

**CITY OF BRIGHTON, COLORADO**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING AN AGREEMENT REGARDING ROADWAY IMPROVEMENTS BETWEEN THE CITY AND BROOKFIELD RESIDENTIAL, LLC; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY AND THE CITY CLERK TO ATTEST THERETO; AND SETTING FORTH OTHER DETAILS RELATED THERETO.**

**RESOLUTION NO. 2018-23**

**WHEREAS**, Brookfield Residential (Colorado) LLC (the “Developer”) owns certain real property within the boundaries of the City; and

**WHEREAS**, in connection with the entitlement and development of such property, the Developer and the City desire to enter into an Agreement Regarding Roadway Improvements (the “Agreement”) with respect to the design and construction of the remaining portion of the collector roadway section for 45th Avenue and Longs Peak Street (west of 50th Avenue and north of Bridge Street) (collectively, the “Roadway Improvements”); and

**WHEREAS**, a copy of the Agreement has been filed with the City Clerk of the City and has been distributed to the City Council of the City (the “City Council”) for its review, and is attached hereto as Exhibit A; and

**WHEREAS**, the City Council has determined, and hereby determines, that the terms of the Agreement are reasonable and it is necessary and in the best interest of the City and its inhabitants for the City to enter into the Agreement with the Developer.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO AS FOLLOWS:**

Section 1. Ratification and Approval of Prior Action. All action heretofore taken (not inconsistent with the provisions of this Resolution) by the City Council, or the officers, agents or employees of the City Council or the City, relating to the Agreement and the design and construction of the Roadway Improvements is hereby ratified, approved and confirmed.

Section 2. Finding of Best Interests. The City Council hereby finds and determines, pursuant to the Constitution, the laws of the State of Colorado and the City’s home rule Charter, that the design and construction of the Roadway Improvements and the financing of the costs thereof pursuant to the terms set forth in the Agreement are necessary, convenient, and in furtherance of the City’s purposes and are in the best interests of the inhabitants of the City and the City Council hereby authorizes and approves the same.

Section 3. Approval. The Agreement, in substantially the form presented to this meeting of the City Council, is hereby approved and authorized, and the Mayor and the City Clerk are hereby authorized and directed, for and on behalf of the City, to execute and deliver the Agreement in substantially the form on file with the City, provided that the Agreement may be completed, corrected or revised as deemed necessary by the parties thereto in order to carry out the purposes of this Resolution. The execution of the Agreement by the appropriate officers of the City herein authorized shall be conclusive evidence of the approval by the City of such Agreement in accordance with the terms hereof.

Section 4. Authorization of Actions. The Mayor, City Clerk, City Manager, and other appropriate officials, agents and employees of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution, including without limiting the generality of the foregoing, executing, attesting, authenticating and delivering for and on behalf of the City any and all necessary documents, instruments or certificates and performing all other acts that they deem necessary or appropriate in order to implement and carry out the transactions and other matters authorized by this Resolution.

Section 5. Purpose. The purpose of this Resolution is to provide for the health, safety and welfare of the people.

Section 6. Repealer. All resolutions, or parts thereof, inconsistent with this Resolution are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any resolution heretofore repealed.

Section 7. Validity/Severability. If any part or parts of this Resolution are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Resolution. The City Council hereby declares that it would have passed this Resolution and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

Section 8. Interpretation. This Resolution shall be so interpreted and construed as to effectuate its general purpose.

Section 9. Effective Date. This Resolution shall be in full force and effect upon its passage and adoption.

**ADOPTED this 6th day of March, 2018.**

CITY OF BRIGHTON, COLORADO

By: \_\_\_\_\_  
Kenneth J. Kreutzer, Mayor

ATTEST:

\_\_\_\_\_  
Natalie Hoel, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Margaret R. Brubaker, City Attorney

**Exhibit A**

**Agreement Regarding Roadway Improvements**

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