

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE DHI TELLURIDE DEVELOPMENT AGREEMENT AMENDMENT FOR THE DHI TELLURIDE SUBDIVISION, AN APPROXIMATELY 11.18 ACRE PROPERTY, GENERALLY LOCATED TO THE EAST OF THE BRIGHTON LATERAL DITCH, WEST OF TELLURIDE STREET, AND BETWEEN THE BRIGHTON CHARTER HIGH SCHOOL AND TELLURIDE BUSINESS PARK 2 SUBDIVISIONS, MORE SPECIFICALLY, LOCATED IN THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO

WHEREAS, Tamarack Land – Telluride Street, LLC (the “Owner” or “Applicant”) owns an approximately 11.18 acre property, generally located to the east of the Brighton Lateral Ditch, west of Telluride Street, and between the Brighton Charter High School and Telluride Business Park 2 Subdivisions, and as more particularly described in Exhibit A, attached hereto (the “Property”); and

WHEREAS, Brian Bratcher of D.R. Horton Multifamily (the “Project Representative”), on behalf of the Owner, requested approval of the DHI Telluride Development Agreement Amendment (the “Amendment”) for the Property, attached hereto as Exhibit B; and

WHEREAS, the Amendment permits the Applicant to pay certain development impact fees in the amounts in effect on April 1, 2024, as included in Resolution Nos. 2023-112 and 2023-142, as further detailed in the Amendment, for vertical building permits associated with the development of the Property; and

WHEREAS, the City Council has determined that is in the best interest of the residents of Brighton to approve the Amendment.

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

Section 1. The Amendment to the DHI Telluride Development Agreement is hereby approved, provided that the Amendment should be updated to reflect the requirement that Owner, or its successors-in-interest, is required to pay the General Services Impact Fee established by Resolution No. 2024-83.

Section 2. The City Manager, after inclusion of the modification set forth in Section 1, and consultation with the City Attorney, is hereby authorized to execute the Amendment, and in furtherance thereof, the City Manager, or designee, is hereby authorized and directed to execute such additional documents, agreements and/or related instruments, and to take such actions as are reasonably necessary, to carry out the terms and provisions of the Amendment, for, and on behalf of, the City of Brighton.

Section 3. This Resolution is effective as of the date of its adoption.

RESOLVED this 4<sup>th</sup> day of February 2025

CITY OF BRIGHTON, COLORADO

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GREGORY MILLS, Mayor

ATTEST:

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NATALIE HOEL, City Clerk

APPROVED AS TO FORM:

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YASMINA GIBBONS, Deputy City Attorney

EXHIBIT A  
LEGAL DESCRIPTION

## LEGAL DESCRIPTION

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That part of the NW 1/4 of Section 9, Township 1 South, Range 66 West of the 6th P.M., described as follows:

Beginning at the North quarter corner of said Section 9; thence South 00°05' 31" West on an assumed bearing along the East line of said NW 1/4, a distance of 1285.91 feet; thence North 89°50' 14" West parallel with the North line of said NW 1/4 of said Section 9, a distance of 60.00 feet to the Southeast corner of that parcel of land conveyed to Modular Communities by Deed recorded in Book 1730 at Page 104 and to the Trust Point of Beginning; Thence South 00°05' 31" West and parallel with the East line of said NW 1/4, a distance of 708.16 feet to a point on the North line of School District 27-J property as described in Book 1486 at Page 451;

Thence North 89°51' 14" West along said North line a distance of 733.07 feet to a point on the Easterly bank of the Brighton Lateral Ditch;

Thence along said Easterly bank as follows:

North 33°38' 46" East, 94.00 feet;

North 18°58' 46" East, 112.00 feet;

North 06°28' 46" East, 96.20 feet to a point;

Thence North 24°03' 00" West a distance of 101.64 feet to the Southeast corner of Brighton II, a subdivision of a part of said NW 1/4, said corner being on the center line of the Brighton Lateral Ditch;

Thence along the Easterly boundary line of said Subdivision and centerline of said Brighton Lateral Ditch as follows:

North 15°18' 39" West, 206.31 feet to the beginning

Of a curve to the right, the delta of said curve is 08°42' 54", the radius of said curve is 900.94 feet and the chord of said curve bears North 01°19' 15" West, 136.91 feet;

Thence along the arc of said curve a distance of 137.04 feet to the Southwest corner of said parcel of land conveyed to Modular Communities, said corner being 1285.91 feet South of the North line of said NW 1/4;

Thence South 89°50' 14" East parallel with said North line a distance of 733.91 feet to the trust point of beginning, County of Adams, State of Colorado.

EXHIBIT B

DHI Telluride Development Agreement Amendment

[Amendment begins on next page]