

# CITY COUNCIL RESOLUTION

## FINAL PLAT, DEVELOPMENT AGREEMENT AND VESTED PROPERTY RIGHTS APPROVAL FOR THE PRAIRIE CORNER SUBDIVISION

### RESOLUTION NO. 2015-85

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, SETTING FORTH CERTAIN FINDINGS; APPROVING THE FINAL PLAT AND DEVELOPMENT AGREEMENT FOR THE PRAIRIE CORNER SUBDIVISION; APPROVING THE PRAIRIE CORNER FINAL PLAT AND DEVELOPMENT AGREEMENT AS SITE SPECIFIC DEVELOPMENT PLANS; APPROVING VESTED PROPERTY RIGHTS FOR THE PRAIRIE CORNER FINAL PLAT AND DEVELOPMENT AGREEMENT FOR A PERIOD OF THREE YEARS, TO EXPIRE ON AUGUST 4, 2018; AND SETTING FORTH OTHER DETAILS RELATED THERETO.**

**WHEREAS**, this matter comes before the City Council upon that certain request by the Applicant, Prairie Corner, LLC, by and through its duly authorized representative, Mark Kieffer; and

**WHEREAS**, the specific request submitted by the Applicant is for approval of the Final Plat, Development Agreement, and a three (3) year period of Vested Property Rights for the Prairie Corner Subdivision, which Applications were submitted to the City Council of the City of Brighton for review and consideration, and which was the subject of a public hearing; and

**WHEREAS**, the Applicant has submitted the Final Plat Application for the approximate 7.127 acre property known as Prairie Corner, described in **Exhibit A** and shown in **Exhibit B**, attached hereto and by this reference made a part hereof; and

**WHEREAS**, according to the *Land Use and Development Code*, Section 17-56-20 5(a), a Final Plat, as shown in **Exhibit B**, attached hereto, may be considered as a Site Specific Development Plan; and

**WHEREAS**, according to the *Land Use and Development Code*, Section 17-56-20 5(a), a Development Agreement, attached hereto as **Exhibit C**, and incorporated herein by this reference, may be considered as a Site Specific Development Plan; and

**WHEREAS**, a notice of public hearing for the Final Plat and Vested Property Rights was published in a local paper, and posted on the property, and properly mailed and delivered to

adjacent properties, in accordance with applicable law, for not less than five (5) days prior to the public hearing and;

**WHEREAS**, the Applicant has provided a certified letter notifying all mineral rights owners of the initial public hearing in accordance with the Colorado Revised Statutes (C.R.S. Article 65.5 of Title 24); and

**WHEREAS**, the City Council has reviewed the Final Plat and Development Agreement for the Prairie Corner Subdivision, as the same was presented by the Applicant, and considered such application pursuant to and in accordance with the applicable provisions of the *Land Use and Development Code* and the *Comprehensive Plan*; and

**WHEREAS**, the City Council of the City of Brighton has reviewed the application for the Site Specific Development Plan Vested Property Right for the Prairie Corner Final Plat and Development Agreement, and finds and declares that the application does follow the intent of the *Land Use and Development Code*, and the *Comprehensive Plan* in providing for the future of the City, and further finds that a review of the size and phasing of the Development, current economic cycles and current market conditions justifies a vesting period of three (3) years; and

**WHEREAS**, the City Council further finds and declares that it is desirable for the Property to be developed according to the Prairie Corner Final Plat and the Prairie Corner Development Agreement, and that approval of the Site Specific Development Plan Vested Property Right will ensure the Property is developed according to the Final Plat and Development Agreement; and

**WHEREAS**, based upon such review, the City Council finds and determines, as set forth herein, that the Final Plat application, the Development Agreement, and the Vested Property Rights application for the Prairie Corner Subdivision, substantially comply with the applicable provisions of the *Land Use and Development Code* and the *Comprehensive Plan*; and

**NOW THEREFORE, IT IS RESOLVED** that the City Council of the City of Brighton, Colorado, does hereby make the following specific findings of fact and conclusions of law with respect to the Applications:

1. The Final Plat for the Prairie Corner Subdivision, attached hereto and incorporated herein by this reference, is hereby approved.
2. The Prairie Corner Development Agreement, attached hereto and incorporated herein by this reference, is hereby approved.
3. The Site Specific Development Plan Vested Property Right for the Prairie Corner Subdivision Final Plat, and the Prairie Corner Development Agreement are hereby approved for a period of three (3) years, to expire on August 4, 2018.

**RESOLVED**, this 4<sup>th</sup> day of August, 2015.

CITY OF BRIGHTON, COLORADO:

---

Richard N. McLean, Mayor

ATTEST:

---

Natalie Hoel, City Clerk

APPROVED AS TO FORM:

---

Margaret Brubaker, Esq., City Attorney

**EXHIBIT A**  
**Legal Description of Prairie Corner Property**

PARCEL ONE:

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, ADAMS COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF SECTION 22, WHENCE THE EAST QUARTER CORNER OF SECTION 16, TOWNSHIP 1 SOUTH, RANGE 66 WEST, OF THE 6TH PRINCIPAL MERIDIAN BEARS NORTH 00 DEGREES 24 MINUTES 42 SECONDS WEST A DISTANCE OF 2644.37 FEET;  
THENCE SOUTH 87 DEGREES 58 MINUTES 31 SECONDS EAST A DISTANCE OF 571.08 FEET TO THE NORTHEAST CORNER OF PARCEL 11A OF THE DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO PROJECT NO. ID-I (CX) 76-1 (138) RECORDED IN BOOK 4001 AT PAGE 758, BEING A PORTION OF THE PROPERTY DESCRIBED IN BOOK 3010 AT PAGE 127 IN THE ADAMS COUNTY CLERK AND RECORDER'S OFFICE AND BEING THE POINT OF BEGINNING;  
THENCE NORTH 89 DEGREES 00 MINUTES 49 SECONDS EAST ALONG A LINE 30.00 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTHERLY LINE OF SAID NORTHWEST QUARTER OF SECTION 22, A DISTANCE OF 423.02 FEET;  
THENCE THE FOLLOWING TWO (2) COURSES ALONG WESTERLY AND NORTHWESTERLY LINES OF A PARCEL OF LAND DESCRIBED IN BOOK 445 AT PAGE 514 RECORDED IN SAID COUNTY OFFICE;  
1.) SOUTH 06 DEGREES 20 MINUTES 11 SECONDS EAST A DISTANCE OF 104.56 FEET;  
2.) THENCE SOUTH 38 DEGREES 28 MINUTES 27 SECONDS WEST A DISTANCE OF 869.07 FEET;  
THENCE THE FOLLOWING FOUR (4) COURSES ALONG THE NORTHEASTERLY, EASTERLY AND SOUTHEASTERLY LINES OF SAID PARCEL 11A, RECORDED IN BOOK 3010 AT PAGE 127;  
1.) NORTH 20 DEGREES 38 MINUTES 54 SECONDS WEST A DISTANCE OF 47.48 FEET;  
2.) THENCE NORTH 51 DEGREES 28 MINUTES 11 SECONDS WEST A DISTANCE OF 256.02 FEET;  
3.) THENCE NORTH 09 DEGREES 53 MINUTES 43 SECONDS WEST A DISTANCE OF 107.87 FEET;  
4.) THENCE NORTH 36 DEGREES 12 MINUTES 27 SECONDS EAST A DISTANCE OF 578.58 FEET TO THE POINT OF BEGINNING;  
EXCEPT THAT PORTION CONVEYED TO CRAIG CARLSON, BLAKE CARLSON; RYAN CARLSON, LEE CARLSON AND CLARK CARLSON IN QUIT CLAIM DEED RECORDED FEBRUARY 9, 2001 AT RECEPTION NO. C0759943.

COUNTY OF ADAMS  
STATE OF COLORADO

PARCEL TWO

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, ADAMS COUNTY, COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF SECTION 22, WHENCE THE EAST QUARTER CORNER OF SECTION 16, TOWNSHIP 1 SOUTH, RANGE 66 WEST, OF THE 6TH PRINCIPAL MERIDIAN BEARS NORTH 00 DEGREES 24 MINUTES 42 SECONDS WEST A DISTANCE OF 2644.37 FEET;  
THENCE SOUTH 87 DEGREES 58 MINUTES 31 SECONDS EAST A DISTANCE OF 571.08 FEET TO THE NORTHEAST CORNER OF PARCEL 11A OF THE DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO PROJECT NO. ID-I (CX) 76-1 (138) RECORDED IN BOOK 4001 AT PAGE 758, BEING A PORTION OF THE PROPERTY DESCRIBED IN BOOK 3010 AT PAGE 127 IN THE ADAMS COUNTY CLERK AND RECORDER'S OFFICE, AND BEING THE POINT OF BEGINNING;  
THENCE NORTH 89 DEGREES 00 MINUTES 49 SECONDS EAST ALONG A LINE 30.00 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTHERLY LINE OF SAID NORTHWEST QUARTER OF SECTION 22, A DISTANCE OF 165.60 FEET;  
THENCE SOUTH 62 DEGREES 36 MINUTES 38 SECONDS WEST A DISTANCE OF 296.47 FEET;  
THENCE NORTH 36 DEGREES 12 MINUTES 27 SECONDS EAST ALONG THE EASTERLY LINE OF SAID PARCEL 11A OF THE DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO, PROJECT NO. ID-I (CX) 76-1 (138) RECORDED IN BOOK 3010 AT PAGE 127 A DISTANCE OF 165.50 FEET TO THE POINT OF BEGINNING.

BASIS OF BEARING FOR THIS PROPERTY DESCRIPTION IS THE EASTERLY LINE OF THE SOUTH HALF OF SECTION 16, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, MONUMENTED BY THE EAST QUARTER CORNER OF SAID SECTION 16, A 3 1/4" ALUMINUM CAP ON NUMBER 6 REBAR, LS#23027 AND BY THE NORTHWEST CORNER OF SAID SECTION 22, A 3 1/4" ALUMINUM CAP ON A 2" PIPE, LS#10734. SAID LINE BEARS N00°24'42"W (ASSUMED).

COUNTY OF ADAMS  
STATE OF COLORADO

**EXHIBIT B**

**FINAL PLAT  
PRAIRIE CORNER SUBDIVISION**

[Final Plat begins on the next three (3) pages.]



**PRAIRIE CORNER SUBDIVISION PLAT**  
 LOCATED IN THE NORTHWEST ONE-QUARTER OF SECTION 22  
 TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN  
 CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO  
 SHEET 2 OF 3

**LENDER**

IN WITNESS WHEREOF, WALLEY BANK HAS CAUSED THESE  
 PRESENTS TO BE EXECUTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
 20\_\_\_\_ A.D.  
 BY: \_\_\_\_\_

**NOTARY PUBLIC**

STATE OF \_\_\_\_\_ }  
 COUNTY OF \_\_\_\_\_ } ss.  
 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME  
 THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ A.D.  
 BY \_\_\_\_\_  
 WITNESS MY HAND AND OFFICIAL SEAL \_\_\_\_\_

NOTARY PUBLIC \_\_\_\_\_  
 MY COMMISSION EXPIRES: \_\_\_\_\_  
 NOTARY ADDRESS: \_\_\_\_\_

**GENERAL NOTES:**

1. THIS PROPERTY IS NOT LOCATED WITHIN THE 100-YEAR FLOOD PLAIN AS SHOWN ON THE FLOOD INSURANCE RATE MAP (FIRM) FOR ADAMS COUNTY, COLORADO, MAP NUMBER 0800100334H COMMUNITY NUMBER 080004 REVISED DATE MARCH 5, 2007.
2. NOTICE ACCORDING TO COLORADO LAW YOU MUST CONDUCE ANY LEGAL ACTION BASED UPON THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATE SHOWN HEREON.
3. BASIS OF BEARINGS: BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 22, MONUMENTED AT THE WEST END AT THE NORTHWEST CORNER BY A 3.25" ALUMINUM COP STAPLED "COLD DEPT OF TRANSPORTATION 1994 PLS NO. 10734" AND MONUMENTED AT THE EAST END AT THE WEST 1/16 CORNER BY A 2" ALUMINUM COP STAMPED "1993 P.S. 12403", HAVING AN ASSUMED BEARING OF N89°00'49"E.
4. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY R&R ENGINEERS-SURVEYORS, INC. TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL TITLE INFORMATION R&R ENGINEERS-SURVEYORS, INC. RELIED UPON THE RECORDS OF THE ADAMS COUNTY CLERK'S OFFICE, BRIGHTON, COLORADO AND AMERICAN TITLE INSURANCE COMPANY HAVING AN EFFECTIVE DATE OF MARCH 6, 2014, AT 5:00 P.M.
5. MAINTENANCE OF ALL PRIVATE STOPWATER TREATMENT AND DRAINAGE IMPROVEMENTS IS A CONTINUING OBLIGATION OF THE LAND OWNER, ITS SUCCESSORS, AND ASSIGNS, TO ENSURE THE FACILITIES FUNCTION AS DESIGNED AND CONTINUE SERVING THE INTENDED FUNCTIONS IN PERPETUITY UNLESS THE CITY EXPRESSLY ACCEPTS THE RESPONSIBILITY IN WRITING. A NON-EXCLUSIVE ACCESS AND EGRESS EASEMENT IS GRANTED TO THE PUBLIC TO CROSS PRIVATE PROPERTY OF ACCESSING, INSPECTING, MAINTAINING, AND REPAIRING PRIVATE DRAINAGE FACILITIES IN THE EVENT THE LAND OWNER, ITS SUCCESSORS, AND ASSIGNS FAILS TO SATISFACTORILY MAINTAIN OR REPAIR SAID FACILITIES.
6. MINIMUM TEN-FOOT (10') WIDE DRY UTILITY EASEMENTS ARE HEREBY DEDICATED ON PRIVATE PROPERTY ADJACENT TO ALL PUBLIC STREETS, AND AROUND THE PERIMETER OF EACH COMMERCIAL/INDUSTRIAL LOT IN THE SUBDIVISION OR PLATTED AREA INCLUDING TRACTS, PARCELS AND/OR OPEN SPACE AREAS. THESE EASEMENTS ARE DEDICATED TO THE CITY OF BRIGHTON FOR THE BENEFIT OF THE APPLICABLE UTILITY PROVIDERS. THESE EASEMENTS INCLUDE BUT ARE NOT LIMITED TO ELECTRIC, GAS, TELEPHONE, CABLE, AND TELECOMMUNICATIONS FACILITIES (DRY UTILITIES). UTILITY EASEMENTS SHALL ALSO BE GRANTED WITHIN ANY ACCESS, EASEMENTS AND PRIVATE STREETS IN THE SUBDIVISION, PERMANENT STRUCTURES, IMPROVEMENTS, OBJECTS, BUILDINGS, WELLS, WATER METERS AND OTHER OBJECTS THAT MAY INTERFERE WITH THE UTILITY FACILITIES OR USE THEREOF (INTERFERING OBJECTS). UTILITY PROVIDERS AS GRANTEES MAY REMOVE ANY INTERFERING OBJECTS AT NO COST TO SUCH GRANTEES, INCLUDING, WITHOUT LIMITATION, VEGETATION, PUBLIC SERVICE COMPANY OF COLORADO (PSCO) AND ITS SUCCESSORS RESERVE THE RIGHT TO REQUIRE ADDITIONAL EASEMENTS AND TO REQUIRE THE PROPERTY OWNER TO GRANT PSCO AN EASEMENT ON ITS STANDARD FORM.
7. ALL DISTANCES ARE IN US SURVEY FEET.

**LAND USE TABLE**

NET ACREAGE	7.127
GROSS ACREAGE	7.127
NUMBER OF LOTS	1
NUMBER OF DEVELOPABLE LOTS	1
NET ACREAGE FOR PUBLIC STREETS	0.0

**R&R ENGINEERS-SURVEYORS, INC.**  
 70 WEST COYAL AVENUE  
 BRIGHTON, CO 80601  
 (303) 778-8700 (P)303-793-6998  
 WWW.RRENGINEERS.COM

**REVISIONS**

NO.	DATE	BY	DESCRIPTION
06/27/2014			FILED
02/26/2015			CIV. COMMENTS
06/10/2015			CIV. COMMENTS

The Submittal-PLAT Date Printed: 06/10/15  
 Drawn By: AHS  
 Checked By: AHS



**EXHIBIT C**

**PRAIRIE CORNER SUBDIVISION  
DEVELOPMENT AGREEMENT**

[Development Agreement begins on the next page.]