CITY OF LAFAYETTE RESOLUTION NO. 2013-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, PERTAINING TO THE TERMINATION OF DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE COAL CREEK TECHNOLOGICAL CENTER SUBDIVISION.

WHEREAS, the Coal Creek Technological Center subdivision's Declaration of Covenants, Conditions and Restrictions were recorded on March 12, 1984 at Reception No. 608556 and re-recorded on July 20, 1984 at Reception No. 635120 in the Office of the Clerk and Recorder for Boulder County, Colorado, and where amended by a De-Annexation Agreement and Amendments recorded in the Office on November 12, 1998 at Reception No. 1869786 and on December 18, 1998 at Reception No. 1884485 (as amended, the "CCTC Declaration"); and

WHEREAS, R.A. Blumenhein and John J. Kelly ("Blumenheim/Kelly") are the record fee simple owners of the real property located in the Coal Creek Technological Center in the City of Lafayette, Boulder County, Colorado described as Lots 6-14, Block 7, Coal Creek Technological Center, Filing One; and

WHEREAS, Lafayette Plaza, LLC, a Colorado limited liability company ("Lafayette Plaza"), is the record fee simple owner of the real property located in the Coal Creek Technological Center in the City of Lafayette, Boulder County, Colorado described as Lot 3, Block 1, Coal Creek Technological Center, Filing One; and

WHEREAS, Section 7.3 of the CCTC Declaration specifically provides that the CCTC Declaration may be terminated (a) "[u]pon the approval by a majority of the City Council of the City of Lafayette, Colorado," and (b) "by the Owners owning, in the aggregate, the record fee simple estate in Lots containing not less than seventy-five percent (75%) of the total square footage of area of all of the Lots [in the Coal Creek Technological Center]"; and

WHEREAS, Lots 6-14, Block 7 and Lot 3, Block 1 contain in the aggregate more than seventy-five percent (75%) of the total square footage of area of all of the Lots currently remaining in the Coal Creek Technological Center; and

WHEREAS, Blumenheim/Kelly and Lafayette Plaza, as the owners of the record fee simple estates in Lots 6-14, Block 7 and Lot 3, Block 1, have approved a Termination Agreement and have requested that the City of Lafayette approve the termination of the CCTC Declaration.

NOW, THEREFORE, BE IT RESOLVED BY THE LAFAYETTE CITY

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COUNICL:

That the City Council of the City of Lafayette hereby approves of the termination of the Declaration of Covenants, Conditions and Restrictions for the Coal Creek Technological Center subdivision. That the Mayor is authorized to execute such documents to carry out this approval.

RESOLVED AND PASSED THIS 5TH DAY OF FEBRUARY, 2013

	CITY OF LAFAYETTE, COLORADO
	Carolyn D. Cutler, Mayor
ATTEST:	
Susan Koster, CMC City Clerk	
APPROVED AS TO FORM	
David S. Williamson City Attorney	