

RESOLUTION NO. 19-_____

A RESOLUTION OF THE TOWN OF ERIE URBAN RENEWAL AUTHORITY APPROVING AN INTERGOVERNMENTAL AGREEMENT (“IGA”) AMONG THE TOWN OF ERIE (“ERIE”), THE TOWN OF ERIE URBAN RENEWAL AUTHORITY (“TOEURA”), AND THE CITY OF LAFAYETTE (“LAFAYETTE”)

WHEREAS, C.R.S. § 29-20-101, et seq., as amended, enables Lafayette and Erie to enter into intergovernmental agreements to plan for and regulate land uses in order to minimize the negative impacts on the surrounding areas; to regulate the location of activities and developments that may result in significant changes in population density, and provide for phased development of services and facilities; and specifically authorizes local governments to cooperate and contract with each other for the purpose of planning and regulating the development of land by means of a “comprehensive development plan” to agree as to areas that are subject to annexation, and to provide for revenue sharing; and

WHEREAS, in order to ensure that the unique and individual characters of Lafayette and Erie, respectively, are preserved, Lafayette and Erie believe that a comprehensive development plan that recognizes the potential annexation areas and development approved by each community, accompanied by binding commitments by the respective jurisdictions for the preservation of the character of surrounding lands within the affected area is in the best interest of the citizens of both Lafayette and Erie; and

WHEREAS, Lafayette, Erie, and TOEURA (collectively, the “**Parties**”) desire to enter into the IGA in order to plan for and regulate the use of the lands within the affected area through joint disposition of a mutually binding and enforceable comprehensive development plan and to resolve ongoing disputes between the Parties; and

WHEREAS, TOEURA acknowledges that the annexation provisions contained within the IGA Lafayette and Erie have concluded and declared that the matters contained in the IGA affect the future development of each municipality; and

WHEREAS, C.R.S. § 29-1-201, et seq., as amended, authorizes the Parties to cooperate and contract with one another with respect to functions lawfully authorized to each of the Parties, and the people of the State of Colorado have encouraged such cooperation and contracting through the adoption of Colorado Constitution, Article XIV, § 18(2); and

WHEREAS, the Parties are currently engaged in formal legal proceedings (both judicial and administrative) dealing with their respective authority to regulate development activities affecting their respective citizens, and the Parties wish to resolve those pending legal proceedings in an amicable way through the IGA. TOEURA, being a party to one such judicial proceeding, is included as a Party to IGA for the specific purpose of resolving such proceeding and to further implementation of the Highway 287 Urban Renewal Plan, approved by the Town on September 16, 2015 (the “**Urban Renewal Plan**”); and

WHEREAS, Erie has held a public hearing for the consideration of entering into the IGA and the adoption of a comprehensive development plan for the affected lands, and TOEURA has considered the matter at a duly noticed public meeting; and

WHEREAS, the functions described in the IGA are lawfully authorized to each of the Parties that perform such functions hereunder, as provided in Article 20 of Title 29, C.R.S., as amended; § 31-12-101, et seq., and part §31-25-101 *et seq.*, C.R.S., as amended; Parts 2 and 3 of Article 23 of Title 31, C.R.S. as amended; and their respective ordinances, and in the case of Lafayette, its home rule charter.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF THE TOWN OF ERIE URBAN RENEWAL AUTHORITY AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein by this reference.

Section 2. TOEURA hereby finds that approval of the IGA is in the best interest of TOEURA, to further implementation of the Highway 287 Urban Renewal Plan, and necessary for the preservation of the public health, safety, and welfare.

Section 3. TOEURA has duly considered and hereby approves the IGA, authorizes the Chairman to execute the IGA, authorizes the TOEURA staff to negotiate and finalize any documents to be executed by TOEURA in accordance with and pursuant to the IGA (“**Ancillary Documents**”), and authorizes the Chairman to execute such Ancillary Documents that have been reviewed and approved by TOEURA’s legal counsel.

Section 4. Notwithstanding the foregoing, the approvals and authorizations provided in Section 3 hereof shall be contingent upon Lafayette holding a public hearing for consideration of entering into the IGA, the adoption of a comprehensive development plan for the affected lands, and the adoption of a Resolution approving the IGA by Lafayette.

Section 5. This Resolution shall be effective January 22, 2019.

INTRODUCED, READ, PASSED, AND ADOPTED at a regular meeting of the Town of Erie Urban Renewal Authority, held on January 22, 2019.

TOWN OF ERIE URBAN RENEWAL
AUTHORITY

BY: _____
_____, Chairman

ATTEST:

_____, Secretary