to the said Lacock, thence South 0°05'30" West along the Westerly line of said Lacock land and the Westerly line of the land conveyed to Floyd Keith Kinchelos, et al, by Deed recorded January 4, 1967, Film 591, Reception No. 836383, a distance of 200.35 feet; thence South 89°57' West 30.13 feet to the TRUE POINT OF BEGINNING;

thence South 0°05'30" West along the most Westerly line of the said Kinchelos land, a distance of 232.50 feet to the Southwest corner thereof and to the South line of that tract of land described on said Film 580, Reception No. 826040; thence South 89°53' West 187.27 feet along the South line of that tract of land described on said Film 580, Reception No. 826040 to the Southwest corner thereof; thence North 0°05'30" East 232.72 feet along the West line of that tract of land described on said Film 580, Reception No. 826040 to a point from which the TRUE POINT OF BEGINNING bears North 89°57' East; thence North 89°57' East 187.27 feet to the TRUE POINT OF BEGINNING, EXCEPT the South 30 feet thereof and the West 30 feet thereof for road purposes. All in the County of Boulder, State of Colorado.

Unofficial Copy

Recorder's Note: 12-16-97
Portion of recorded document may not reproduce legibly.

City Council and Planning Board Zoning and Infrastructure Plan



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Page: 9 of 9
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Estimated Development Potential on Subject Properties						
Address	**Zoning**	**Approximate Area**	**# Residential Units Permitted per Zoning**	**Current Annexation Housing Requirements**		**Proposed Affordable Housing**
				Permanently Affordable	**Size Restricted***	**Permanently Affordable**
2180 Violet Ave.			**22**	**8**		**15****
	RM-2	53,764 sf	15		**4**	
	RL-1	49,118 sf	7		**1**	
2145 Upland Ave.			**3**			
	RL-1	16,650 sf	2	**1**		
	RE	19,050 sf	1			
1917 Upland Ave.			**6**	**2**		
	RL-1	37,228 sf	5		**1**	
	RE	21,450 sf	1			
Total			**31**	**11**	**6**	**15**

* Size-restricted units are affordable to the first purchaser of the unit. Subsequent sales of each property would allow the affordability restrictions to be terminated over time.

** Note that Habitat for Humanity intends to ask for additional density beyond the underlying zoning through an annexation amendment to allow 17 units of permanently affordable units.