



COUNCIL AGENDA ITEM ERRATA SHEET
MEETING DATE: December 1, 2015

TO: City Council

FROM: Planning, Housing & Sustainability

DATE: November 30, 2015

AGENDA
ITEM: 5B

Attached please find an amended memo for Agenda Item 5B the Second reading and consideration of a motion to adopt Ordinance No. 8095 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. We apologize for any inconvenience from this late submittal. The following changes are provided:

1) Page 47 (Packet page 397) – Map has been updated



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: December 1, 2015

AGENDA TITLE

Second reading and consideration of a motion to adopt Ordinance No. 8095 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.

Applicant: Habitat for Humanity of Boulder Valley, Inc.
Owner: 2145 Upland LLC

PRESENTERS

Jane S. Brautigam, City Manager
Bob Eichen, Finance Director /Acting Executive Director of Administrative Services
David Driskell, Executive Director of Planning, Housing & Sustainability
Susan Richstone, Deputy Director of Planning, Housing & Sustainability
Charles Ferro, Development Review Manager
Sloane Walbert, Planner I
Beth Roberts, Housing Planner

EXECUTIVE SUMMARY

The City Council is asked to consider on second reading 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. 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 (approved

by City Council at a public hearing) 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.

On November 17, 2015, City Council approved first reading of the draft ordinance and asked for the following information.

First reading questions:

- 1. Please provide a graphic of the connections for the overall Crestview East neighborhood required by the North Boulder Subcommunity Plan.**

A map of the subject area showing the connections required by the North Boulder Subcommunity Right-of-Way and Bike/Ped Improvements Plan is included as **Attachment H**. (The various annexation agreements in **Attachments D, E, F, & I** also include maps of the various connections required by the North Boulder Subcommunity plan on the subject properties).

- 2. Please explain how the infrastructure in the Crestview East neighborhood will be installed over time.**

The properties located at 2180 Violet Ave., 2145 Upland Ave. and 1917 Upland Ave. annexed about 10 years prior to the larger Crestview East neighborhood annexation. The annexation agreements for these properties were structured so that the installation of infrastructure is required at time of redevelopment to serve the individual properties only. Refer to **Attachments D, E and F** for the annexation agreements. In contrast, the requirement to install infrastructure for properties within the larger Crestview East neighborhood annexation is triggered when the first lot included in the annexation redevelops (refer to **Attachment I**). Reimbursement of a “fair share” of the infrastructure would then occur over time from other redeveloping property owners. **Figure 1** below shows the subject properties in relation to the properties included in the Crestview East neighborhood annexation. Note that areas outlined in red were annexed simultaneously in 1997 and areas outlined in blue were annexed simultaneously in 2009.

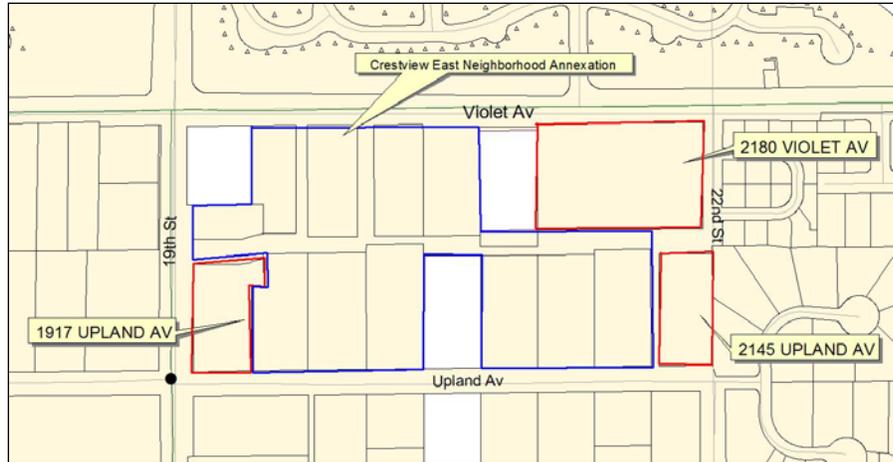


Figure 1: Subject Properties (red) and Crestview East Annexation (blue)

Based on all of the annexation agreements within the neighborhood, property owners may petition the city to establish a Local Improvement District (LID) per [Section 8-1-1, B.R.C. 1981](#) of the city’s code. The purpose of the district is to provide a financing option (rather than requiring one property owner to “front” the installation of infrastructure and be reimbursed by subsequent property owners over time) offered by the city for the installation of required infrastructure. To date no action has been taken to create a district.

STAFF RECOMMENDATION

Staff requests council consideration of this matter and action in the form of the following motion:

Suggested Motion Language:

Motion to adopt Ordinance No. 8095 amending subsection 9-12-2(b), B.R.C. 1981 to allow the owner of the property at 2180 Violet Ave. to sell a portion of the unplatted parcel to Flatirons Habitat for Humanity Community Housing Development, Inc. for the purposes of developing affordable housing.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic – This project will provide up to 15 new units of workforce housing serving to support competitive and quality businesses. Development of the housing will also create construction jobs.
- Environmental – Potential environmental impacts will be evaluated through the development review process.
- Social – This project is anticipated to provide up to 15 units of permanently affordable, family-friendly for-sale homes. Note that per the written statement 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 (**Attachment C**).

OTHER IMPACTS

- Fiscal – No impact.
- Staff time – The request was not processed through the provisions of a standard subdivision application process and was processed outside of normal staff work plans.

BOARD AND COMMISSION FEEDBACK

Notification was sent to the Planning Board on November 23, 2015 in conformance with Section 79 of the Boulder City Charter.

PUBLIC FEEDBACK

The request was processed outside of the provisions of the standard subdivision process. However, the proposal has been noticed to the public in accordance with the requirements found in section 9-4-3, “Public Notice Requirements,” B.R.C. 1981 have. Public notice of this proposal was sent to property owners within 600 feet of the property at 2180 Violet Ave. on November 4, 2015. A posting sign was also placed on the property.

BACKGROUND

The subject property is located at 2180 Violet Ave. at the southwest corner of 22nd Street and Violet Avenue (refer to **Figure 2** below). 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) (previously referred to as Medium Density Residential – Established (MR-E)) and the southern portion of the property was zoned Residential - Low 1 (RL-1) (previously Low Density Residential – Established (LR-E)). Refer to **Figure 3** on the following page. The zoning districts that were assigned to the area in the mid 1990’s are consistent with planned land uses in the North Boulder Subcommunity Plan.

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.



Figure 2: Vicinity Map

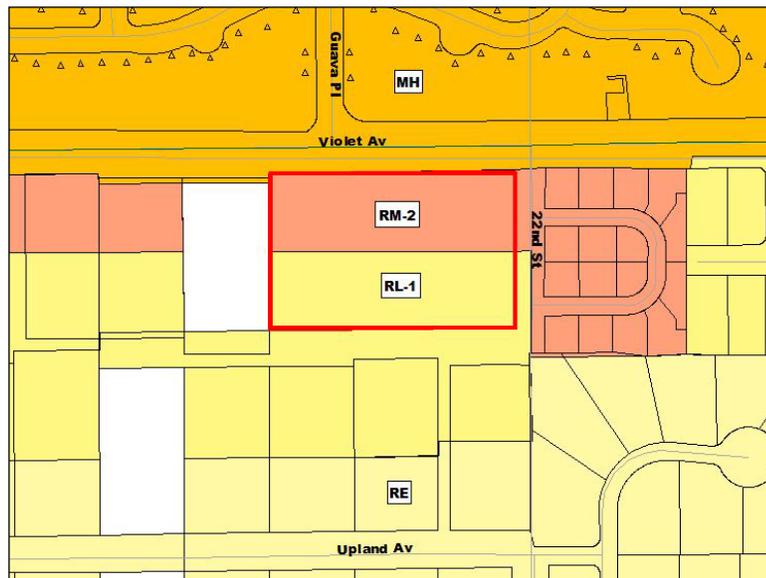


Figure 3: City Zoning Districts

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 to 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 to 110% of AMI. Refer to **Figure 4** for a vicinity map and **Attachments E and F** for the annexation agreements.

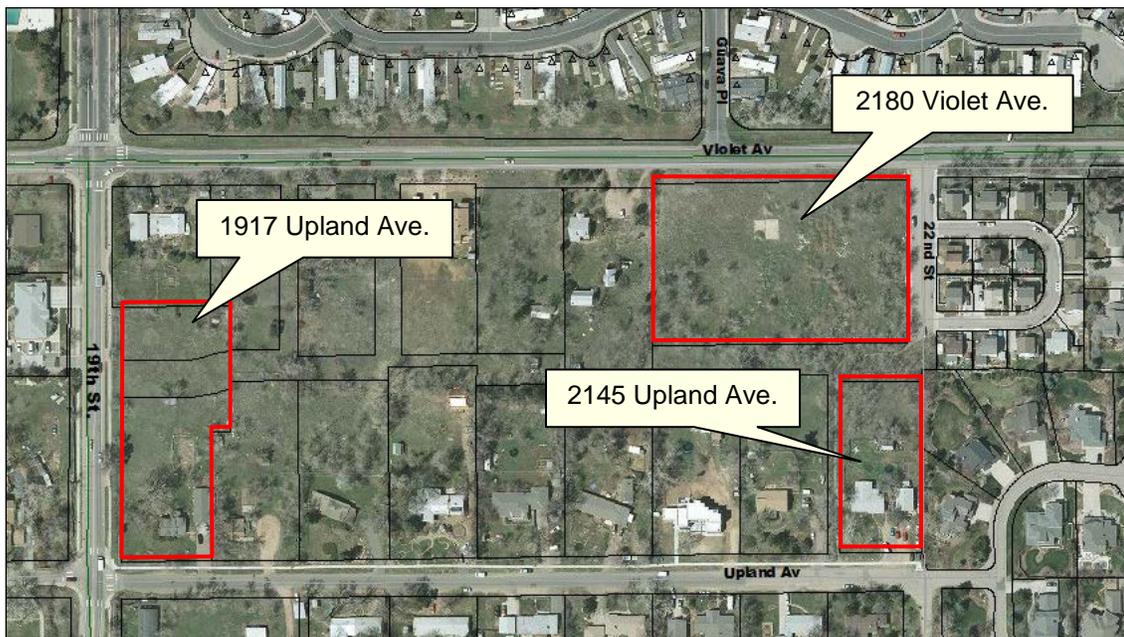


Figure 4: Vicinity Map

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.¹ 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 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

¹ Note that the first reading memo referred to 14 units on the subject property. On further inspection, 15 units are possible on the property, based on RM-2 zoning.

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.

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
- H. North Boulder Subcommunity Right-of-Way and Bike/Ped Improvements Map
- I. Crestview East Neighborhood Annexation Agreement

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;

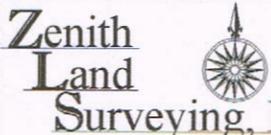
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THIS DESCRIPTION WAS PREPARED BY EARL F. HENDERSON, PLS (LICENSE #34993) FOR AND ON BEHALF OF ZENITH LAND SURVEYING, INC. IT IS NOT BASED UPON A MONUMENTED LAND SURVEY BY ZENITH LAND SURVEYING. THIS NOTE IS INCLUDED ACCORDING TO CRS 38-35-106.5. IT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

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



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DATE:	10/20/2015	PAGE	1 OF 2

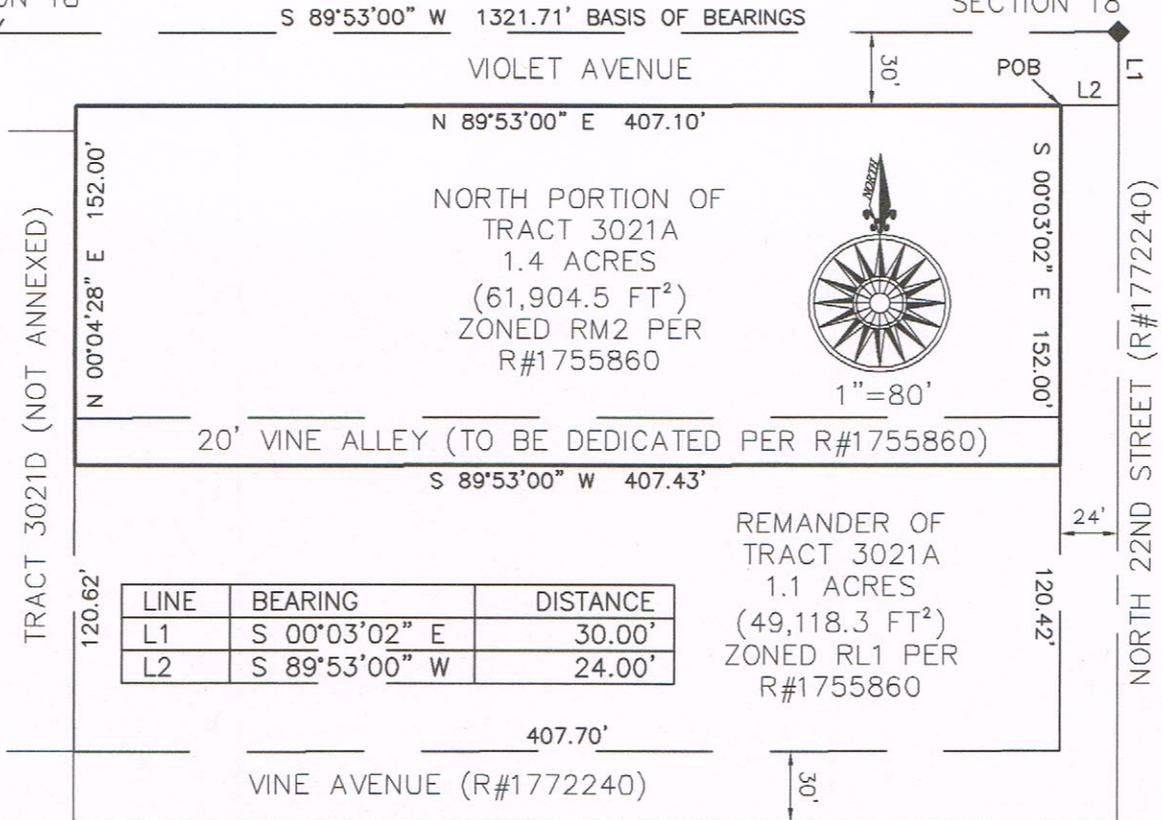
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NW COR
SW $\frac{1}{4}$ NE $\frac{1}{4}$
SECTION 18

NE COR
SW $\frac{1}{4}$ NE $\frac{1}{4}$
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SCALE: 1"=80' JOB NO. 12009A
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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.

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

3 Section 1. Subsection 9-12-2(b), B.R.C. 1981, is hereby amended to allow the Owner to
4 sell the Property to Habitat for Humanity of Boulder Valley, Inc. prior to the recording of a plat
5 of a subdivision creating a separate lot for the Property, provided, however, that (1) the Property
6 is not resold, nor is construction commenced thereon, prior to the time of a plat of the
7 subdivision creating a lot for the Property and consistent with the requirements of Chapter 9-12,
8 Subdivision, B.R.C. 1981, has been recorded, and (2) a concept plan review and site review
9 approval shall be completed for the Larger Parcel prior to application for said subdivision
10 consistent with the requirements of Subsection 9-2-14(b), B.R.C. 1981, as those requirements
11 would apply in the absence of this ordinance and a sale of the Property prior to recording of a
12 plat.
13

14 Section 2. This ordinance shall be considered an amendment to Chapter 9-12,
15 “Subdivision,” B.R.C. 1981. To the extent that this ordinance conflicts with any other ordinance
16 of the city, such ordinance shall be suspended for the limited purpose of implementing this
17 ordinance. Nothing in this ordinance shall be construed as a waiver of the City’s police power.
18

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

22 Section 4. The city council deems it appropriate that this ordinance be published by title
23 only and orders that copies of this ordinance be made available in the office of the city clerk for
24 public inspection and acquisition.
25

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

3
4
5 _____
Mayor

6 Attest:

7 _____
City Clerk

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

10
11
12 _____
Mayor

13 Attest:

14
15 _____
City Clerk

EXHIBIT A

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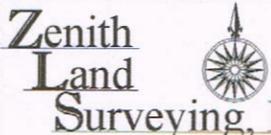
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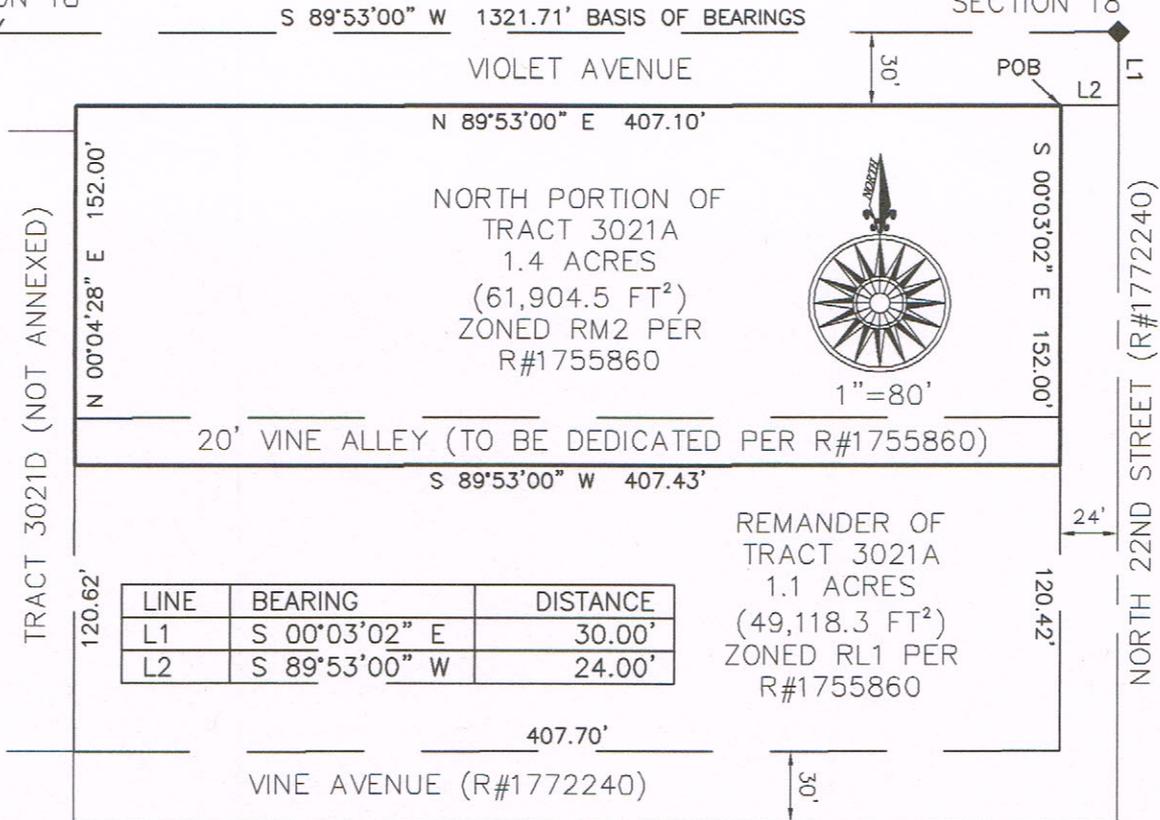
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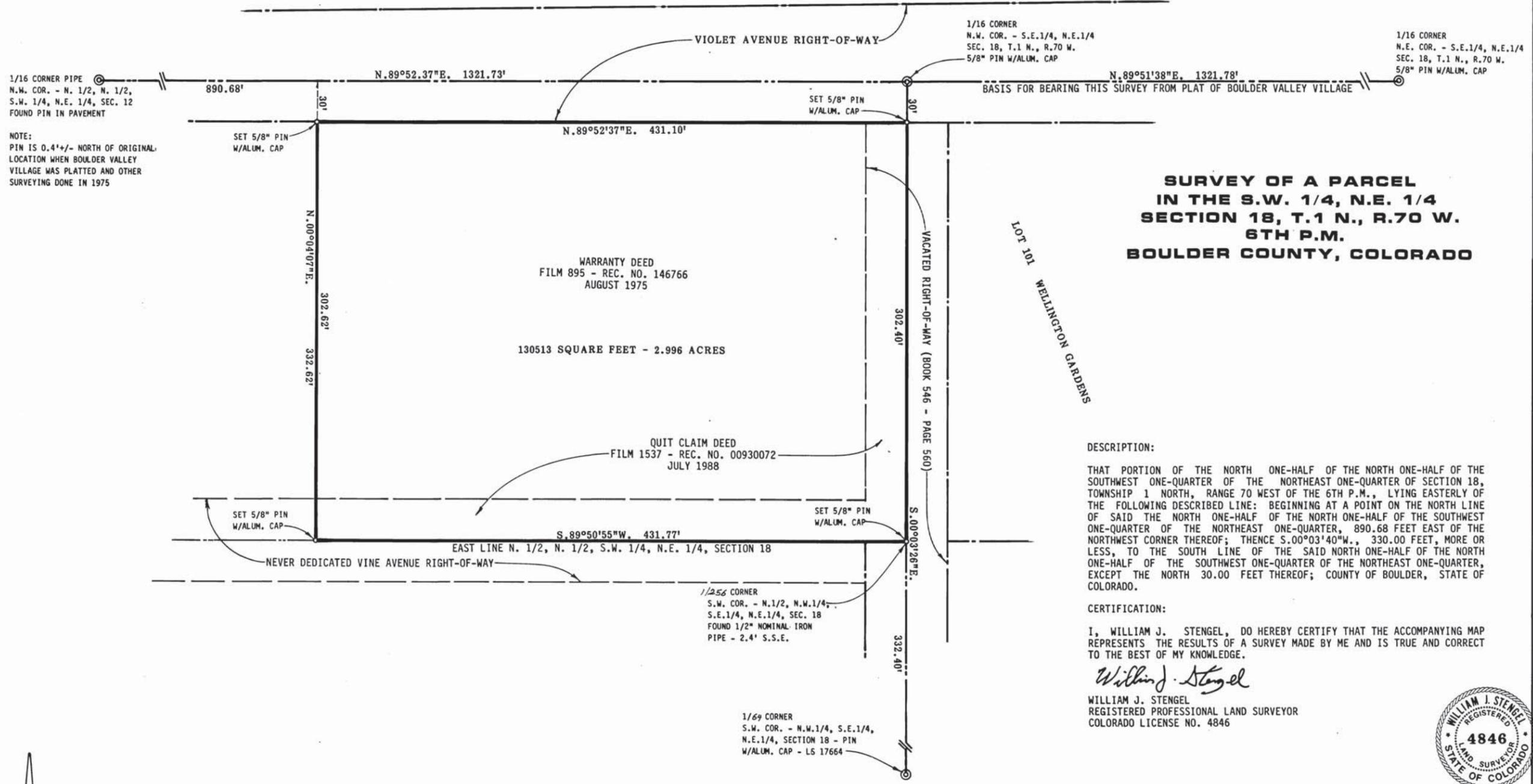
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SCALE: 1"=80' JOB NO. 12009A
DATE: 10/20/2015 PAGE 2 OF 2

EXHIBIT B

BOULDER VALLEY VILLAGE
(A RECORDED PLAT)



**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. STENDEL, 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. STENDEL
REGISTERED PROFESSIONAL LAND SURVEYOR
COLORADO LICENSE NO. 4846



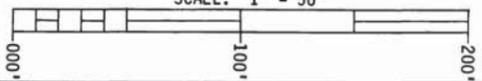
**BOULDER COUNTY
STAFF SURVEYOR'S CERTIFICATE**

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 Eugene Boyers



SCALE: 1" = 50'



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. STENDEL
LAND SURVEYOR**
1048 STEARNS AVENUE • BOULDER, COLORADO

COLORADO REG NO. 4846	WYOMING REG. NO. 606	Phone 494-5663
SCALE 1" = 50'	DATE AUG. '88	FIELD BOOK 87/48
		FILE NO. 3/254A



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



ANNEXATION AGREEMENT

THIS AGREEMENT, made this NOVEMBER 28, 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.

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Boulder County Clerk, CO RR

COVENANTS

NOW, THEREFORE, in consideration of the recitals, promises and covenants herein set forth, and other good and valuable consideration herein received 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;



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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.

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



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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,



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;



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- (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.



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CITY OF BOULDER, COLORADO

BY: Paul A. Kloden
City Manager

ATTEST:

Alisa D. Lewis for
Director of Finance
Ex-officio City Clerk

APPROVED AS TO FORM:

Janet N. Greenfield
City Attorney

Unofficial Copy



EXHIBIT A

2100 Violet

DESCRIPTION:

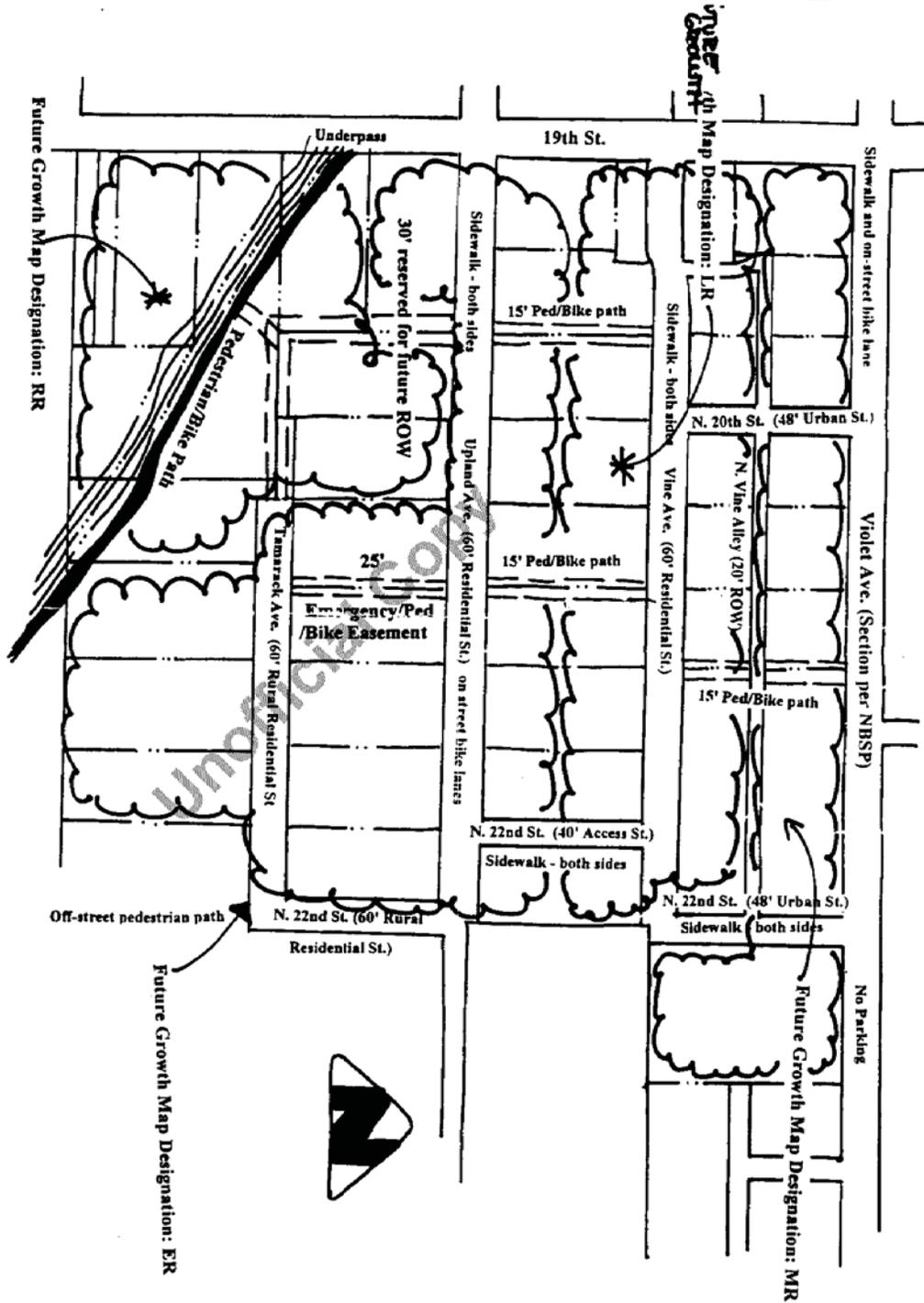
THAT PORTION OF THE NORTH ONE-HALF OF THE NORTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT A POINT ON THE NORTH LINE OF SAID THE NORTH ONE-HALF OF THE NORTH 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
REGISTERED PROFESSIONAL LAND SURVEYOR
COLORADO LICENSE NO. 4846

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



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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.

5/6



COVENANTS

NOW, THEREFORE, in consideration of the recitals, promises and covenants herein set forth, and other good and valuable consideration herein received 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



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;



- (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.



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CITY OF BOULDER, COLORADO

BY: David P. Rhodes
City Manager

ATTEST:

Alisa D. Lewis for
Director of Finance
Ex-officio City Clerk

APPROVED AS TO FORM:

John A. Greenfield
City Attorney

Unofficial Copy



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Boulder County Clerk, CO AA

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2145 Upland

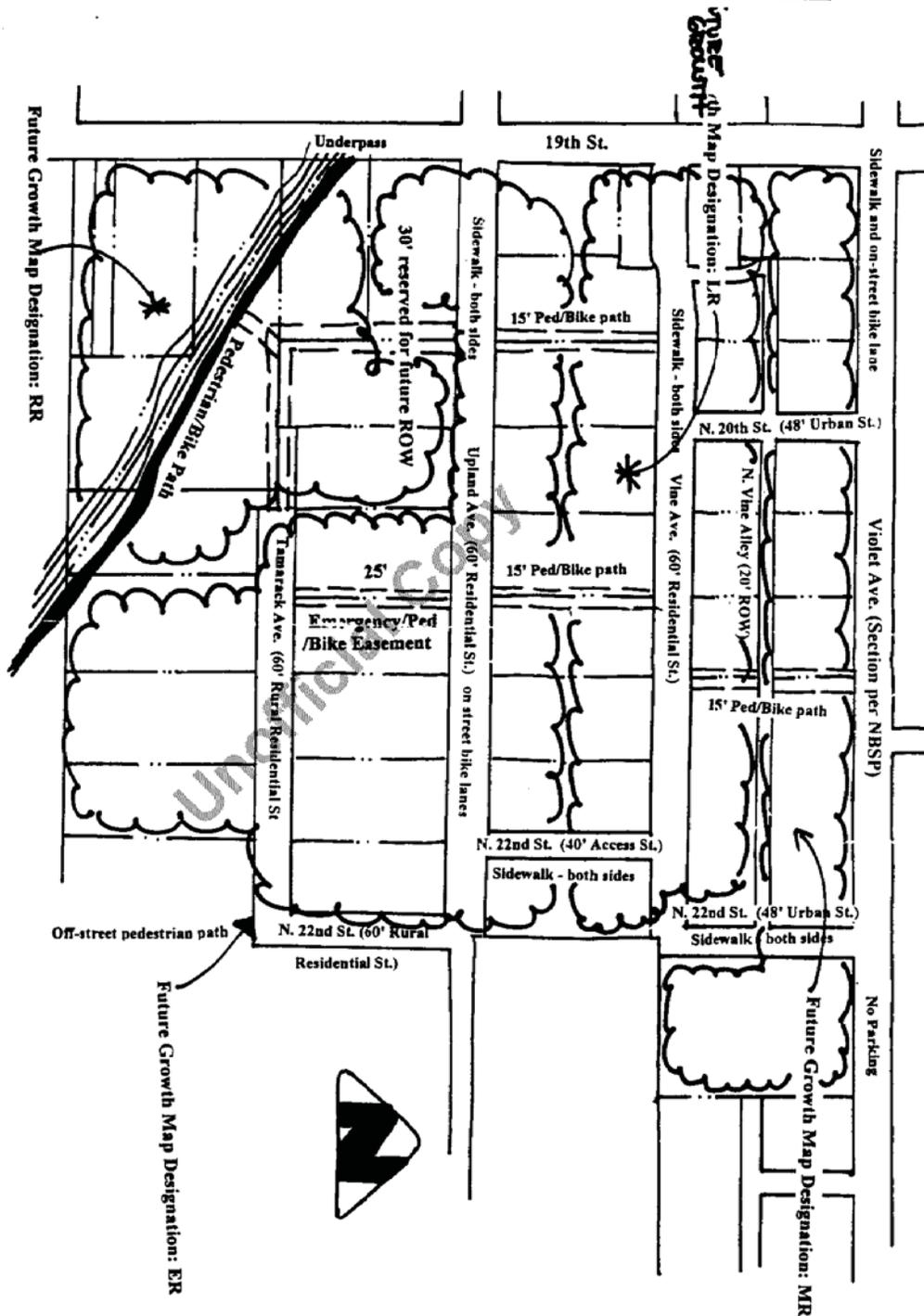
EXHIBIT "A"

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.

Unofficial Copy

City Council and Planning Board Zoning and Infrastructure Plan



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Boulder County Clerk, CO RR

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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 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.

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

316



COVENANTS

NOW, THEREFORE, in consideration of the recitals, promises and covenants herein set forth, and other good and valuable consideration herein received 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 Acquisition 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).



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



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 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. 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;



- (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.



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CITY OF BOULDER, COLORADO

BY: David R. Ploder

City Manager

ATTEST:

Alisa D. Lewis
Director of Finance
Ex-officio City Clerk

APPROVED AS TO FORM:

Janet Greenfield
City Attorney

Unofficial Copy



EXHIBIT A

1917 Upland

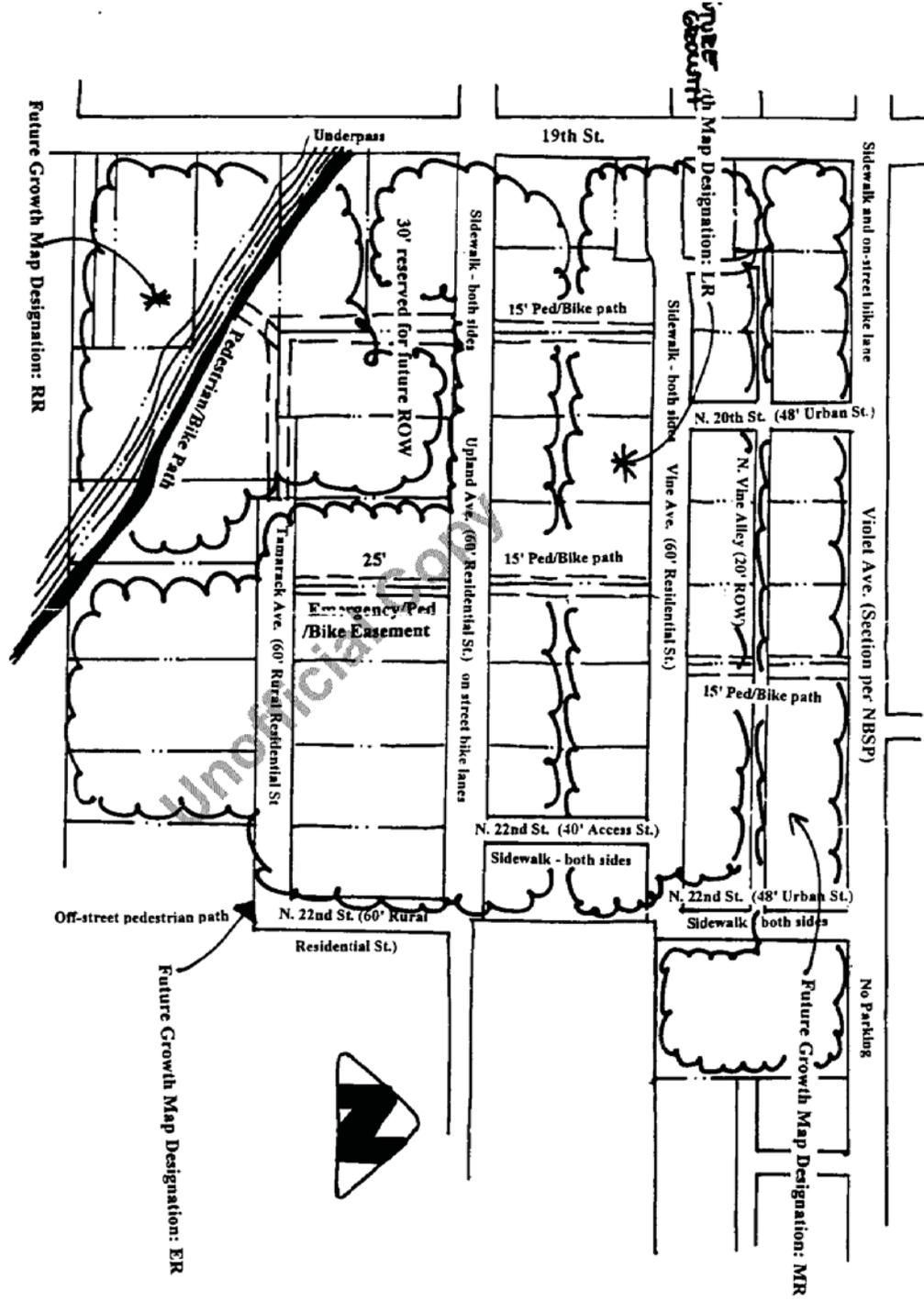
PARCEL I:

A tract of land in the Southwest 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 Southwest corner of Section 18; thence North $0^{\circ}08'30''$ West 3978.54 feet along the West line of said Section 18; thence North $89^{\circ}33'$ East 2626.56 feet to the Northwest corner of that tract of land conveyed to Charles J. Becker as described in Deed recorded on Film 580, Reception No. 826040 of the Boulder County Records, thence North $89^{\circ}57'$ 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 $0^{\circ}05'30''$ 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 $89^{\circ}57'$ East 30.13 feet to the Westerly line of the said land conveyed to the said Lacock; thence South $0^{\circ}05'30''$ West along the Westerly line of the said Lacock land and the Westerly line of the land conveyed to Floyd Keith Kinchalo, et al, by deed recorded January 4, 1967, Film 591, Reception No. 836383, a distance of 200.35 feet; thence South $89^{\circ}57'$ West 217.40 feet to the West line of that tract of land described on said Film 580, Reception No. 826040, thence North $0^{\circ}05'30''$ 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 $89^{\circ}57'$ East; thence North $89^{\circ}57'$ 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 Southwest 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 Southwest corner of Section 18; thence North $0^{\circ}08'30''$ West 3978.54 feet along the West line of said Section 18; thence North $89^{\circ}33'$ East 2626.56 feet to the Northwest corner of that tract of land conveyed to Charles J. Becker as described in Deed recorded on Film 580, Reception No. 826040 of the Boulder County Records; thence North $89^{\circ}57'$ 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 $0^{\circ}05'30''$ West along the most Westerly line of the said land conveyed to Lacock a distance of 232.61 feet; thence North $89^{\circ}57'$ East 30.13 feet to the Westerly line of the said land conveyed to the said Lacock, thence South $0^{\circ}05'30''$ West along the Westerly line of said Lacock land and the Westerly line of the land conveyed to Floyd Keith Kinchalo, et al, by Deed recorded January 4, 1967, Film 591, Reception No. 836383, a distance of 200.35 feet; thence South $89^{\circ}57'$ West 30.13 feet to the TRUE POINT OF BEGINNING; thence South $0^{\circ}05'30''$ West along the most Westerly line of the said Kinchalo 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 $89^{\circ}53'$ 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 $0^{\circ}05'30''$ 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 $89^{\circ}57'$ East; thence North $89^{\circ}57'$ 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.

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



ATTACHMENT G

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

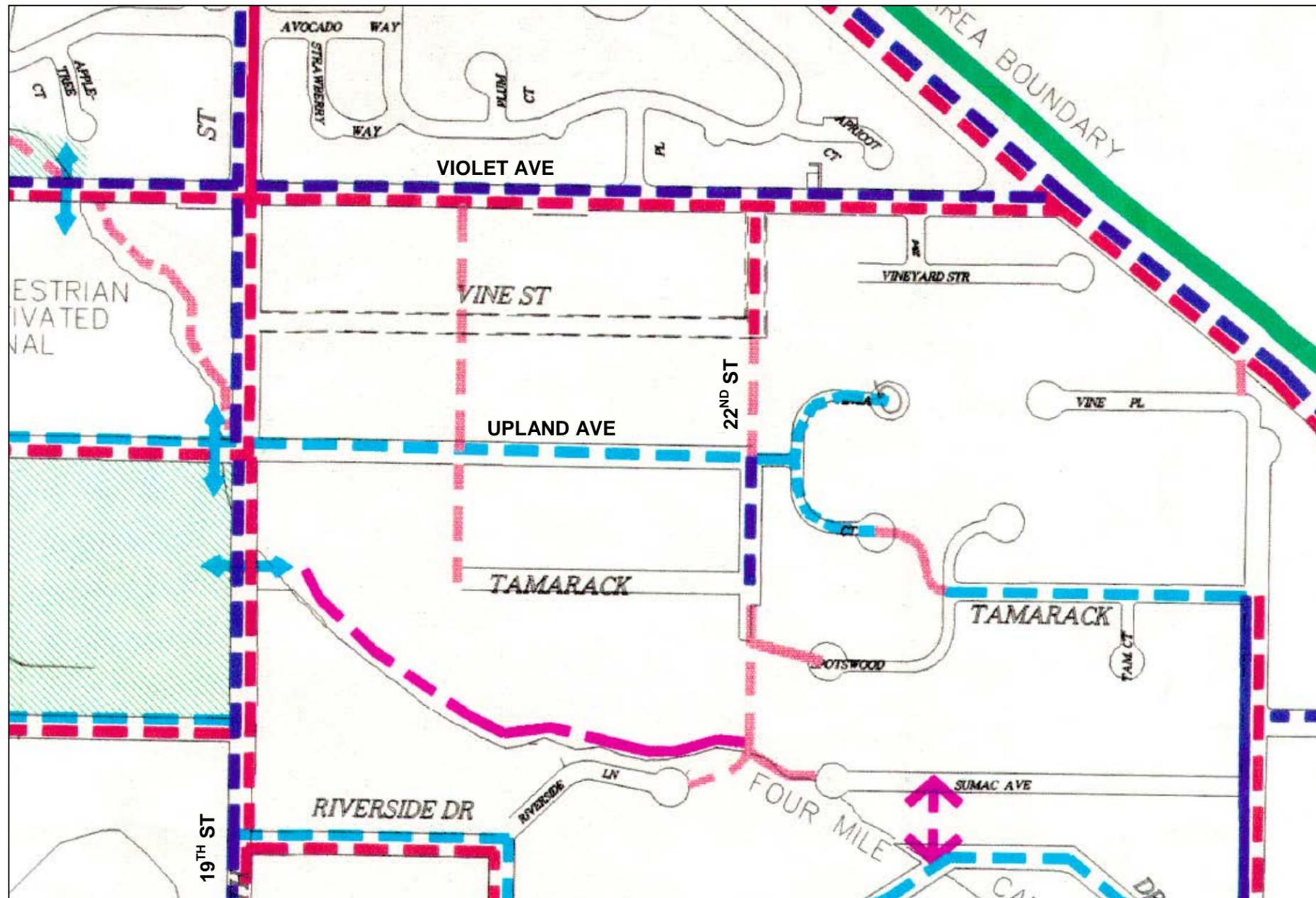
* Size-restricted units are affordable to the first purchaser of the unit. Subsequent sales of each property would allow the affordability restrictions to be terminated over time.

** 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.

NORTH BOULDER SUBCOMMUNITY

RIGHT-OF-WAY PLAN

BIKE/PED IMPROVEMENTS



BUILT CONDITIONS		UN-BUILT CONDITIONS	
	On-Street Bike Route		On-Street Bike Route
	On-Street Bike Lane		On-Street Bike Lane
	Sidewalk/Path- Key Routes		Sidewalk/Path- Key Routes
	Off-Street Multi-Use Path		Off-Street Multi-Use Path
	Off-Street Ped-Only Path		Off-Street Ped-Only Path
	Civic Site		Exact Location undetermined
	Ped/Bike Underpass		Ped/Bike Underpass
	Subcommunity Boundary		Improved Bike/Ped Crossing
			Proposed Roads
			Conceptual Road Location per Infrastructure Plan

(Map revised 8/16/95, City of Boulder Planning GIS Lab)



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Boulder County Clerk, CO

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Page: 1 of 39

DF: \$0.00

ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT, made this 6th day of Nov., 2009, by and between the City of Boulder, a Colorado home rule city, ("City"), and the property owners of 1937 Upland Ave., 2005 Upland Ave., 2010 Upland Ave., 2075 Upland Ave., 2090 Upland Ave., 2125 Upland Ave., 2130 Upland Ave., 2135 Upland Ave., 2155 Upland Ave., 2160 Upland Ave., 1938 Violet Ave., 1960 Violet Ave., 2066 Violet Ave. and 2114 Violet Ave. (individually referred to as "**Property Owner**" and collectively referred to as "**Applicant**"). The City and the Applicant are referred to as the "**Parties**."

RECITALS

WHEREAS, the Parties recite the following facts related to the annexation of the Property described in this Annexation Agreement under **Exhibit A**.

A. The Applicant is the owner of the real property described in the attached Exhibit A ("**Crestview East Addition No. 1A Annexation Property**"). A Property Owner owns an individual property ("**Property**") within the Crestview East Addition No. 1A Annexation Property, including 1937 Upland Ave., 2005 Upland Ave., 2010 Upland Ave., 2075 Upland Ave., 2090 Upland Ave., 2125 Upland Ave., 2130 Upland Ave., 2135 Upland Ave., 2155 Upland Ave., 2160 Upland Ave., 1938 Violet Ave., 1960 Violet Ave., 2066 Violet Ave. and 2114 Violet Ave. Each address represents a separate Property and Property owner.

B. The Applicant is interested in obtaining approval from the City for annexation of each Property in order to provide adequate urban services to said area, particularly City water, drainage and sewer utilities with initial zoning designations as follows:

- RM-2 for the northern 140 feet and RL-1 for the southern 140 feet of 1938 Violet Ave., 1960 Violet Ave., 2066 Violet Ave., and 2114 Violet Ave.;
- RL-1 for the northern 140 feet and RE for southern 140 feet of 1937 Upland Ave., 2005 Upland Ave., 2075 Upland Ave., 2125 Upland Ave., 2135 Upland Ave., 2155 Upland Ave.; and
- RE for 2010 Upland Ave., 2090 Upland Ave., 2130 Upland Ave. and 2160 Upland Ave.;

C. Consistent with Policy 1.27 (b) of the Boulder Valley Comprehensive Plan, the City finds it desirable to actively pursue annexation of county enclaves in order to provide adequate urban services to the Crestview East Addition No. 1A Annexation Property; and

D. 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.

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 follows:

COVENANTS

1. Definitions.

"Floor area" means the total square footage of all levels measured to the outside surface of the exterior framing, or to the outside surface of the exterior walls if there is no exterior framing, of a building or portion thereof, which includes stairways, elevators, the portions of all exterior elevated above grade corridors, balconies, and walkways that are required for primary or secondary egress by chapter 10-5, "Building Code," B.R.C. 1981, storage and mechanical rooms, whether internal or external to the structure, but excluding an atrium on the interior of a building where no floor exists, a courtyard, the stairway opening at the uppermost floor of a building, and floor area that meets the definition of uninhabitable space. Basements below grade shall be exempt from floor area calculations and garages up to 500 square feet shall be exempt from floor area calculations.

"Newly Constructed Unit" means either a new dwelling unit constructed on a vacant parcel or a redeveloped dwelling unit that is greater than 3,000 square feet of total floor area (for inclusionary zoning), as defined by Section 9-16, "Definitions," B.R.C. 1981.

"Redevelopment" means the subdivision of a Property to create a new lot or the addition of a dwelling unit to an existing lot.

"Redevelopment Improvements" means the improvements which are fully described and shown on **Exhibits B, C and D**.

2. Requirements Prior to First Reading of the Annexation Ordinance.

- a. Thirty days prior to scheduling the first reading of the annexation ordinance, each Property Owner shall:
 - i. Provide title work current to within 30 days of signing the Annexation Agreement;
 - ii. File an application, and pay the applicable fees for inclusion of each Property in the Boulder Municipal Subdistrict of the Northern Colorado Water Conservancy District;

- iii. Pay the fees and convey the Property specified on **Exhibit E**. Fees can be paid at the time of first reading or at the time of redevelopment. If a Property Owner desires to defer payment of fees until the time of redevelopment, the property owner shall submit such request with this Agreement prior to first reading of the annexation ordinance. Rates will be based on the fees current at the time of redevelopment.
 - iv. Provide a written description of any non-conforming use or structure existing on each Property, if any;
 - v. Submit individual warranty deeds for each individual property owner dedicating new right of way as required by **Exhibit E**
 - vi. Submit legal descriptions in a form acceptable to the Director of Public Works for any right of way to be vacated pursuant to this Agreement.
- b. Regarding interests in the Silver Lake Reservoir and Ditch Company, the Applicant shall:
- i. Prior to first reading of the annexation ordinance, sell to the City, at its fair market value, any and all water and ditch rights, except for rights associated with wells, available for use on each Property, including all shares in the Silver Lake Reservoir and Ditch Company. Applicant shall abandon and transfer to the City all shares of the Silver Lake Reservoir and Ditch Company associated with the Property at the price of \$25.00 per share; or
 - ii. Execute an agreement to abide by the outcome of the pending negotiations and mediation between the City and the Silver Lake Reservoir and Ditch Company. The Applicant shall then execute all documents required to be a party to such an outcome within 30 days after a request by the City. In the event that the City declares an impasse in the negotiations and mediation, if the Applicant fails to join in the outcome of the negotiation and mediation, or at the Applicant's discretion, the Applicant shall sell said shares to the City as provided above within 30 days of a request by the City.
4. City Responsible for Construction of Water and Sewer Utilities on Upland and Violet and Detached Sidewalk on the North Side of Upland Avenue. The Applicant agrees that water and sewer main improvements and the detached sidewalk on the north side of Upland Avenue will provide a special benefit to the Property. The City will initially fund installation of the water and sewer mains. Each Applicant is required to comply with the following:
- a. The Applicant agrees to:

- i. Pay, when billed, its proportionate share of the cost of such improvements; or
 - ii. Enter into a repayment agreement with the City and pay its proportionate share of the City utility improvements. The repayment amount will be based on each property frontage on the improvements and the actual construction costs incurred by the City. The repayment plan will require ten (10) equal, annual payments over a ten (10) year period at an annual interest rate of Five and a half (5.5%) percent. Payments will begin one (1) year after the date of connection to City water and/or sewer. Full repayment of an individual landowner's share of the costs shall occur within thirty (30) days prior to the recording a final plat for subdivision or sale of the Property.
 - iii. Accept and acknowledge that the existing Upland Avenue drainage facilities and street sections are not and will not meet the rural residential street standards in City of Boulder Design and Construction Standards once the utility installation, detached sidewalk construction, and street restoration are completed.
 - b. In the alternative to paragraph 4(a) above, if the City determines that it is appropriate to create a local improvement district for the purpose of assessing the costs of the above-referenced public improvements, the Applicant, agrees to join in a petition to establish a local improvement district to construct such improvements and not to dissent therefrom or oppose or remonstrate against the establishment of such a district.
5. Water and Sewer Connection Requirements. Within 90 days of the installation of water and sewer stubs by the City to each property, the Applicant agrees to perform the following as is applicable to each Property:
- a. Connect all existing structures to the City's water and sewer system as required by the Boulder Revised Code.
 - b. Submit an application that meets the requirements of Chapters 11-1, "Water Utility," and 11-2, "Wastewater Utility," B.R.C. 1981 and obtain City approval to connect to the City's water and sewer mains.
 - c. The Applicant is responsible for all costs and installation associated with the connection of a service line from the utility mains to the building.
 - d. The property owners shall pay applicable fees and charges associated with a service line connection to a water and sewer main, including right of way, water, and waste water fees, for permits, inspection fees, installation fees, tap fees, and all plant investment fees associated with the Property prior to connection to the City's water or sewer system. The property owners shall be subject to the Water and Wastewater Plant Investment Fees effective January 5, 2009 for dwelling units in existence at time of annexation if connection is made prior to December 31, 2010.

- e. Notwithstanding the provisions of this section, 2135 Upland Ave. may defer connection to the city sanitary sewer utility until such time as the septic system fails or when the property redevelops. The Property owner of 2135 Upland agrees to pay such connection, plant investment fees, and other fees at the rates in place at the time of connection to the City's waste water utility.
6. Septic System Abandonment. Upon connection to the City's sewer system, each Property Owner shall abandon the existing septic system in accordance with Boulder County Health Department and State of Colorado regulations.
7. Floor Area Ratios. The parties agree that nothing in this Agreement shall be construed as any type of waiver of any regulations adopted or associated with the City's pending study regarding Compatible Development in Single Family Neighborhoods.
8. Calculating Density.
 - a. Areas dedicated as right-of-way by a Property Owner to serve as area for new streets, shared drainage ponds, emergency, or pedestrian connections may be included in the overall lot size for the purposes of calculating density by such Property Owner.
 - b. At the time of redevelopment, the Property shall be developed and planned to accommodate the maximum practical density that is consistent with the zoning. Subdivision of the Property may not reduce the density below that allowed by the Property's square footage.
9. Design Guidelines. The Applicant agrees that the following design guidelines will be applied to each Property.
 - a. Front doors and front yards shall face the street.
 - b. Garages shall be alley loaded where an alley exists or is proposed. Where alleys do not exist, structures should be designed so that garage doors do not dominate the front façade of the building. Garage doors shall be located no less than 20 feet behind the principal plane of the building.
 - c. Properties located at 2105, 2125, 2155 Upland Ave. may reduce the front yard setback of the rear lots that front Vine St. from 25 feet to 15 feet to accommodate an offset in the Vine Street design. If a straight road alignment is proposed for Vine St. subsequent to annexation but before building permits for structures are obtained, the required front yard setback shall meet the requirements of the zone district.
10. Requirements Prior to Subdivision At the time of applying for the first subdivision of each Property, the individual property owner shall be eligible to pay the "minor subdivision" application fee. Any group subdivision application involving more than one property thereafter shall pay the fee prescribed in the Boulder Revised Code for the application type.

11. Requirements Prior to Redevelopment for 1937, 2005, 2075, 2125, 2135, and 2155 Upland Ave. Each Property generally described as 1937, 2005, 2075, 2125, 2135, and 2155 Upland Ave. has specific requirements that will need to be satisfied prior to redevelopment as shown on **Exhibit B**.

12. Requirements Prior to Redevelopment for RL portion of 1938, 1960, 2066, and 2114 Violet Ave. Subdivision Requirements. Each Property generally described as 1938, 1960, 2066, and 2114 Violet Ave. has specific requirements that will need to be satisfied prior to redevelopment as shown on **Exhibit B**.

Upon subdivision, a Property Owner may develop two units accessed directly from Vine Street without constructing the alley or North 20th Street as required by the redevelopment requirements shown in **Exhibit C**. In the event a Local Improvement District is formed and the alley is installed prior to construction, access is to be taken from the alley.

13. Requirements Prior to Redevelopment for RM portion of 1938, 1960, 2066, and 2114 Violet Ave. Subdivision Requirements. Each Property generally described as 1938, 1960, 2066, and 2114 Violet Ave. has specific requirements that will need to be satisfied prior to redevelopment as shown on **Exhibits B and C**.

14. Requirements Prior to Redevelopment for 2010, 2090, 2130 and 2160 Upland Ave. Each Property generally described as 2010, 2090, 2130 and 2160 Upland Ave. has specific requirements that will need to be satisfied prior to redevelopment as shown on **Exhibit D**.

15. Existing Non-conforming Uses. Existing, legal non-conforming uses will be allowed to continue to be operated in the City of Boulder as legal non-conforming uses and to be modified and expanded under the provisions of Chapter 9-10, "Non-Conformance Standards," B.R.C. 1981, as that section may be amended from time to time. The only non-conforming uses that will be recognized by the City will be those reported to the City pursuant to Paragraph 2 of this Annexation Agreement.

16. Rental Property Requirements. Any Property that is used as rental property at the time of annexation shall be brought into compliance with Chapter 10-3, "Rental Licenses," B.R.C. 1981, within 90 days of the effective date of the annexation ordinance.

17. Existing Wells. The City agrees that it will not prohibit Property Owners from using existing wells for irrigation purposes. Under no circumstances may existing wells be used for domestic water purposes. No person shall make any cross connections to the City's municipal water supply system.

18. Lease of Ditch Shares. The Property Owner(s) selling, abandoning or transferring ditch rights pursuant to Paragraph 2(b)(i) may lease these ditch rights from the City on an annual basis subject to the following terms:
 - a. Property Owner shall notify the City by April 1st of each year of its desire to lease the water for the upcoming year.
 - b. The determination regarding availability of the water for lease shall be solely in the City's discretion and may be communicated to the Property Owner by April 15th of any year in which the City has been properly notified of a desire to lease water.
 - c. The cost of the lease shall be equal to the ditch company annual assessment, plus 10%, plus any special assessments or fees of any kind of the ditch company assessed by the ditch company during the term of the water lease.
 - d. No future leasing of the water to the Property Owner will occur following any year in which the lease option is not exercised or following the closure of the lateral.
 - e. No leasing of the water to the Property Owner will occur following subdivision or redevelopment of the property subject to the lease.
19. Ditch Lateral. Property Owners shall not relocate, modify, or alter the ditch or lateral without obtaining any necessary approvals from ditch companies or lateral users or through judicial approval.
20. Permanently Affordable Housing. The Applicant agrees that the following requirements shall apply to the Property and that no additional dwelling units shall be approved for any individual parcel unless the following requirements have been met:
 - a. Required Documents and Payments. Prior to the application of a building permit for any newly constructed dwelling unit on the Property, the applicant shall provide the following to the city manager:
 - i. Covenants or deed restrictions, in a form acceptable to the city manager, to secure the permanent affordability of dwelling units shall be signed and recorded with the Boulder County Clerk and Recorder prior to application for any residential building permit.
 - ii. Any applicable cash-in-lieu of permanently affordable housing payments. The city manager may delay such payments to a time prior to the issuance of such building permit.

- b. Properties with RM Zoning. RM portions of each property generally described as 1938, 1960, 2066, and 2114 Violet Ave. shall provide 50% of the total newly constructed dwelling units as permanently affordable. No permanently affordable units shall be accepted until the location, size, type, fixtures, finish and other features are approved by the city manager. The distribution of unit types for the permanently affordable units shall reflect the distribution of the market rate unit types. The city manager is permitted, at the manager's sole discretion, to accept alternate distributions and locations of permanently affordable units if such alternatives result in additional permanently affordable housing benefits to the City. The following conditions shall apply:
- i. At least twenty-five percent (25%) of any newly constructed dwelling units on the Property shall be permanently affordable consistent with Chapter 9-13, "Inclusionary Zoning," B.R.C. 1981. If a fraction results from multiplying twenty-five percent (25%) times the total number of permitted new dwelling units on the Property, the total number of such permanently affordable units shall be rounded up to the nearest whole number.
 - ii. At least twenty-five percent (25%) of any newly constructed dwelling units on the Property shall be permanently affordable to middle income households consistent with the following:
 - A. Detached single family units shall be permanently affordable to households earning between the Department of Housing and Urban Development's (HUD) Low Income Limit for the City of Boulder and 40% more than the HUD Low Income Limit for and shall be distributed such that the average price of the single family detached units is based upon a household income that is 30% more than the HUD Low Income Limit.
 - B. Duplex or townhome style units shall be permanently affordable to households earning between the HUD Low Income Limit and 30% more than the HUD Low Income Limit for and distributed such that the average price of the duplex or townhome style units is based upon a household income that is 25% more than the HUD Low Income Limit.
 - C. A permanently affordable middle income dwelling unit shall be either a detached dwelling unit, duplex unit or townhouse unit.
 - D. If a fraction results from multiplying twenty-five percent (25%) times the total number of permitted new dwelling units on the Property, the total number of required middle income permanently affordable dwelling units shall be rounded down to the nearest whole number.

- c. Properties with RL and RE Zoning. Each property generally described as 1937 Upland Ave., 2005 Upland Ave., 2010 Upland Ave., 2075 Upland Ave., 2090 Upland Ave., 2125 Upland Ave., 2130 Upland Ave., 2135 Upland Ave., 2155 Upland Ave., 2160 Upland Ave. and RL portions of each property generally described as 1938, 1960, 2066, and 2114 Violet Ave. shall pay a cash-in-lieu of permanently affordable housing for each newly constructed dwelling unit on the Property. The payment will be a percentage of the cash-in-lieu payment required by the City's inclusionary zoning program or an equivalent amount determined by the city manager at the time of building permit application. The payment amount will be based upon the total floor area of the dwelling unit as follows:
- i. 2,499 square feet or less of floor area, the cash-in-lieu payment shall be equal to that required by Chapter 9-13, B.R.C. 1981;
 - ii. 2,500 square feet to 3,499 square feet of floor area, the cash-in-lieu payment shall be 50% more required by Chapter 9-13, B.R.C. 1981;
 - iii. 3,500 square feet to 3,999 square feet of floor area, the cash-in-lieu payment shall be 100% more than that required by Chapter 9-13, B.R.C. 1981;
 - iv. 4,000 square feet to 4,499 square feet of floor area, the cash-in-lieu payment shall be 150% more than that required by Chapter 9-13, B.R.C. 1981;
 - v. 4,500 square feet to 4,999 square feet of floor area, the cash-in-lieu payment shall be 200% more than that required by Chapter 9-13, B.R.C. 1981;
 - vi. 5,000 square feet to 5,499 square feet of floor area, the cash-in-lieu payment shall be 250% more than that required by Chapter 9-13, B.R.C. 1981; and
 - vii. 5,500 square feet of floor area or greater, the cash-in-lieu payment shall be 300% more than that required by Chapter 9-13, B.R.C. 1981.
- d. Exceptions, Bonuses and Alternatives.
- i. Energy Efficient Homes. Newly constructed dwelling units that have a Home Energy Rating System (HERS) rating of 0 (zero) and which incur a cash-in-lieu of permanently affordable housing payment may have that cash-in-lieu payment reduced by fifty percent (50%).
 - ii. Current Owner Occupants. The following conditions apply to the following existing Property Owners that are owner-occupying an existing dwelling unit on the following Properties: 1938 Violet Ave., 2075 Upland Ave., 2125 Upland Ave., 2135 Upland Ave., 2010 Upland Ave., 2130 Upland Ave., and 2160 Upland Ave. Each such property owner may use one of the provisions below one time only:
 - A. An existing property owner occupant whose household income does not exceed forty (40) percentage points more than the U.S. Department of Housing and Urban Development's (HUD) Low Income Limit for the City

of Boulder may construct and occupy a deed restricted, permanently affordable dwelling unit constructed under this Agreement.

- B. An existing property owner occupant who converts an existing dwelling unit to a newly constructed dwelling unit and owner-occupies the converted dwelling unit for at least one year following the final inspection for that unit shall be exempt from the requirements for a “newly constructed dwelling unit” in this Agreement.
 - C. An existing property owner occupant who owns, constructs and owner-occupies a newly constructed dwelling unit that is subject to a cash-in-lieu of permanently affordable housing payment may defer that payment for a period of time not to exceed ten years or until the title to the property is transferred, whichever is less. This deferred payment shall be secured by a deed of trust and promissory note with an interest rate equal to the average of the past increases in the cash-in-lieu amounts as determined per Chapter 9-13, “Inclusionary Zoning,” B.R.C. 1981.
- iii. Density Bonus for Permanently Affordable Dwelling Units. A duplex dwelling unit shall be permitted on an RL zoned parcel where only one dwelling unit would be allowed as long as one of the duplex dwelling units is permanently affordable to low income households as defined above and the second duplex dwelling unit is permanently affordable to middle income households as defined above. If such permanently affordable units are to be rented, the Applicant agrees to execute any agreements necessary to have rent controlled units that meet state law requirements prior to the rental of such units or an application for a rental license.
 - iv. Conversion of Middle Income Permanently Affordable Units. On an RM zoned parcel on the Property where two (2) middle income permanently affordable dwelling units would be required, a property owner may substitute, one time only, a single permanently affordable low income single family detached dwelling unit for two permanently affordable middle income dwelling units.
 - v. Concurrent Construction. On an RM zoned parcel on the Property, the first newly constructed dwelling unit may be a market rate dwelling unit. Thereafter, the second newly constructed dwelling unit shall be a permanently affordable dwelling unit and all subsequent permanently affordable dwelling units shall be constructed concurrently with the market rate dwelling units.

- e. Standard Conditions.
 - i. Any permanently affordable units produced under this Agreement may not be used to satisfy other permanently affordable housing requirements located on property other than the Property.
 - ii. Permanently affordable dwelling units shall be constructed at least concurrently with the market rate dwelling units except as described in paragraph 18(d)(v) above.
 - iii. Any newly constructed dwelling unit produced under this Agreement and subject to a cash-in-lieu of permanently affordable housing payment that is constructed with less than 5,500 square feet of floor area and subsequently increases the original floor area shall be subject to a cash-in-lieu of permanently affordable housing payment that is equal to the difference between the previous cash-in-lieu payment and the applicable cash-in-lieu payment for the new total floor area of the dwelling unit.

- 21. Deeds, other Documents and Public Improvements. All deeds and other documents that are required by this Annexation Agreement are subject to the prior review and approval of the city manager to ensure consistency with this Annexation Agreement and City standards. All public improvements shall be constructed to City standards applicable at the time of construction, and shall be subject to the review, approval, and acceptance of the Director of Public Works.

- 22. New Construction - Rules and Fees. All new construction commenced on the Property after annexation shall comply with all City of Boulder laws, taxes, and fees, except as modified by this Annexation Agreement. All conditions contained in this Agreement are in addition to any and all requirements of the City of Boulder. Except as expressly provided herein, all City ordinances, regulations, codes, policies and procedures shall be applicable to the use and development of the Property. Nothing contained in this Annexation Agreement shall constitute or be interpreted as a repeal of existing codes or ordinances, or as a waiver or abrogation of the City's legislative, governmental, or police powers to promote and protect the health, safety and general welfare of the City or its inhabitants.

- 23. Conveyance of Drainage. Each Property Owner shall convey drainage from each Property in an historic manner that does not materially and adversely affect abutting Property Owners.

- 24. Waiver of Vested Rights. The Applicant waives any vested property rights that may have arisen under Boulder County jurisdiction. This Annexation Agreement shall replace any such rights that may have arisen under Boulder County jurisdiction. The Applicant acknowledges that nothing contained herein may be construed as a waiver of the City's

police powers or the power to zone and regulate land uses for the benefit of the general public.

25. Binding Agreement. If an individual Applicant or a Property Owner breaches this Annexation Agreement in any respect, the City may withhold approval of any building permits and other development applications requested for the respective property within the Crestview East Addition No. 1A Annexation until the breaches have been cured. This remedy is in addition to all other remedies available to the City at law and equity.
26. Breach of Agreement. In the event that the Property Owner breaches or fails to perform any required action under or fails to pay any fee specified under the Covenants of this Annexation Agreement, the Property Owner 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 obligations herein described. In the event the Property Owner fails to pay any monies due under this Annexation Agreement or fails to perform any affirmative obligation hereunder, the Property Owner agrees that the City may collect the monies due in the manner provided for in Section 2-2-12, "City Manager May Certify Taxes, Charges, and Assessments to County Treasurer for Collection," 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 Property Owner, and collect its costs in the manner herein provided. The Property Owner agrees to waive any rights he may have under Section 31-20-105, C.R.S., based on the City's lack of an enabling ordinance authorizing the collection of this specific debt, or acknowledges that the adopting of the annexation ordinance is such enabling ordinance.
27. Future Interests. The agreements and covenants as set forth herein shall run with the land and shall be binding upon the Applicant, its heirs, successors, representatives and assigns, and all persons who may hereafter acquire an interest in the Crestview East Addition No. 1 Annexation Property, or any part thereof. If it shall be determined that this Annexation Agreement creates an interest in land, that interest shall vest, if at all, within the lives of the undersigned plus twenty years and three hundred and sixty-four days.
28. Annual Appropriations. The City's financial obligations under this Agreement in future fiscal years are subject to annual appropriation by the Boulder City Council in accordance with Colorado law.
29. Right to Withdraw. A Property Owner retains the right to withdraw from this Agreement up until the time that final legislative action has been taken on the ordinance that will cause the Property to be annexed into the City. The final legislative action will be the vote of the City Council after the final reading of the annexation ordinance. The Property Owner's right to withdraw shall terminate upon the City Council's final legislative action approving the annexation. If one or more Property Owner withdraws from this Annexation, the city manager may in the discretion of the Boulder City Council, terminate annexation proceedings on this Annexation. In the event that a Property Owner withdraws from this Agreement in the manner described above, this Agreement shall be null and void and shall have no effect regarding such Property Owner. The City agrees, within thirty (30) days of

a request by a Property Owner after a withdrawal, to return all previously submitted stormwater/flood management PIF, NCWCD fees and application, and easement and/or rights of way dedication documents which the Property Owner submitted pursuant to this Agreement to the Property Owner.

- 30. The Parties agree to fully execute any and all documents necessary to accomplish the annexation of the Properties set forth in this Agreement including, but not limited to, deeds of vacation, deeds of dedication of rights of way and, grants of easements. All such documents shall be executed within thirty (30) days of the effective date of the annexation ordinance.

EXECUTED on the day and year first above written.

[SIGNATURE PAGES FOLLOW]

CITY OF BOULDER, COLORADO

BY: *Jane S. Brautigam*
City Manager

Attest: *[Signature]*
City Clerk on behalf of the
Director of Finance and Record

Approved as to form:

[Signature]
City Attorney
Dated: 12-10-09

Exhibits

- Exhibit A Legal Descriptions
- Exhibit B Redevelopment Improvements for Properties on North Side of Upland Ave. and the RL Zoned Portions Properties on the South Side of Violet Ave.
- Exhibit C Redevelopment Improvements for RM Properties on South Side of Violet Ave.
- Exhibit D Redevelopment Improvements for Properties on South Side of Upland Ave.
- Exhibit E Additional Dedication, Improvements, and Requirements for Individual Lots Prior to Annexation

OWNER (2066 Violet Ave.)

BY: *Michael Marez*
Michael Marez, as Trustee for the Toby J. Marez Revocable Trust

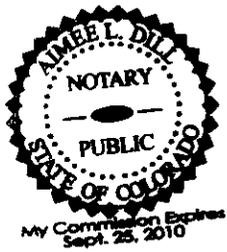
State of Colorado)
) ss.
County of Boulder)

The foregoing instrument was acknowledged before me this 9 day of September, 2009, by Michael Marez, Trustee for the Toby J. Marez Revocable Trust.

Witness my Hand and Seal.
My Commission Expires: 9/25/2010

[Seal]

Aimee L. Dill
Notary Public



OWNER (2005 Upland Ave.)

BY: *Gary Howard Calderon*
Gary Howard Calderon

State of Colorado)
) ss.
County of Boulder)

The foregoing instrument was acknowledged before me this 2 day of Sept, 2009, by Gary Howard Calderon.

Witness my Hand and Seal.
My Commission Expires: 4-25-2013

[Seal]

Colleen Estep
Notary Public



OWNER (2010 Upland Ave.)

BY: Ellen Stark
Ellen A. Stark

Anne Hockmeyer
Anne Hockmeyer

State of Colorado)
) ss.
County of Boulder)

The foregoing instrument was acknowledged before me this 2 day of September, 2009, by Ellen A. Stark and Anne Hockmeyer.

Witness my Hand and Seal.
My Commission Expires: 9/25/2010

[Seal]

Aimee O'Leary
Notary Public



OWNER (2130 Upland Ave.)

BY: *Rachel Cahn*
Rachel Cahn

State of Colorado)
) ss.
County of Boulder)

The foregoing instrument was acknowledged before me this 9 day of September, 2009, by Rachel Cahn.

Witness my Hand and Seal.
My Commission Expires: 9/25/2010

[Seal]

Aimee L. Dill
Notary Public

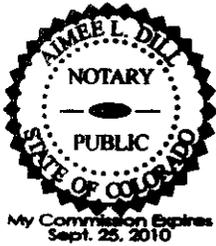


EXHIBIT A

LEGAL DESCRIPTION

Refer to the Legal Description on the Next two Pages.

EXHIBIT A

LEGAL DESCRIPTION

OF A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 2

PARCEL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH RANGE 70 WEST OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18 TO BEAR NORTH 00°05'30" EAST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE CENTER 1/4 CORNER OF SAID SECTION 18; THENCE ALONG SAID NORTH-SOUTH CENTERLINE NORTH 00°05'30" EAST, A DISTANCE OF 1302.24 FEET; THENCE DEPARTING SAID LINE NORTH 89°53'00" EAST, A DISTANCE OF 30.00 FEET TO THE NORTHWEST CORNER OF THE PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 1005904 IN THE RECORDS OF BOULDER COUNTY SAID POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF VIOLET AVENUE, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE NORTH 89°53'00" EAST, A DISTANCE OF 580.70 FEET TO THE NORTHEAST CORNER OF PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 059876 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG THE EASTERLY LINE OF SAID PROPERTY SOUTH 00°03'40" WEST, A DISTANCE OF 10.40 FEET TO THE NORTHWEST CORNER OF PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 059876 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG THE NORTH LINE OF SAID PROPERTY NORTH 89°53'00" EAST, A DISTANCE OF 140.00 FEET TO THE NORTHEAST CORNER OF SAID PROPERTY; THENCE ALONG THE EAST LINE OF SAID PROPERTY SOUTH 00°03'40" WEST, A DISTANCE OF 261.95 FEET TO A POINT ON THE SOUTH LINE OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 668732 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG SAID SOUTH LINE NORTH 89°51'44" EAST, A DISTANCE OF 139.93 FEET TO A POINT ON THE WEST LINE OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 2830344 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG SAID WEST LINE SOUTH 00°04'30" WEST, A DISTANCE OF 30.33 FEET TO THE SOUTHWEST CORNER OF SAID PROPERTY; THENCE ALONG THE SOUTH LINE OF SAID PROPERTY NORTH 89°51'19" EAST, A DISTANCE OF 279.11 FEET TO THE NORTHEAST CORNER OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 2791386; THENCE ALONG THE EAST LINE OF SAID PROPERTY SOUTH 00°03'41" WEST, A DISTANCE OF 330.99 FEET TO A POINT ON THE CENTERLINE OF UPLAND AVENUE; THENCE ALONG SAID CENTERLINE SOUTH 89°50'00" WEST, A DISTANCE OF 140.00 FEET TO A POINT ON THE EAST LINE EXTENDED OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 610371 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG SAID EAST LINE EXTENDED AND SAID EAST LINE SOUTH 00°03'40" WEST, A DISTANCE OF 318.00 FEET TO THE CENTERLINE OF TAMARACK AVENUE; THENCE ALONG SAID CENTERLINE SOUTH 89°50'00" WEST, A DISTANCE OF 280.00 FEET TO A POINT ON THE WEST LINE EXTENDED OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 2130866; THENCE ALONG SAID WEST LINE EXTENDED AND SAID WEST LINE NORTH 00°03'40" EAST, A DISTANCE OF 258.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF UPLAND AVENUE; THENCE ALONG SAID RIGHT-OF-WAY SOUTH 89°50'00" WEST, A DISTANCE OF 140.00 FEET TO A POINT ON THE EAST LINE EXTENDED OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED ON FILM NO. 0817 AT REC. NO. 065713 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG SAID EAST LINE EXTENDED AND SAID EAST LINE SOUTH 00°03'40" WEST, A DISTANCE OF 258.00 FEET TO THE SOUTHEAST CORNER OF SAID PROPERTY, SAID POINT ALSO BEING A POINT ON THE CENTERLINE OF TAMARACK AVENUE; THENCE ALONG SAID CENTERLINE SOUTH 89°50'00" WEST, A DISTANCE OF 280.00 FEET TO THE SOUTHWEST CORNER OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED ON FILM NO. 1318 AT REC. NO. 643030 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG THE WEST LINE AND WEST LINE EXTENDED OF SAID PROPERTY NORTH 00°03'40" EAST, A DISTANCE OF 348.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF UPLAND AVENUE,

Flatirons, Inc.

Surveying, Engineering & Geomatics

3825 IRIS AVENUE, #100
BOULDER, CO 80301
PH: (303) 443-7001
FAX: (303) 443-9830



655 FOURTH AVENUE
LONGMONT, CO 80501
PH: (303) 776-1733
FAX: (303) 776-4355

www.FlatironsInc.com

REVISED 09/14/09

EXHIBIT A

LEGAL DESCRIPTION

OF A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO

SHEET 2 OF 2

PARCEL DESCRIPTION (CONT.)

SAID POINT ALSO BEING THE SOUTHEAST CORNER OF PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 1301652 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG THE SOUTH LINE OF SAID PROPERTY SOUTH 89°50'00" WEST, A DISTANCE OF 139.35 FEET TO THE SOUTHWESTERLY MOST CORNER OF SAID PROPERTY; THENCE ALONG A WESTERLY LINE OF SAID PROPERTY NORTH 00°16'47" WEST, A DISTANCE OF 203.11 FEET TO A POINT ON A NORTHERLY LINE OF SAID PROPERTY; THENCE ALONG SAID NORTHERLY LINE NORTH 89°17'20" EAST, A DISTANCE OF 30.19 FEET TO A POINT ON A WESTERLY LINE OF SAID PROPERTY; THENCE ALONG SAID WESTERLY LINE NORTH 00°18'26" WEST, A DISTANCE OF 100.34 FEET TO A NORTHWESTERLY CORNER OF SAID PROPERTY, SAID POINT ALSO BEING A SOUTHWESTERLY CORNER OF SAID PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 1830871 IN THE RECORDS OF BOULDER COUNTY, SAID POINT HEREIN DESCRIBED AS POINT A; THENCE ALONG A WESTERLY LINE OF SAID PROPERTY NORTH 00°19'37" WEST, A DISTANCE OF 100.02 FEET TO A POINT ON A SOUTHERLY LINE OF SAID PROPERTY; THENCE ALONG SAID SOUTHERLY LINE AND THE SOUTHERLY LINE OF SAID PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 1005904 SOUTH 89°57'00" WEST, A DISTANCE OF 188.14 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF NORTH 19TH STREET; THENCE ALONG SAID RIGHT-OF-WAY NORTH 00°05'30" EAST, A DISTANCE OF 200.33 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF VIOLET AVENUE, SAID POINT ALSO BEING THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL OF LAND; COMMENCING AT POINT A, THENCE N89°51'44"E, A DISTANCE OF 391.01 FEET; THENCE S00°03'40"W, A DISTANCE OF 29.52 FEET, TO A POINT BEING THE NORTHWEST CORNER OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT RECEPTION NO. 1301950, SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG THE WEST LINE OF SAID PROPERTY S00°03'40"W A DISTANCE OF 272.53 FEET; THENCE ALONG THE NORTH RIGHT-OF-WAY LINE OF UPLAND STREET, N89°50'00"E A DISTANCE OF 140.00 FEET TO A POINT ON THE EAST LINE OF THE PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 1301950; THENCE N00°03'40"E ALONG SAID EAST LINE A DISTANCE OF 272.46 FEET TO THE NORTHEAST CORNER OF SAID PROPERTY; THENCE ALONG THE NORTH LINE OF SAID PROPERTY S89°51'44"W A DISTANCE OF 140.00 FEET TO THE NORTHWEST CORNER OF SAID PROPERTY, THE POINT OF BEGINNING;

SAID PARCEL CONTAINS A NET AREA OF 631,759 SQ FT OR 14.50 ACRES MORE OR LESS.

I, JOHN B. GUYTON, A LICENSED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION WAS PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.

Flatirons, Inc.

Surveying, Engineering & Geomatics

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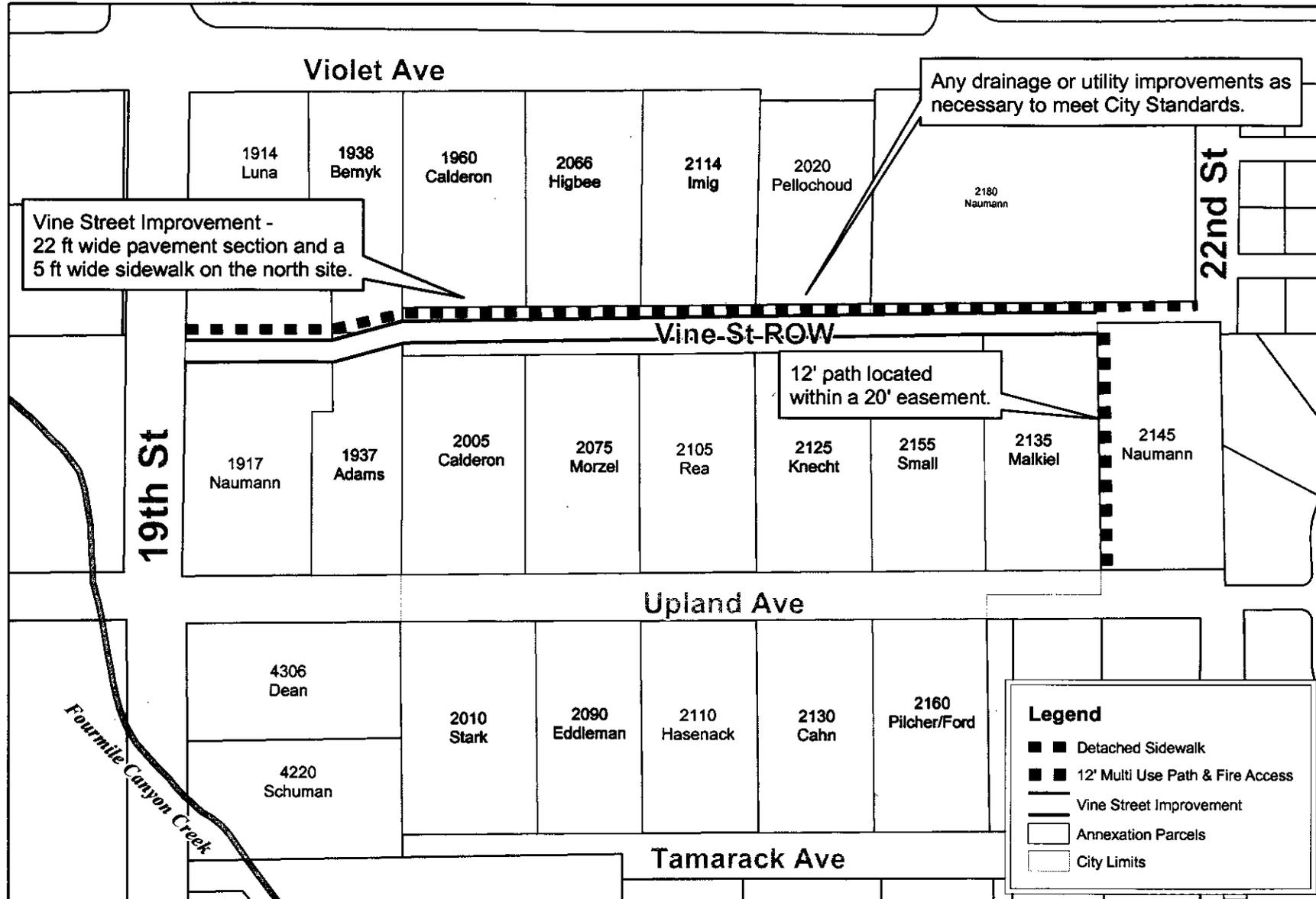
EXHIBIT B

Redevelopment Improvements for Properties on North Side of Upland Ave. and South Side of Violet Ave.

1. Vine St. to be constructed as a 22 foot wide pavement section and a 5 foot wide sidewalk on the north side.
2. Any drainage and utility improvements as necessary to meet City standards.
3. Install a 12 foot wide concrete multi-use path and fire access lane in the existing 20 foot wide right-of-way located on the west side of 2145 Upland Ave.

(Refer to Exhibit B Map on Next Page)

Exhibit B: Redevelopment Improvements for Properties on the North Side of Upland Ave and RL Zoned Portions of Properties on the South Side of Vine St



Location: Crestview Area Neighborhood
Project Name: Crestview East Addition 2
Review Type: Annexation/ Initial Zoning
Review Number: LUR2008-00080



1 inch = 183 feet



The information depicted on this map is provided as graphical representation only. The City of Boulder provides no warranty, expressed or implied, as to the accuracy and/or completeness of the information contained herein.

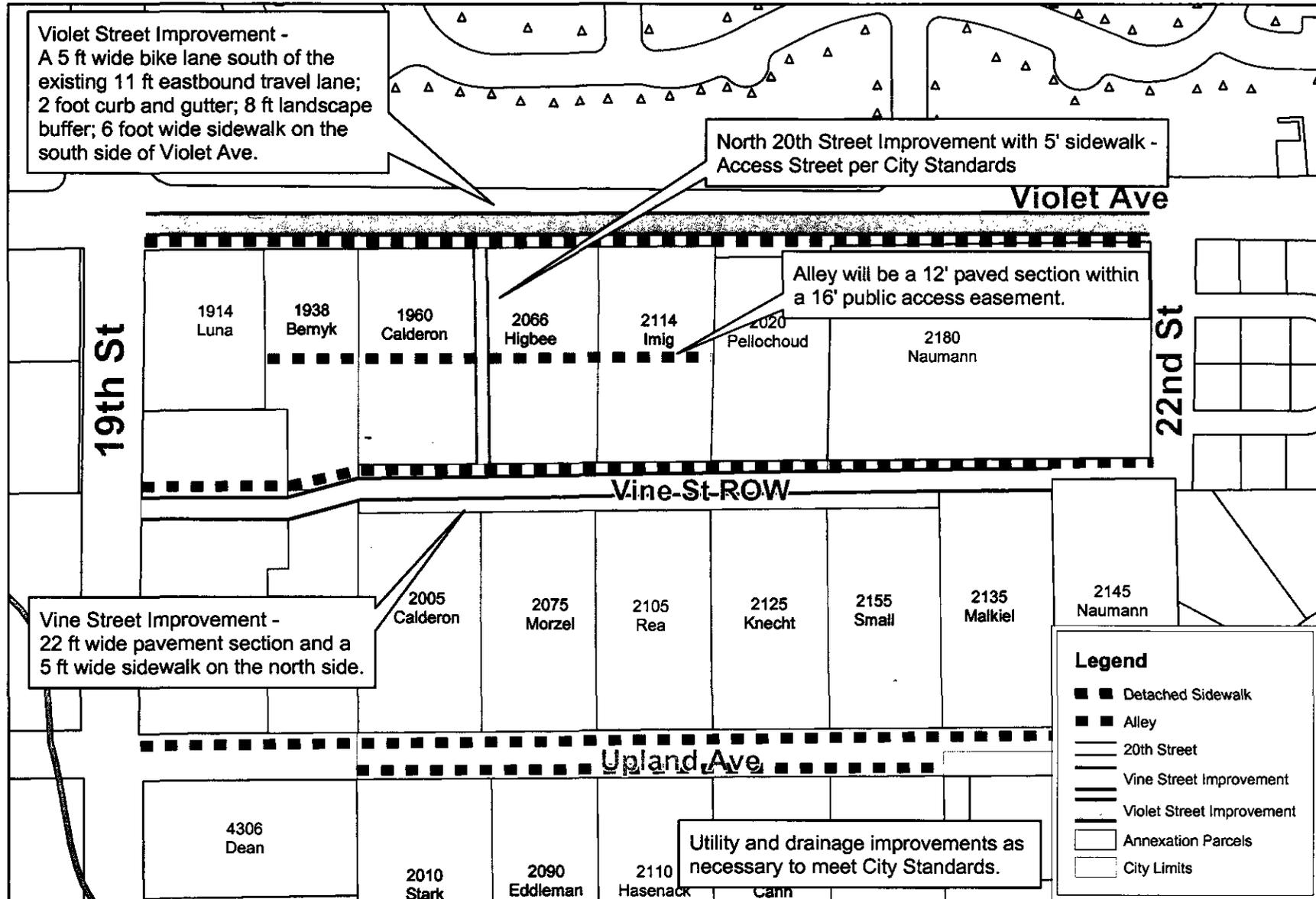
EXHIBIT C

Redevelopment Improvements for RM zoned portions of Properties on South Side of Violet Ave.

- 1) A 5 foot bike lane beyond the existing 11 foot eastbound travel lane, 2 foot curb and gutter, 8 foot landscape buffer, and 6 foot wide sidewalk on the south side of Violet Ave. for the entire frontage.
- 2) 12 foot wide alley between Violet and Upland Avenue..
- 3) North 20th St. to be constructed as an access street per City standards, Table 2-12 Design & Construction Standards with 5 foot wide sidewalks.
- 4) Any drainage and utility improvements as necessary to meet City standards.

(Refer to Exhibit C Map on Next Page)

Exhibit C: Redevelopment Improvements for RM Zoned Properties on the South Side of Violet Ave



Location: Crestview Area Neighborhood
Project Name: Crestview East Addition 2
Review Type: Annexation/ Initial Zoning
Review Number: LUR2008-0080

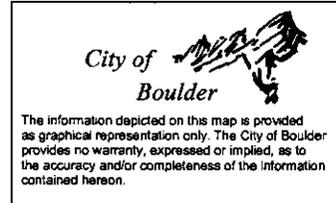
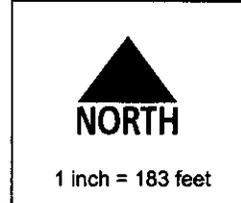


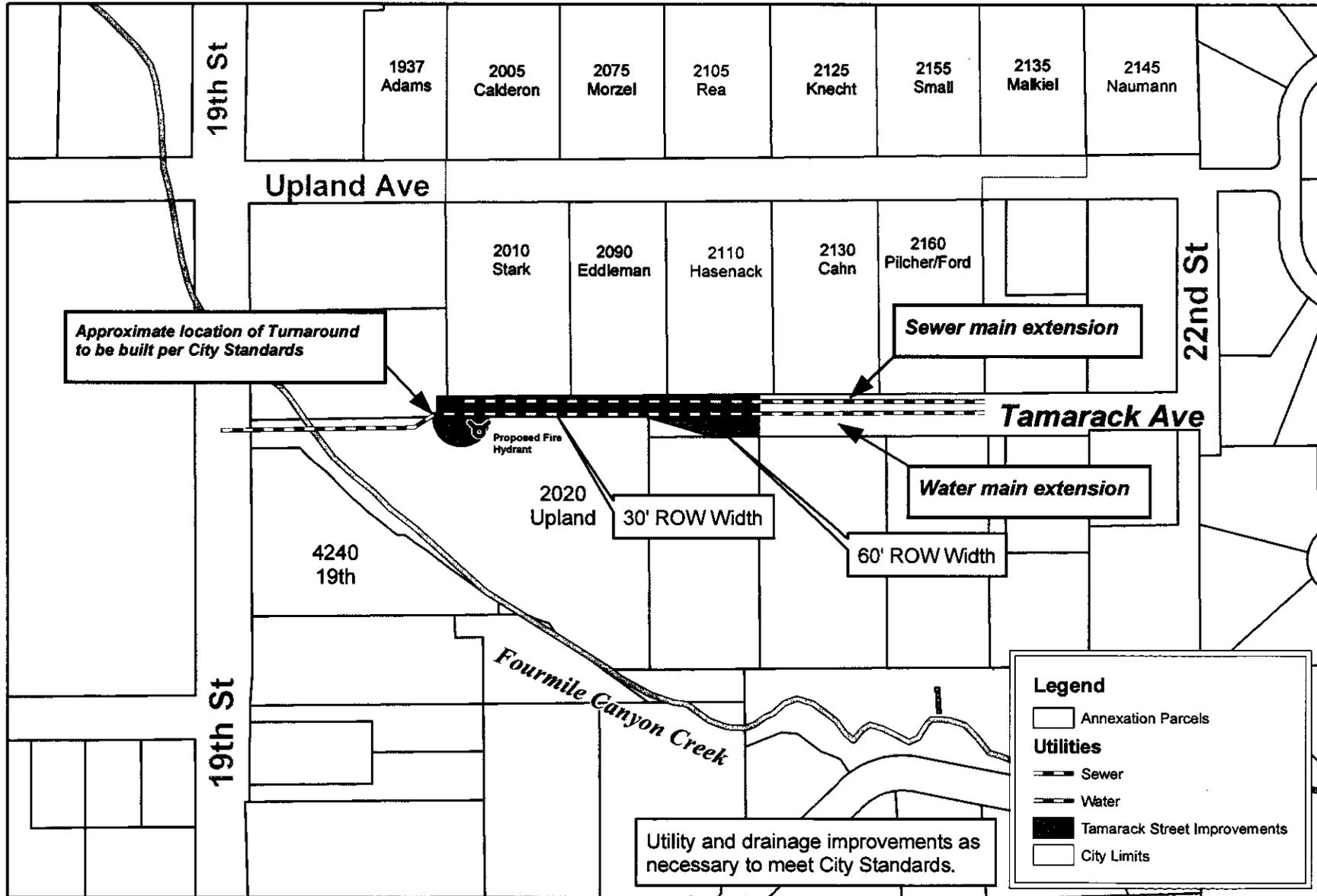
EXHIBIT D

Redevelopment Improvements for Properties on South Side of Upland Ave.

1. Tamarack Avenue to be constructed as a 30-foot wide and 60 foot wide right-of-way as generally shown on the 1997 North Boulder Subcommunity Plan amendment, to include a turnaround, as generally shown on the attached exhibit map. The 30 foot wide section must meet the access lane standard in §2.09(D)(5) of the City of Boulder *Design and Construction Standards*, including a turnaround and drainage improvements within the Tamarack Avenue right of way;
2. A sewer main extension within Tamarack Avenue right of way from the existing sewer main near 22nd Street to the required turnaround on the western end of Tamarack Avenue;
3. A fire hydrant and an extension of the existing water main near 22nd Street in the Tamarack right of way to 19th Street
4. Any drainage and utility improvements as necessary to meet City standards.
5. Construct north 20th Street upon annexation of 4270 19th St. and dedication of the appropriate right-of-way prior to subdivision.

(Refer to Exhibit D Map on Next Page)

Exhibit D: Redevelopment Improvements for Properties on the South Side of Upland Ave



Location: Crestview East Neighborhood
Project Name: Crestview East Addition 2
Review Type: Annexation/ Initial Zoning
Review Number: LUR2008-00080



1 inch = 200 feet



The information depicted on this map is provided as graphical representation only. The City of Boulder provides no warranty, expressed or implied, as to the accuracy and/or completeness of the information contained hereon.

EXHIBIT E

**ADDITIONAL DEDICATIONS, IMPROVEMENTS, AND REQUIREMENTS
PERTAINING TO INDIVIDUAL LOTS PRIOR TO ANNEXATION**

Dedication of the un-annexed portion of Upland Ave. to create a complete 60 foot wide right-of-way between 19th St. and 22nd St.

In instances where path easements split property lines, the first property redeveloping is required to escrow one half of the construction costs of the multi-use path. The development of the second property shall be the trigger for path construction and that development shall use the escrowed monies and their own to construct the path.

1937 Upland Ave.

1. Dedicate the northern 20 feet of the Property as public right-of-way for Vine Avenue.
2. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 1,470 square feet.

2005 Upland Ave.

1. The City will vacate the southern 9.52 feet of unneeded Vine Avenue right-of-way to Property.
2. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 2,900 square feet.

2010 Upland Ave.

1. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 3,400 square feet.
2. Dedicate the western 15 feet of the Property as public right-of-way for the future North 20th Street.
3. At the time of annexation when 15 feet of right of way is obtained from property located 4270 19th Street a 30 foot access lane known as North 20th Street, can be constructed between Tamarack and Upland. Whichever property owner along the 30 foot wide North 20th Street access lane or Tamarack Ave. first makes an application for subdivision, that property owner will be responsible for constructing the 30 foot access lane when feasible and required by city staff and/or regulations.
4. 2010 Upland Ave. will be allowed to subdivide without North 20th Street if accessed from Tamarack. In the event North 20th St. is installed prior to subdivision of 2010 Upland Ave., access will be taken from North 20th St.

2075 Upland Ave.

1. The City will vacate the southern 9.52 feet of unneeded Vine right-of-way to Property.
2. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 4,850 square feet.

Exhibit E

2090 Upland Ave.

1. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 3,660 square feet.

2125 Upland Ave.

1. Dedicate the western 5 feet of the Property as a public access easement for a 5 foot wide concrete path to meander as necessary to preserve existing mature landscaping.
2. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 3,450 square feet.
3. If the property at 2020 Violet Ave. annexes, dedicates right-of-way and realigns Vine Avenue to a straight alignment, the southern 9.52 feet of Vine right-of-way can be vacated and returned to the property through the administrative utility easement vacation process.

2130 Upland Ave.

1. Dedicate the western 5 feet of the Property as a public access easement for a 5 foot wide concrete path to meander as necessary to preserve existing mature landscaping.
2. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 2,398 square feet.

2135 Upland Ave.

1. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 2,154 square feet.
2. Dedicate the northern 20 feet of the Property as public right-of-way for Vine Avenue.
3. Connect to the City wastewater system at the property owner's expense prior to the issuance of an building permit not associated with wastewater connection or when the existing septic system fails, whichever comes first

2155 Upland Ave.

1. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 2,398 square feet.
2. If the property at 2020 Violet Ave. annexes, dedicates right-of-way and realigns Vine St. to a straight alignment, the southern 9.52 feet of Vine right-of-way can be vacated and returned to the property through the administrative utility easement vacation process.

2160 Upland Ave.

1. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 2,610 square feet.

1938 Violet Ave.

1. Dedicate the southern 20 feet of the Property as public right-of-way for Vine Avenue.
2. Dedicate a 16 foot wide access easement running east-west and north-south through the Property as shown on the 1997 North Boulder Subcommunity Plan amendment for a future alley. A dead end alley extending to the western property line with a

Exhibit E

turnaround meeting City standards, its associated easement and no connection to Vine is acceptable as well.

3. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 3,196 square feet.

1960 Violet Ave.

1. Vacate northern 9.52 feet of unneeded Vine St. right-of-way to property.
2. Dedicate a 16 foot wide access easement running east-west through the Property as shown on the 1997 North Boulder Subcommunity Plan amendment for a future alley.
3. Dedicate the eastern 20 feet of the Property as right-of-way for North 20th Street.
4. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 1,950 square feet.

2066 Violet Ave.

1. The City will vacate the northern 9.52 feet of unneeded Vine right-of-way to Property.
2. Dedicate a 16 foot wide access easement running east-west through the Property as shown on the 1997 North Boulder Subcommunity Plan amendment for a future alley.
3. Dedicate the western 20 feet of the Property as right-of-way for North 20th St.
4. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 2,200 square feet.
5. Pay a Development Excise Tax (DET) based on the existing development on the Property of \$643.80

2114 Violet Ave.

1. Dedicate the southern 20 feet of the Property as public right-of-way for Vine Avenue.
2. The City will vacate the southern 10 feet of unneeded Violet Avenue. right-of-way to Property owner.
3. Dedicate a 16 foot wide access easement running east-west through the property as shown on the 1997 North Boulder Subcommunity Plan amendment for a future alley.
4. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 828 square feet.