

RESOLUTION NO. 2019-93

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING AN AGREEMENT REGARDING MEDICAL CENTER DRIVE IMPROVEMENTS BETWEEN THE CITY OF BRIGHTON AND S3L HOLDINGS, L.L.C., AND AUTHORIZING THE CITY MANAGER TO SIGN SAID AGREEMENT

WHEREAS, pursuant to the Bromley Park Filing 203 Development Agreement, recorded at Reception No. C1023071 (“Development Agreement”), improvements for Medical Center Drive are required at the time of development of the adjacent parcels; and

WHEREAS, the Brighton Community Hospital Association, d/b/a Platte Valley Medical Center, Inc. parcel was developed in approximately 2006 (“the Hospital Parcel”), without final completion of the roadway surface on that portion of Medical Center Drive adjacent to the Hospital parcel; and

WHEREAS, THF Prairie Center Development (“THF”) owns certain other parcels along Medical Center Drive that remain undeveloped (“THF Parcels”); and

WHEREAS, with the exception of the top lift of roadway surface, the Medical Center Drive improvements adjacent to the Hospital Parcel and THF Parcels have already been completed; and

WHEREAS, as part of the purchase transaction of the Hospital Parcel, S3L Holdings, L.L.C. (“S3L”) assumed sole responsibility for fulfilling any agreements, including the Development Agreement, made by its predecessors in title to Brighton Community Hospital Association, d/b/a Platte Valley Medical Center, Inc.; and

WHEREAS, the assumption of responsibility includes the completion of the top lift of roadway surface to Medical Center Drive adjacent to the Hospital Parcel; and

WHEREAS, the City and TFH have agreed to work cooperatively to complete the final lift of roadway surface on that portion of Medical Center Drive adjacent to the THF Parcels prior to the development of those parcels; and

WHEREAS, S3L recognizes the potential for cost savings, including but not limited to mobilization expenses, for its portion of the top lift obligation by participating with the City to complete its portion; and

WHEREAS, the Parties desire to work cooperatively to finally complete the final lift of roadway surface on that portion of Medical Center Drive adjacent to the Hospital Parcel (the “Project”) simultaneously with the completion of Medical Center Drive adjacent to the THF Parcels; and

WHEREAS, it is in the best interests of the City and S3L that this work be completed before any further material deterioration of this portion of Medical Center Drive occurs, and to otherwise improve and enhance this public street for the use and enjoyment of the citizens of Brighton and the public generally; and

WHEREAS, City Council finds and determines that the Agreement between the City of Brighton and S3L Holdings, L.L.C., is reasonable and that it is the best interests of Brighton residents to enter into the Agreement.

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

Section 1. The Agreement Regarding Medical Center Drive Improvements between the City of Brighton and S3L Holdings, L.L.C., is hereby approved.

Section 2. The City Manager is hereby authorized to sign the Agreement on behalf of the City, in substantially the form presented at this meeting, with such technical additions, deletions, and variations as the City Attorney may deem necessary or appropriate and not inconsistent with this Resolution.

ADOPTED this 3<sup>rd</sup> day of September, 2019.

CITY OF BRIGHTON, COLORADO

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KENNETH J. KREUTZER, Mayor

ATTEST:

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NATALIE HOEL, City Clerk

APPROVED AS TO FORM:

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JACK D. BAJOREK, City Attorney