

**FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY AND COUNTY OF DENVER, COLORADO,
AND THE CITY OF AURORA, COLORADO,
TO ESTABLISH A MUTUALLY BINDING AND ENFORCEABLE COMPREHENSIVE
DEVELOPMENT PLAN FOR HAMPDEN TOWN CENTER AND VICINITY**

THIS FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT is made and entered into by and between the **CITY AND COUNTY OF DENVER**, a home rule city and municipal corporation of the State of Colorado (“Denver”), and the **CITY OF AURORA**, a home rule municipal corporation of the counties of Adams, Arapahoe, and Douglas, State of Colorado (“Aurora”), who together are the “Parties” hereto.

RECITALS

WHEREAS, Aurora and Denver entered into an Intergovernmental Agreement (the “Original Agreement”), which may be found in the records of Aurora, Ordinance No. 2008-13, and the City Clerk of the City and County of Denver at City Clerk File No. 07-103-A; and

WHEREAS, the Original Agreement established a mutually binding and enforceable Comprehensive Development Plan for Hampden Town Center and Vicinity (“Plan”); and

WHEREAS, Aurora and Denver are authorized to enter into this Amendment to the Original Agreement pursuant to § 29-20-105, C.R.S.; their respective home rule Charters; Articles XX and XIV § 18 of the Colorado Constitution; and the Local Government Land Use Control Act, §§ 29-20-101 through 107, C.R.S., as amended; and

WHEREAS, in order for the Hampden Town Center and the Vicinity to be further developed, it is necessary to change the minimum height requirements; and

WHEREAS, Aurora has proposed a change to the Plan to reflect these new height requirements.

NOW, THEREFORE, in consideration of the foregoing recitals and mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby mutually acknowledged, the Parties agree to amend the Original Agreement as follows:

1. **Exhibit A** to the Original Agreement is hereby replaced by the **Exhibit A** attached to this First Amendment to provide clarity.
2. **Exhibit C** to the Original Agreement is hereby replaced by the **Exhibit C** attached to this First Amendment. **Exhibit C**, Section 2B(3) shall be amended to read as follows:

The building height shall be a minimum of four stories in height and shall not exceed 145-feet in height above grade or 125 feet above Boston Street, whichever is less. Condominium townhomes shall have a minimum height of three stories.

3. **Exhibits B and C-1** are hereby replaced by **Exhibits B and C-1** attached to this First Amendment. The amended exhibits update and reflect the current state of development in the Hampden Town Center area.

4. **ELECTRONIC SIGNATURES AND ELECTRONIC RECORDS:** Aurora consents to the use of electronic signatures by Denver. The First Amendment, and any other documents requiring a signature hereunder, may be signed electronically by Denver in the manner specified by Denver. The Parties agree not to deny the legal effect or enforceability of the First Amendment solely because it is in electronic form or because an electronic record was used in its formation. The Parties agree not to object to the admissibility of the First Amendment in the form of an electronic record, or a paper copy of an electronic document, or a paper copy of a document bearing an electronic signature, on the grounds that it is an electronic record or electronic signature or that it is not in its original form or is not an original.

5. **EXISTING AGREEMENT PROVISIONS TO REMAIN IN EFFECT:** Except as herein provided, all other existing provisions of the Original Agreement shall remain in full force and effect.

WHEREFORE, the Parties affix their signatures as of the date set forth below.

CITY OF AURORA

STEPHEN D. HOGAN, Mayor

ATTEST:

JANICE NAPPER, City Clerk

APPROVED AS TO FORM:

DANIEL L. MONEY, Assistant City Attorney

ATTEST:

CITY AND COUNTY OF DENVER

DEBRA JOHNSON, Clerk and
Recorder, Ex-Officio Clerk of the
City and County of Denver

By: _____
Mayor

APPROVED AS TO FORM:
D. SCOTT MARTINEZ, City Attorney
for the City and County of Denver

By: _____
Assistant City Attorney

REGISTERED AND COUNTERSIGNED:

By: _____
Manager of Finance
Contract Control No. _____

By: _____
Auditor

“DENVER”

Exhibit A

LEGAL DESCRIPTION

A parcel of land being a part of Kenwood Park Subdivision located in the West Half (W 1/2) of Section 3, Township 5 South, Range 67 West, of the Sixth Principal Meridian, County of Arapahoe, State of Colorado, being more particularly described as follows:

BEGINNING at the Center Quarter Corner (C 1/4) of said Section 3;

THENCE S00°47'49"W along the easterly line of the Southwest Quarter (SW 1/4) of said Section 3 and non-tangent with the following described curve a distance of 457.42 feet, to the northwesterly line of Interstate Highway 225;

THENCE along said northwesterly line of Interstate Highway 225 along the arc of a curve to the left having a radius of 3015.00 feet, a central angle of 00°31'17", a chord which bears S57°43'44"W a distance of 27.44 feet, and an arc distance of 27.44 feet;

THENCE S57°28'06"W along said northwesterly line of Interstate Highway 225 and tangent with the last described curve a distance of 587.56 feet;

THENCE the following two (2) courses along the boundary of the City of Greenwood Village based on the Deannexation Map approved by Ordinance No. 5, Series of 1985 of the City of Greenwood Village which was recorded on April 29, 1985, Reception No. 2526219, Arapahoe County Clerk and Recorder's Office:

- 1) N32°31'54"W a distance of 20.00 feet;
- 2) N57°28'06"E along a line 20.00 feet northwesterly of and parallel with said northwesterly line of Interstate Highway 225 a distance of 448.71 feet;

THENCE N00°47'49"E along a line 150.00 feet westerly of and parallel with the easterly line of said SW 1/4 a distance of 530.18 feet to the northerly line of said SW 1/4;

THENCE N89°53'08"W along said northerly line of the SW 1/4 a distance of 1169.39 feet to the westerly line of the East Half (E 1/2) of the Northwest Quarter (NW 1/4) of said Section 3;

THENCE N00°58'27"E along said westerly line of the E 1/2 of the NW 1/4 a distance of 2548.53 feet to the southerly right-of-way line of East Hampden Avenue;

THENCE S89°45'40"E along said southerly right-of-way line of East Hampden Avenue a distance of 918.64 feet to the centerline of abandoned County Road 15;

THENCE S36°52'33"E along said centerline of abandoned County Road 15 a distance of 646.84 feet to the westerly boundary line of Cherry Creek Reservoir;

THENCE S00°51'22"W along said westerly boundary of Cherry Creek Reservoir a distance of 1409.21 feet;

THENCE S00°53'27"W along said westerly boundary line of Cherry Creek Reservoir a distance of 620.55 feet to the POINT OF BEGINNING.

Containing 76.608 acres, more or less.

Bearings based on the northerly line of the E 1/2 of the SW 1/4 of Section 3, being N89°53'08"W (assumed).

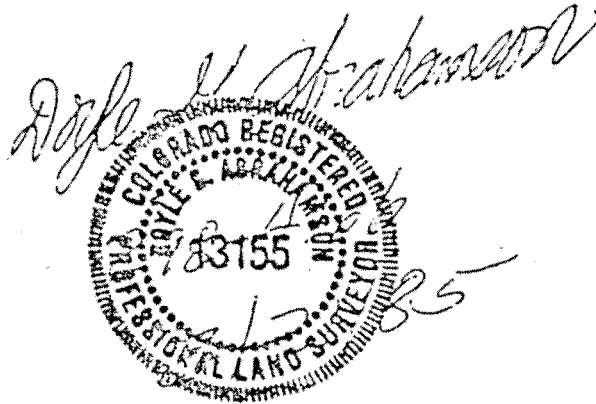


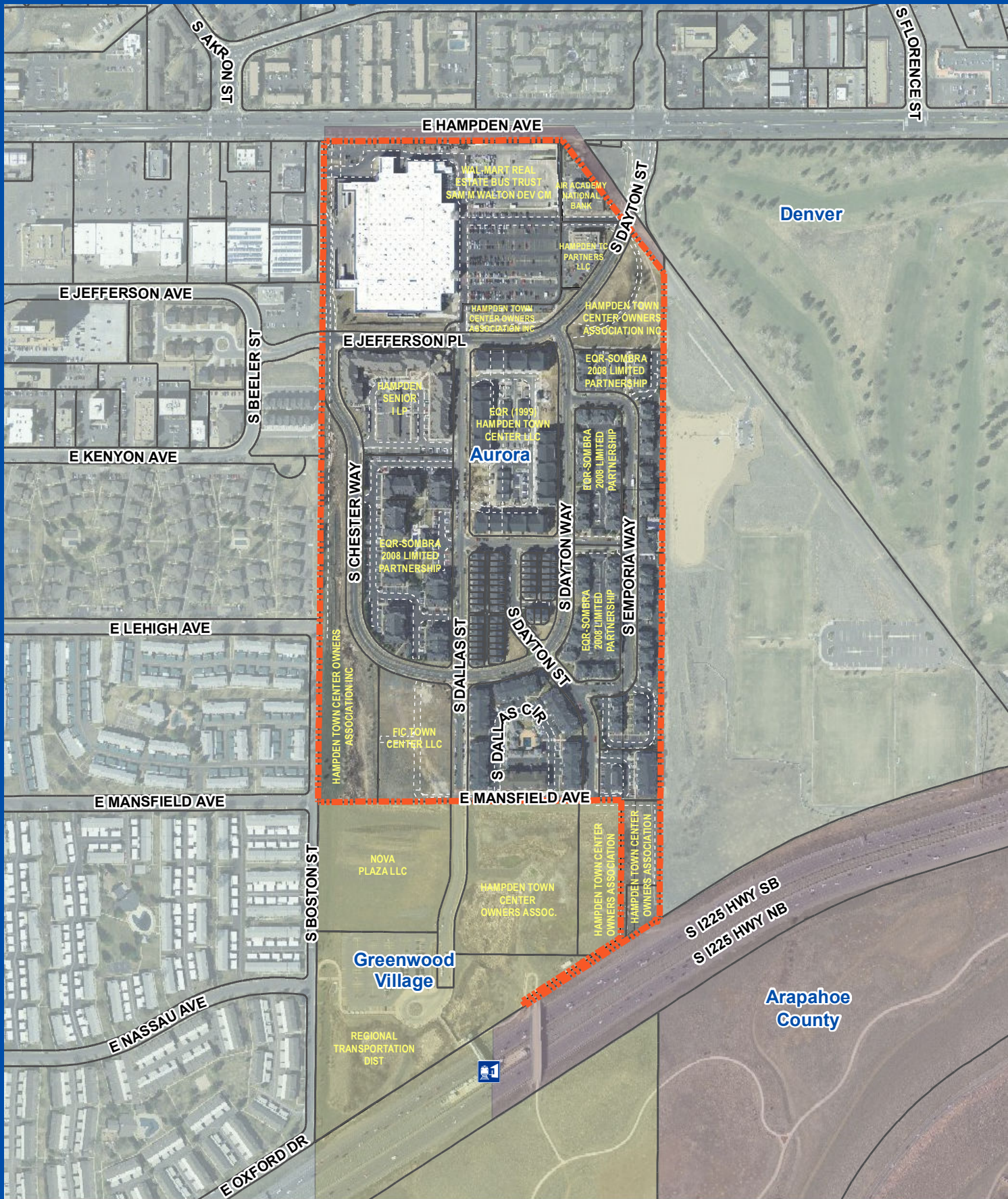
Exhibit A

LEGAL DESCRIPTION

A parcel of land containing all of the City limits of Greenwood Village lying northerly of the northerly right-of-way of Interstate-225 located in the East Half of the Southwest Quarter of Section 3, Township 5 South, Range 67 West of the Sixth Principal Meridian, Arapahoe County, Colorado, being additionally described as follows:

COMMENCING at the center quarter corner of said Section 3;
THENCE N89°53'08"W along the northerly line of said East Half of the Southwest Quarter a distance of 150.02 feet to the POINT OF BEGINNING;
THENCE S00°47'49"W along a line 150.00 feet westerly and parallel with the easterly line of said Southwest Quarter a distance of 530.18 feet;
THENCE S57°28'06"W along a line 20.00 feet northwesterly and parallel with the northwesterly right-of-way line of Interstate-225 a distance of 448.71 feet;
THENCE S32°31'54"E a distance of 20.00 feet;
THENCE S57°28'06"W along the northwesterly right-of-way line of said Interstate-225 a distance of 968.81 feet;
THENCE N00°58'28"E along the westerly line of said East Half of the Southwest Quarter a distance of 1,311.82 feet;
THENCE S89°53'08"E along the northerly line of said East Half of the Southwest Quarter a distance of 1,169.39 feet to the POINT OF BEGINNING.

Containing 24.867 acres, more or less.



Hampden Town Center Exhibit B



City of Aurora Planning Department

P: 303.739.7250 15151 E. Alameda Parkway Aurora, CO 80012 F: 303.739.7268
www.auroragov.org



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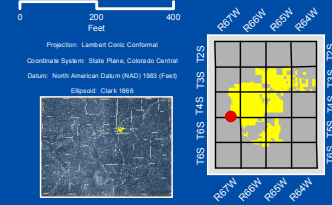


Exhibit C
Hampden Town Center
Denver/Aurora Joint Comprehensive Development Plan

SECTION 1: INTRODUCTION

- A. Project Location:** The project is located at the northeast corner of Boston Street and 1-225.
- B. Project Purpose and Scope:** Providing a Comprehensive Development Plan for an Intergovernmental Agreement between the City of Denver and the City of Aurora addressing a portion of the Hampden Town Center pursuant to Section 29-20-105, C.R.S.
- C. Process:**
- Aurora and Denver Draft Comprehensive Development Plan/IGA
 - Review meetings with neighbors, Greenwood Village, and property owners
 - Internal reviews of the document by all cities
 - Finalize draft plan
 - Public Hearing and adoption by both the City of Aurora and the City of Denver
- D. Relevant Documents:**
- Hampden Town Center General Development Plan (Aurora)

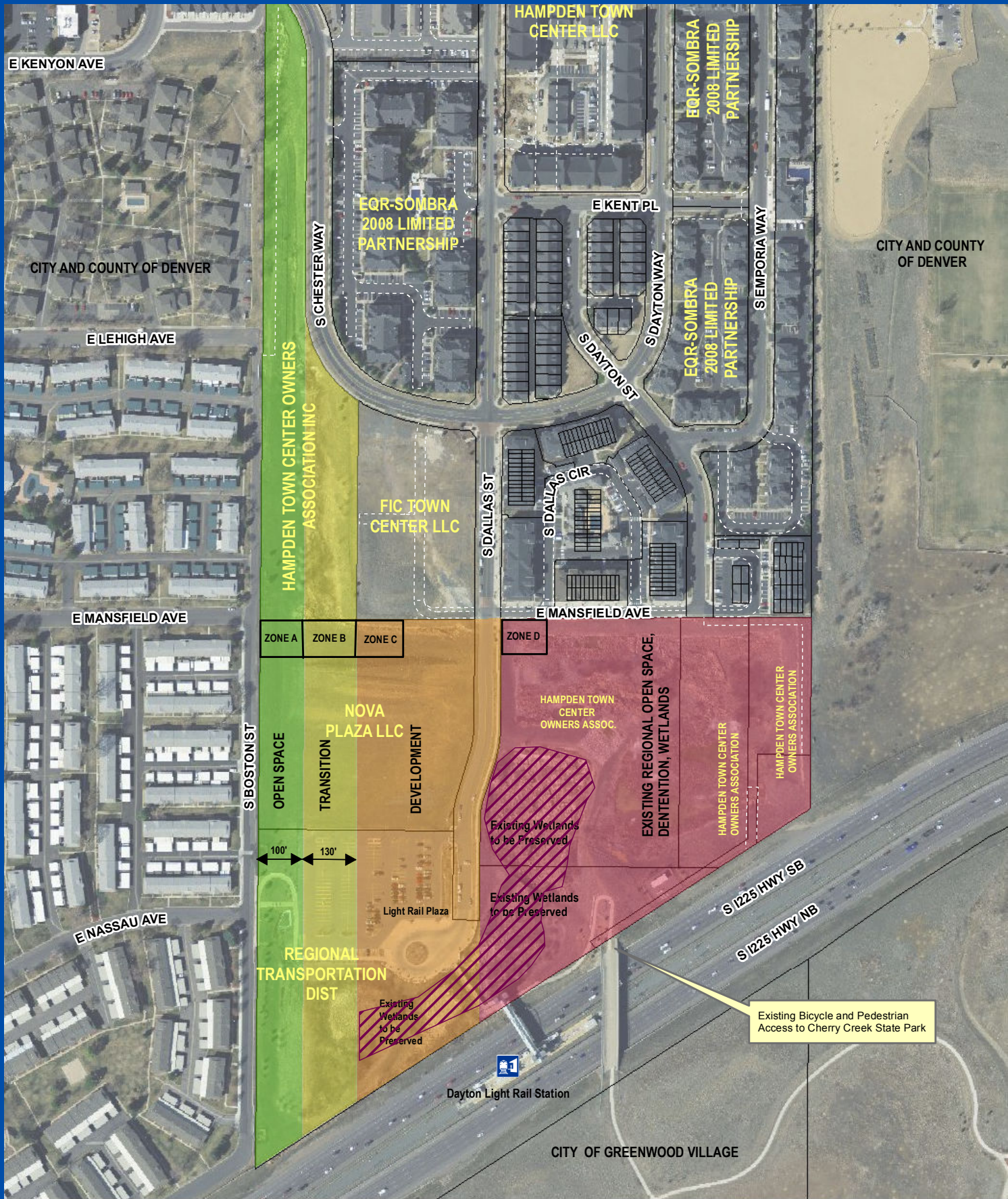
SECTION 2: COMPREHENSIVE DEVELOPMENT PLAN

- A. Exhibit C-1: Comprehensive Development Plan Graphic**
- B. Comprehensive Development Plan Standards**
1. Zone A Open Space Buffer:
 - i. The Open Space Buffer shall be designed for passive recreation use for pedestrians, residents, workers, and visitors of the Hampden Town Center and the existing neighborhoods. Facilities for passive recreational use shall include pedestrian amenities such as pathways, benches, open lawn areas, and other similar amenities.
 - ii. Vehicular access for motorized vehicles shall not be permitted in this zone. Only pedestrian and bicycle access shall be permitted and a system of pathways shall be provided for such access.
 - iii. No buildings or parking areas shall be permitted in this zone.
 2. Zone B Transition Zone:
 - i. The Transition Zone shall be designed to provide an area of development limited to a moderate scale that serves as a transition in building height between the existing multi and single family residential neighborhood to the west on Boston Street, the open space area of Zone A, and the higher intensity development contemplated in Zone C. It is permissible for the buildings located within the Transition Zone to be connected with the buildings located within the Development Zone so long as the height restrictions set forth below are observed.

- ii. Permitted land uses shall include multi-family residential, live-work, retail, office, parking (both structured and surface), and open space.
 - iii. Building height shall not exceed 38 feet above Boston Street at the western edge of the zone and 60 feet of height at the eastern edge of the zone with no building elements (including rooftop equipment, chimneys, antennas, and other appurtenances) penetrating a plane extending from the 38 foot limit to the 60 foot limit.
 - iv. Four-sided architecture is required for all buildings in this zone with no blank walls. The term four sided architecture requires that each exterior wall of each building is designed and constructed of a variety of quality materials, is articulated with a variety of surfaces and window patterns and architectural details of equivalent quality and similar characteristics to the front façade of each building.
 - v. Surface parking lots are discouraged in favor of structured parking. Below-grade parking structures are encouraged as the ideal technique to screen views of structured parking from Boston Street.
 - vi. If above-grade structured parking is located or oriented along the western edge of the transition zone, it shall be screened from Boston Street. Use of techniques such as wrapping a parking structure with residential, commercial, or office uses can effectively screen parking.
 - vii. In the event of surface parking within Zone B, it shall be set back a minimum of 60 feet from the western edge of the zone. Cars shall not be visible along the western edge at grade and shall be screened by buildings or evergreen trees no less than 7 feet tall at installation. Trees may be combined with other landscaping and/or a high quality decorative architectural wall. Wall height shall not exceed 48 inches above the parking surface.
 - viii. Surface parking lots shall comply with City of Aurora parking design and landscaping requirements.
3. Zone C: Development Zone:
- i. The building height shall be a minimum of four stories in height and shall not exceed 145 feet in height above grade or 125 feet above Boston Street, whichever is less. Condominium townhomes shall have a minimum height of three stories.
 - ii. The Development Zone shall be designed to accommodate the urban neighborhood Transit Oriented Design (TOD) typology set forth by both the City of Denver and the City of Aurora TOD policies.
 - iii. Permitted land uses shall include multi-family residential, live-work, retail, office, services, other non-residential uses, parking (both structured and surface), open space, and public plazas.
 - iv. The massing of building volumes, the articulation of roofs, the use of decks and terraces are encouraged to achieve density with transitions of massing and heights to surrounding uses and open spaces.
 - v. The architecture in the Development Zone shall include monumental and unique design with clearly articulated entry ways. Techniques such as varied building heights, taller building elements in key locations, signature architecture using high quality materials and similar techniques are required on this parcel.
 - vi. Four-sided architecture is required for all buildings in this zone with no blank walls. The term four sided architecture requires that each exterior wall of each building is designed and constructed of a variety of quality materials, is articulated with a variety of surfaces and window patterns and architectural details of equivalent quality and similar characteristics to the front façade of each building.
 - vii. The southern edge of the Development Zone shall include a public plaza or main street theme with the intent of creating a special unique edge to the development. The plaza or main street shall include amenities such as public art, areas for seating, high quality materials and lighting. This area shall also include the potential for future non-residential uses along the primary walkway between the RTD light rail station and the RTD parking lot.
 - viii. Vertical mixing of residential unit types is encouraged.
 - ix. The project shall include high quality and engaging public amenities that provide a rich experience for the senses and create opportunities for wonder, interest, contemplation,

reflection, humor, interaction and play. This may include elements such as a lighted fountain, public art, an architectural monument, custom site furnishings, and wayfinding devices to name a few.

4. Zone D: Existing Regional Open Space, Detention, and Wetlands Zone:
 - i. The wetland area in this zone shall be preserved in its existing state, with the exception of the non-motorized access to the transit station platform and the pedestrian/bicycle bridge over 1-225.
5. Circulation:
 - i. All rights-of-way shall be designed to accommodate multiple modes of circulation including bicycle routes, safe crosswalks, and other design details.
 - ii. The streetscape shall provide an attractive pedestrian-oriented environment with street trees, wide sidewalks, benches, pedestrian scale lighting, and other pedestrian scale amenities.
 - iii. A pedestrian and bicycle connection shall be provided from Boston Street to the transit station platform.
6. Parking:
 - i. A parking demand analysis is required at the time of development review. The analysis will evaluate and mitigate parking impacts of proposed development on surrounding neighborhoods.



Hampden Town Center Exhibit C-1



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0 125 250 Feet

Projection: Lambert Conic Conformal
 Coordinate System: State Plane, Colorado Central
 Datum: North American Datum (NAD) 1983 (Feet)
 Ellipsoid: Clark 1866

T6S 16S T44S T35S T2S
 R67W R68W R69W R70W
 T6S 16S T44S T35S T2S
 R67W R68W R69W R70W