

BRIGHTON CITY COUNCIL RESOLUTION

BROMLEY PARK, FILING 102, 1ST AMENDMENT (76 COMMERCE CENTER) DEVELOPMENT AGREEMENT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING WITH CONDITIONS THE BROMLEY PARK, FILING 102, 1ST AMENDMENT DEVELOPMENT AGREEMENT, FOR APPROXIMATELY 122.377 ACRES OF PROPERTY, GENERALLY LOCATED WITHIN SECTION 1, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, BRIGHTON, COLORADO, AUTHORIZING THE MAYOR TO EXECUTE THE DEVELOPMENT AGREEMENT ON BEHALF OF THE CITY; AND SETTING FORTH OTHER DETAILS RELATED THERETO.

RESOLUTION NO.: 2018-30

WHEREAS, Hyde Development, LLC (the “Applicant”) is the owner and developer of Bromley Park, Filing 102, 1st Amendment, generally located within Section 1, Township 1 South, Range 66 West of the 6th Principal Meridian and more specifically described in **EXHIBIT A**, attached hereto (the “Property”); and

WHEREAS, the Property was annexed as part of the Bromley Park Annexation on June 4, 1985, given its current zoning designation of the Bromley Park Planned Unit Development (PUD), 1st Amendment on December 16, 1986 and in accordance with Section 17-8-20 (e)(7) of the Municipal Code, the Bromley Park, Filing 102, 1st Amendment, as depicted in **EXHIBIT B**, may be administratively approved; and

WHEREAS, the Applicant has submitted a request to approve the Bromley Park, Filing 102, 1st Amendment Development Agreement; and

WHEREAS, the City Council acknowledges that the Development Agreement for Bromley Park, Filing 102, 1st Amendment complies with the Subdivision Regulations, provides consistency with the purpose and intent of the regulations, provides compatibility with surrounding areas, is harmonious with the character of the neighborhood, is not detrimental to the immediate area, is not detrimental to the future development of the area, and is not detrimental to the health, safety, or welfare of the inhabitants of the City.

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

Section 1. The Development Agreement for Bromley Park Filing 102, 1st Amendment, attached hereto as Exhibit C is approved subject to the following conditions:

1. That Anadarko Petroleum Corp. shall provide to the City no later than 12:00 noon March 23, 2018 a complete legal description and map to scale of the purported pipeline (RGS-51-2) as described in its objection letter dated March 20, 2018. If it is determined that a pipeline exists, the Developer shall amend the Bromley Park Filing 102 1st Amendment Plat accordingly, including the designation of all easements necessitated thereby.
2. That Anadarko Petroleum Corp. shall schedule a meeting with City staff no later than April 3, 2018 to describe its mineral interests and all proposed oil and gas facilities to be located on the subject property and to determine if a surface use or other agreement is warranted, as required by COGCC Rule 302(c). If it is determined at that meeting that a surface use or other agreement is warranted, the City will not issue any building permit for Phase III of the Development until said agreement is finalized and provided to the City.
3. If any of the above conditions is not timely met, the City will proceed to administratively approve the Bromley Park Filing 102 1st Amendment as originally submitted, and record the same.

Section 2. That the Mayor is authorized to execute the Development Agreement for Bromley Park, Filing 102, 1st Amendment, and in furtherance thereof, that the City Manager and/or his designee(s) are hereby authorized and directed to execute such additional documents, agreements and/or related instruments, and to take such acts as are reasonably necessary, to carry out the terms and provisions of the Development Agreement, for and on behalf of the City of Brighton.

RESOLVED, this 20th day of March, 2018.

CITY OF BRIGHTON, COLORADO

Kenneth J. Kreutzer, Mayor

ATTEST:

Natalie Hoel, City Clerk

APPROVED AS TO FORM:

Margaret R. Brubaker, Esq., City Attorney

EXHIBIT A
LEGAL DESCRIPTION
BROMLEY PARK, FILING 102, 1st AMENDMENT

Lot 2, Lot 3 and Lot 4, Block 1, Bromley Park Filing 102, 1st Amendment. Section 1, Township 1 South, Range 66 West of the 6th P.M., City of Brighton, County of Adams, State of Colorado.

EXHIBIT B
BROMLEY PARK, FILING 102, 1st AMENDMENT

BROMLEY PARK FILING NO. 102 1ST AMENDMENT

MINOR SUBDIVISION PLAT
A REPLAT OF LOT 2, BLOCK 1, BROMLEY PARK FILING NO. 102
LOCATED IN SECTION 1, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO
SHEET 1 OF 4

LEGAL DESCRIPTION:

BY THESE PRESENTS, THE UNDERSIGNED, BEING THE OWNERS OF A
CERTAIN PLAT OF LAND, TO-WIT: LOT 2, BLOCK 1, BROMLEY PARK FILING NO. 102, 1ST
AMENDMENT, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

LOT 2, BLOCK 1, BROMLEY PARK FILING NO. 102, ADAMS COUNTY, CO
CONTAINING 5,330.730 SQUARE FEET OR 122.377 ACRES, MORE OR LESS,

HAS Laid OUT, PLATTED, AND SUBMITTED THE ABOVE DESCRIBED LAND,
UNDER THE NAME AND STYLE OF "BROMLEY PARK FILING NO. 102 1ST
AMENDMENT" TO THE OWNER HEREBY DECATES AND CONVEYS TO THE
OF THE PUBLIC, ALL STREETS, AND OTHER PUBLIC WAYS AND LANDS AS
SHOWN ON THIS PLAT, FOREVER, AND ALSO RESERVE THOSE
PORTIONS OF REAL PROPERTY WHICH ARE LABELED AS UTILITY EASEMENTS
ON THIS PLAT, AND WHICH ARE LABELED AS EASEMENTS FOR UTILITIES,
OR EASEMENTS FOR UTILITIES, BUT NOT LABELED AS EASEMENTS FOR
UTILITIES, TELEPHONE LINES, SEWER LINES, WATER LINES, TOGETHER WITH THE
RIGHT TO THE UTILITIES, THESIS AND BRUSH, TOGETHER WITH A
PERMANENT RIGHT OF EGRESS AND EGRESS FOR UTILITIES,
AND ALL RIGHTS AND INTERESTS IN THE LAND, TOGETHER WITH A
RIGHTS TO BE LABELED IN A RESPONSE AND PRUDENT WAYS

OWNER
TO COMMENCE CENTER LLC, A MISSOURI LIMITED LIABILITY COMPANY

STATE OF COLORADO)
COUNTY OF ADAMS) SS
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS
DAY OF _____ A.D. 20____ BY
FOR THE COMMENCE CENTER LLC, A MISSOURI LIMITED LIABILITY COMPANY,
WITNESS MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES _____

ATTORNEYS CERTIFICATE:

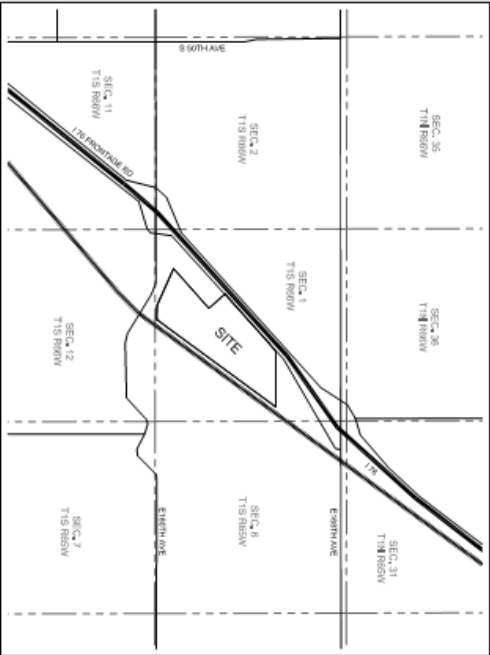
I, _____, ATTORNEY AT LAW, DO
HEREBY CERTIFY THAT I HAVE EXAMINED THE TITLE
OF ALL LANDS HEREIN ABOVE LABELED AND SHOWN UPON THE
WITHIN THIS PLAT, AND I HAVE BEEN ADVISED THAT THE
TO THE PUBLIC, AND I HAVE BEEN ADVISED THAT THE
TO THE PUBLIC, AND I HAVE BEEN ADVISED THAT THE
TO THE PUBLIC, AND I HAVE BEEN ADVISED THAT THE

SURVEYORS CERTIFICATE:

I, _____, A REGISTERED LAND SURVEYOR IN
THE STATE OF COLORADO, DO HEREBY CERTIFY THAT I HAVE
OF BROMLEY PARK FILING NO. 102 1ST AMENDMENT WAS MADE
UNDER MY SUPERVISION AND THE ACCOMPANYING PLAT
ACCURATELY AND PROPERLY SHOWS SAID SUBDIVISION.

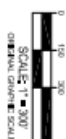
TOWNSHIP 1S, RANGE 66S, SECTION 1E,
COUNTY OF ADAMS, STATE OF COLORADO
FOR AND ON BEHALF OF
WARE MALCOMB

WARE MALCOMB
CIVIL ENGINEERING & SURVEYING
1000 South Broadway
Suite 200
Brighton, CO 80603
P: 303.221.3333
www.waremalcomb.com



MINOR SUBDIVISION PLAT

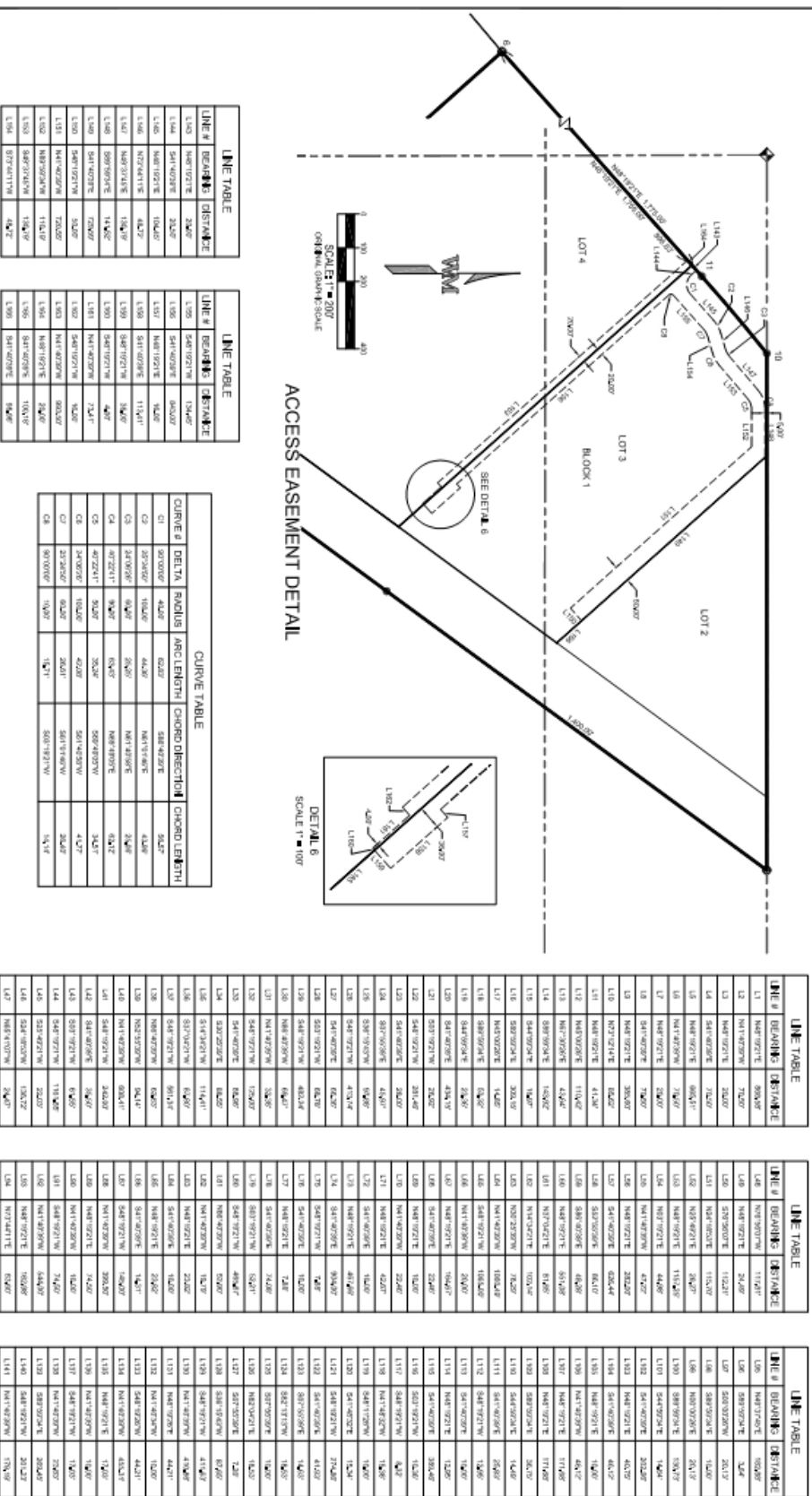
SHEET 2 OF 4

[illegible]

BROMLEY PARK FILING NO. 102 1ST AMENDMENT

MINOR SUBDIVISION PLAT
A REPLAT OF LOT 2, BLOCK 1, BROMLEY PARK FILING NO. 102
LOCATED IN SECTION 1, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO
SHEET 4 OF 4

UTILITY EASEMENT LINE TABLE



900 south Broadway Suite 200 Denver, CO 80209 P 303.291.1233 www.waremalcomb.com				WARE MALCOMB CIVIL ENGINEERING & SURVEYING			
NO.	DATE	REMARKS	NO.	DATE	REMARKS	JOB NO. DEN-00719 DRAWING TDS DATE: 01/09/2018 SCALE: 1"=200'	
1	10/22/2016	1ST CONSULT					
BROMLEY PARK FILING NO. 102							
1ST AMENDMENT							
SHEET PLAT							
Sheet 4 of 4							

EXHIBIT C
DEVELOPMENT AGREEMENT
