CITY OF BRIGHTON CITY COUNCIL RESOLUTION

PRAIRIE CENTER VILLAGE V SUBDIVISION, FILING NO. 1 FINAL PLAT AND DEVELOPMENT AGREEMENT AND

SITE SPECIFIC DEVELOPMENT PLAN VESTED PROPERTY RIGHT

RESOLUTION NO.:	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING A FINAL PLAT AND DEVELOPMENT AGREEMENT, WITH SPECIFIC CONDITIONS AS MORE PARTICULARLY SET FORTH HEREIN, FOR AN APPROXIMATELY 90.39 ACRE PROPERTY COMMONLY KNOWN AS THE "PRAIRIE CENTER VILLAGE V SUBDIVISION, FILING NO. 1," GENERALLY LOCATED IN THE SOUTHWEST QUARTER OF SECTION 16 AND THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH (6TH) PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO; APPROVING THE FINAL PLAT AND DEVELOPMENT AGREEMENT AS A SITE SPECIFIC DEVELOPMENT PLAN VESTED PROPERTY RIGHT, TO BE VESTED FOR A PERIOD OF THREE (3) YEARS, TO EXPIRE ON OCTOBER 20, 2018; AUTHORIZING THE MAYOR TO EXECUTE SAID DEVELOPMENT AGREEMENT ON BEHALF OF THE CITY; AND SETTING FORTH OTHER DETAILS RELATED THERETO.

WHEREAS, THF Prairie Center Development, L.L.C. (the "Owner"), owns an approximately 90.39 acre property, generally located southeast of Eagle Boulevard and South 27th Avenue, as more specifically described in **EXHIBIT A**, attached hereto (the "Property"); and

WHEREAS, Todd Lambert, THF Prairie Center Development, L.L.C. (the "Applicant"), on behalf of the Owner, has requested approval of the Prairie Center Village V Subdivision, Filing No. 1 (the "Final Plat"), attached hereto as **EXHIBIT B**, and has requested approval of the Final Plat as a Site-Specific Development Plan to be vested for a period of three (3) years; and

WHEREAS, the Applicant, on behalf of the Owner, has requested approval of the Prairie Center Village V Subdivision, Filing No. 1 Development Agreement (the "Development Agreement"), attached hereto as **EXHIBIT C**, and has requested approval of the Development Agreement as a Site-Specific Development Plan to be vested for a period of three (3) years; and

WHEREAS, the City Council approved an ordinance (Ordinance No. 1199) to annex the Property into the City boundary, on January 7, 1986; and

WHEREAS, the City Council approved an ordinance (Ordinance No. 2011) to zone the Property as Prairie Center Mixed Use PUD, on July 7, 2009; and

- **WHEREAS**, the City Council finds and declares that a Notice of Public Hearing was mailed to adjacent property owners for no less than five (5) days prior to the date of the City Council public hearing, pursuant to the *Land Use and Development Code*; and
- **WHEREAS**, the City Council finds and declares that a Notice of Public Hearing was posted on the Property and published in the *Brighton Standard Blade*, for no less than five (5) days prior to the date of the City Council public hearing; and
- WHEREAS, the Applicant has certified that all applicable Mineral Owners associated with the Property were provided proper and lawful written notice of the Planning Commission public hearing regarding the Preliminary Plat, held on October 13, 2015, which was the initial public hearing regarding surface development of the Property, for no less than thirty (30) days prior to said public hearing, in accordance with Title 24, Section 65.5 of the Colorado State Statutes (C.R.S.); and
- **WHEREAS**, the City Council conducted a public hearing, during a regular meeting, held on October 20, 2015, to review and consider a Final Plat Application and Development Agreement for the Property; and
- **WHEREAS**, the City Council has reviewed the Final Plat and Development Agreement pursuant to the applicable provisions and criteria set forth in the *Land Use and Development Code*; and
- **WHEREAS**, the depiction of the surface use agreement area on the Final Plat does not constitute approval of any oil or gas wells on the site and any future applications for oil or gas wells shall comply with all applicable City, State, and Federal laws; and
- **WHEREAS**, further subdividing will be required for the single family residential portion of the Property; and
- WHEREAS, the City Council finds and declares that the Final Plat and Development Agreement comply with the requirements of the Final Plat and Development Agreement procedures and regulations, provides consistency with the purpose and intent of the regulations, provides compatibility with the surrounding area, 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; and
- **WHEREAS**, according to Section 17-56-50, <u>Duration; termination; waiver;</u> abandonment, of the *Land Use and Development Code*, the City Council may enter into an agreement with the landowner to vest a Site-Specific Development Plan for a period of three (3) years; 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, and a Development Agreement, as shown in **EXHIBIT C**, attached hereto, may be considered as a Site Specific Development Plan; and

- **WHEREAS**, notice of the Site Specific Development Plan vested property right request was combined with the public notices for the Final Plat, as required by Section 17-56-30 of the Land Use and Development Code, Notice and Hearing; and
- WHEREAS, at the time of the public hearing on October 20, 2015, the Applicant had not provided the required signed Development Agreement, as required by the Land Use and Development Code; and
- **WHEREAS**, at the time of the public hearing on October 20, 2015, the Applicant had not provided the required signed mylar Final Plat to be used for recording purposes, as required by the *Land Use and Development Code*; and
- **WHEREAS**, at the time of the public hearing on October 20, 2015, the Applicant had not provided the City with a Letter of Credit for the public improvements described in the Schedule of Public Improvements (Exhibit B) of the Development Agreement, as required by the Development Agreement and as required by the *Land Use and Development Code*; and
- **WHEREAS**, the Applicant agrees to provide a finalized and executed copy of a signed Development Agreement, a signed mylar Final Plat, and a letter of credit for the public improvements described in the Development Agreement and more specifically described in Exhibit B (Schedule of Public Improvements) of the Development Agreement; and
- **WHEREAS**, the City Council of the City of Brighton has reviewed the application for the Final Plat and Development Agreement Site Specific Development Plan Vested Property Right, and finds and declares that the application does follow the intent of the Brighton *Municipal Code*, the *Land Use and Development Code*, and the *Comprehensive Plan* in providing for the future of the City; and
- **WHEREAS**, the City Council further finds and declares that it is desirable for the Property to be developed according to the Final Plat and 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.
- **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:
- <u>Section 1.</u> That the Prairie Center Village V Subdivision, Filing No. 1 Final Plat, attached hereto as **EXHIBIT B**, is hereby approved with the conditions noted in Section 4 below.
- <u>Section 2.</u> That the Prairie Center Village V Subdivision, Filing No. 1 Development Agreement, attached hereto as **EXHIBIT C**, is hereby approved with the conditions noted in Section 4 below.
- Section 3. That the Site Specific Development Plan Vested Property Right for the Prairie Center

Village V Subdivision Filing No. 1 Final Plat and Development Agreement are hereby approved with the conditions noted in Section 4 below, to be vested for a period of three (3) years, to expire on October 20, 2018.

<u>Section 4.</u> Conditions of approval are as follows:

- a) The Final Plat shall incorporate the changes recommended by the Planning Commission in regards to designating the utility easements as 'non-exclusive' and working with Anadarko to resolve conflicts in regards to the existing Surface Use Agreement, while ensuring the trail along the Brighton Lateral Ditch remains, and if required to be moved, is in a location approved by the Director of Community Development.
- b) The Final Plat, as revised, the Development Agreement, and Vested Property Rights shall not be deemed approved or effective until a finalized, fully executed Development Agreement is provided to the City on or before December 20, 2015, as required by the Land Use and Development Code. Should the required Development Agreement not be provided to the City, the Final Plat, Development Agreement, and Vested Property Rights applications shall be deemed null and void and of no force and effect, and new applications and filing fees shall be required to be submitted to the City for the Property.
- c) The Final Plat, as revised, the Development Agreement, and Vested Property Rights shall not be deemed approved or effective until a finalized, fully executed, mylar Final Plat document, in a form found acceptable to the City and the Adams County Clerk and Recorder's Office, is provided to the City on or before December 20, 2015, as required by the Land Use and Development Code. Should the required mylar Final Plat document that meets the requirements of the City and the Adams County Clerk and Recorder's Office not be provided to the City, the Final Plat, Development Agreement, and Vested Property Rights applications shall be deemed null and void and of no force and effect, and new applications and filing fees shall be required to be submitted to the City for the Property.
- d) The Final Plat, as revised, the Development Agreement, and Vested Property Rights shall not be deemed approved or effective until a finalized, fully executed, Letter of Credit, in a form and substance found acceptable to the City, to guarantee construction of the public improvements described in the Schedule of Public Improvements (Exhibit B) of the Development Agreement, is provided to the City on or before December 20, 2015, as required by the Development Agreement and the Land Use and Development Code. Should the required Letter of Credit that meets the requirements of the City not be provided to the City, the Final Plat, Development Agreement, and Vested Property Rights applications shall be deemed null and void and of no force

and effect, and new applications and filing fees shall be required to be submitted to the City for the Property.

<u>Section 5.</u> That the Mayor is authorized to execute the Final Plat and Development Agreement for the Property, and in furtherance thereof, the City Manager and/or his designees 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 Agreement, for and on behalf of the City of Brighton

RESOLVED, this 20th day of October, 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

PROPERTY DESCRIPTION - PRAIRIE CENTER PARCEL 5 ALTA BOUNDARY A PARCEL OF LAND LOCATED WITHIN THE SOUTHWEST QUARTER OF SECTION 16, AND IN THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 66 WEST, 6TH P.M., BEING MONUMENTED AT THE WEST END BY A 3-1/4" ALUMINUM CAP IN RANGE BOX, STAMPED: JR ENG LS 30109, AND AT THE EAST END BY AN AXLE IN RANGE BOX, AND BEING CONSIDERED TO BEAR N89°26'28"E.

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 21;

THENCE N89°26'28"E, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 21, A DISTANCE OF 157.57 FEET;

THENCE S00°33'32"E, A DISTANCE OF 77.00 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF EAST 144TH AVENUE RIGHT-OF-WAY DEDICATION PLAT AS RECORDED BY INSTRUMENT NUMBER 20060323000297110 IN THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID EAST 144TH AVENUE RIGHT-OF-WAY DEDICATION PLAT THE FOLLOWING TWELVE (12) COURSES:

- 1. N89°26'28"E, A DISTANCE OF 282.47 FEET;
- 2. ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1279.00 FEET, A CENTRAL ANGLE OF 11°36'42", AND AN ARC LENGTH OF 259.20 FEET;
- 3. ALONG THE ARC OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 65.00 FEET, A CENTRAL ANGLE OF 85°29'36", AND AN ARC LENGTH OF 96.99 FEET;
- 4. S16°40'38"E. A DISTANCE OF 7.97 FEET:
- 5. N73°19'22"E, A DISTANCE OF 64.00 FEET;
- 6. N16°40'38"W, A DISTANCE OF 37.60 FEET;
- 7. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 45.00 FEET, A CENTRAL ANGLE OF 87°00'42", AND AN ARC LENGTH OF 68.34 FEET;
- 8. ALONG THE ARC OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 1267.00 FEET, A CENTRAL ANGLE OF 03°49'52", AND AN ARC LENGTH OF 84.72 FEET;
- 9. N66°30'12"E, A DISTANCE OF 359.12 FEET;
- 10. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1133.00 FEET, A CENTRAL ANGLE OF 23°00'00", AND AN ARC LENGTH OF 454.82 FEET;
- 11. N89°30'12"E, A DISTANCE OF 431.94 FEET;
- 12. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 45.00 FEET, A CENTRAL ANGLE OF 90°00'00", AND AN ARC LENGTH OF 70.69 FEET TO A POINT ON THE WESTERLY BOUNDARY OF TRACT B, PRAIRIE CENTER MAJOR RETAIL 2 SUBDIVISION, THIRD AMENDMENT AS RECORDED UNDER RECEPTION NUMBER 2011000076884 IN THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER;

THENCE ALONG THE WESTERLY BOUNDARY OF SAID PRAIRIE CENTER MAJOR RETAIL 2 SUBDIVISION, THIRD AMENDMENT, S00°29'48"E, A DISTANCE OF 182.28 FEET;

THENCE CONTINUING ALONG THE WESTERLY BOUNDARY OF SAID PRAIRIE CENTER MAJOR RETAIL 2 SUBDIVISION, THIRD AMENDMENT AND THE WESTERLY BOUNDARY OF PRAIRIE CENTER-MAJOR RETAIL 1 SUBDIVISION AS RECORDED UNDER RECEPTION NUMBER 20051018001142770 IN THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER, S36°57'38"E, A DISTANCE OF 342.14 FEET:

THENCE CONTINUING ALONG THE WESTERLY BOUNDARY OF SAID PRAIRIE CENTER-MAJOR RETAIL 1 SUBDIVISION THE FOLLOWING THREE (3) COURSES:

- 1. S07°14'14"E, A DISTANCE OF 110.89 FEET;
- 2. S39°17'21"W, A DISTANCE OF 289.89 FEET;
- 3. S07°14'14"E, A DISTANCE OF 144.53 FEET TO A POINT ON THE NORTHWESTERLY BOUNDARY OF SAID PRAIRIE CENTER MAJOR RETAIL 2 SUBDIVISION, THIRD AMENDMENT:

THENCE ALONG THE NORTHWESTERLY BOUNDARY OF SAID PRAIRIE CENTER MAJOR RETAIL 2 SUBDIVISION, THIRD AMENDMENT AND THE NORTHWESTERLY BOUNDARY OF LOT 2, BLOCK 1, PRAIRIE CENTER MAJOR RETAIL 2 SUBDIVISION AS RECORDED UNDER RECEPTION NUMBER 2006001012864 IN THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER, S38°53'40"W, A DISTANCE OF 1711.00 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF LOT 8, OF SAID

PRAIRIE CENTER MAJOR RETAIL 2 SUBDIVISION, THIRD AMENDMENT;

THENCE ALONG THE NORTHERLY BOUNDARY OF SAID LOT 8, PRAIRIE CENTER MAJOR RETAIL 2 SUBDIVISION, THIRD AMENDMENT AND THE NORTHERLY BOUNDARY OF LOT 1, BLOCK 1, PRAIRIE CENTER-MAJOR RETAIL 3 SUBDIVISION AS RECORDED BY INSTRUMENT NUMBER 20041207001241260 IN THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER, N90°00'00"W, A DISTANCE OF 634.16 FEET;

THENCE CONTINUING ALONG THE NORTHERLY BOUNDARY OF SAID LOT 1, BLOCK 1, PRAIRIE CENTER-MAJOR RETAIL 3 SUBDIVISION, S88°32'22"W, A DISTANCE OF 137.12 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF TRACT C, OF SAID PRAIRIE CENTER MAJOR RETAIL 2 SUBDIVISION, THIRD AMENDMENT;

THENCE ALONG THE NORTHERLY BOUNDARY OF SAID PRAIRIE CENTER MAJOR RETAIL 2 SUBDIVISION, THIRD AMENDMENT THE FOLLOWING TWO (2) COURSES:

- 1. S88°32'22"W, A DISTANCE OF 50.77 FEET;
- 2. N88°00'35"W, A DISTANCE OF 206.88 FEET TO A POINT ON THE EASTERLY BOUNDARY OF BUCKLEY ROAD RIGHT-OF-WAY DEDICATION PLAT AS RECORDED BY INSTRUMENT NUMBER 20041207001241230 IN THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER;

THENCE ALONG THE EASTERLY BOUNDARY OF SAID BUCKLEY ROAD RIGHT-OF-WAY DEDICATION PLAT THE FOLLOWING NINETEEN (19) COURSES:

- 1. S89°35'24"W, A DISTANCE OF 11.92 FEET;
- 2. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 45.00 FEET, A CENTRAL ANGLE OF 90°02'42", AND AN ARC LENGTH OF 70.72 FEET;
- 3. N00°21'54"W, A DISTANCE OF 12.69 FEET;
- 4. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 285.50 FEET, A CENTRAL ANGLE OF 13°15'41", AND AN ARC LENGTH OF 66.08 FEET;
- 5. ALONG THE ARC OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 164.50 FEET, A CENTRAL ANGLE OF 13°15'41", AND AN ARC LENGTH OF 38.07 FEET;
- 6. N00°21'54"W, A DISTANCE OF 60.89 FEET;
- 7. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 60.00 FEET, A CENTRAL ANGLE OF 63°14'48", AND AN ARC LENGTH OF 66.23 FEET;
- 8. N00°21'38"W, A DISTANCE OF 70.42 FEET;
- 9. ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT WHOSE CENTER BEARS N00°21'38"W, HAVING A RADIUS OF 45.00 FEET, A CENTRAL ANGLE OF 89°59'44", AND AN ARC LENGTH OF 70.68 FEET;
- 10. N00°21'54"W, A DISTANCE OF 891.01 FEET;
- 11. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 45.00 FEET, A CENTRAL ANGLE OF 90°00'16", AND AN ARC LENGTH OF 70.69 FEET;
- 12. N00°22'16"W, A DISTANCE OF 64.00 FEET;
- 13. ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT WHOSE CENTER BEARS N00°21'38"W, HAVING A RADIUS OF 45.00 FEET, A CENTRAL ANGLE OF 89°59'44", AND AN ARC LENGTH OF 70.68 FEET:
- 14. N00°21'54"W, A DISTANCE OF 78.46 FEET;
- 15. ALONG THE ARC OF A CURVE TO THE RIGHT WHOSE HAVING A RADIUS OF 285.50 FEET, A CENTRAL ANGLE OF 13°15'41", AND AN ARC LENGTH OF 66.08 FEET;
- 16. ALONG THE ARC OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 164.50 FEET, A CENTRAL ANGLE OF 13°15'41", AND AN ARC LENGTH OF 38.07 FEET;
- 17. N00°21'54"W, A DISTANCE OF 254.02 FEET;
- 18. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 75.00 FEET, A CENTRAL ANGLE OF 89°48'22", AND AN ARC LENGTH OF 117.56 FEET;
- 19. N89°26'28"E, A DISTANCE OF 6.08 FEET TO THE POINT OF BEGINNING.

EXHIBIT B FINAL PLAT

[Final Plat begins on the next page.]

PRAIRIE CENTER VILLAGE V SUBDIVISION FILING NO. 1
PRELIMINARY/FINAL PLAT
CEL LOCATED IN THE SOUTHWEST QUARTER OF SECTION 16 AND THE NORTHWEST QUARTER OF SECTION
TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, STATE OF COLORADO

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CERTIFICATE OF OWNERSHIP (CONTINUED)

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APPROVAL OF THIS DOCUMENT MAY CREATE A VESTED PROPERTY RICHT PURSUANT TO ARTICLE 68 OF TITLE 24, COLORADO REVISED STATUTES, AS AMENDED.

SURVEYOR'S CERTIFICATION

CITY CLERK

BY: THE PRABLE CENTER INVESTORS, L.L.C., ITS MANAGER BY: MILAN GREEN MANAGEMENT, LL.C., IT'S MANAGER THF PRAIRIE CENTER DEVELOPMENT, L.L.C.

S,

THE FOREGOING INSTRUMENT WAS ACKNOW EDGED BEFORE WE THIS DAY OF WANGERENT, LLC., AS WANGER OF THE PRABE CONTEN INVESTORS, LLC., AS WANGER OF THE PRABE CONTEN INVESTORS, LLC., AS WANGER OF THE PRABIL CALL. SS NOTARY CERTIFICATE STATE OF COUNTY OF

WITNESS MY HAND AND OFFICIAL SEAL

NOTARY PUBLIC SIGNATURE MY COMMISSION EXPIRES:



DERBK S, BROWN, LICENSED PROFESSIONAL LAND SURVEYOR COLORADO P.L.S. No. 38064 FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC. CLERK AND RECORDER'S CERTIFICATE

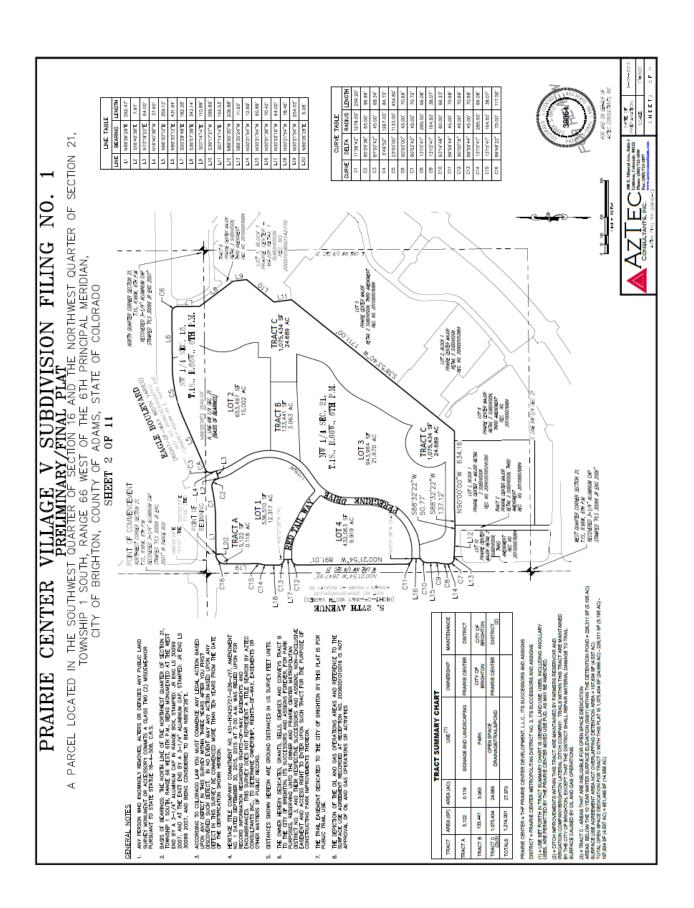
THIS PLAT WAS REED FOR RECORD IN THE OFFICE OF THE ADAMS COUNTY CLEDK AND RECORDER IN THE STATE OF COLORADO AT AM. PAM., PAM., ON THE DAY OF COUNTY CLERK AND RECORDER INSTRUMENT NO. BY DEPUTY _

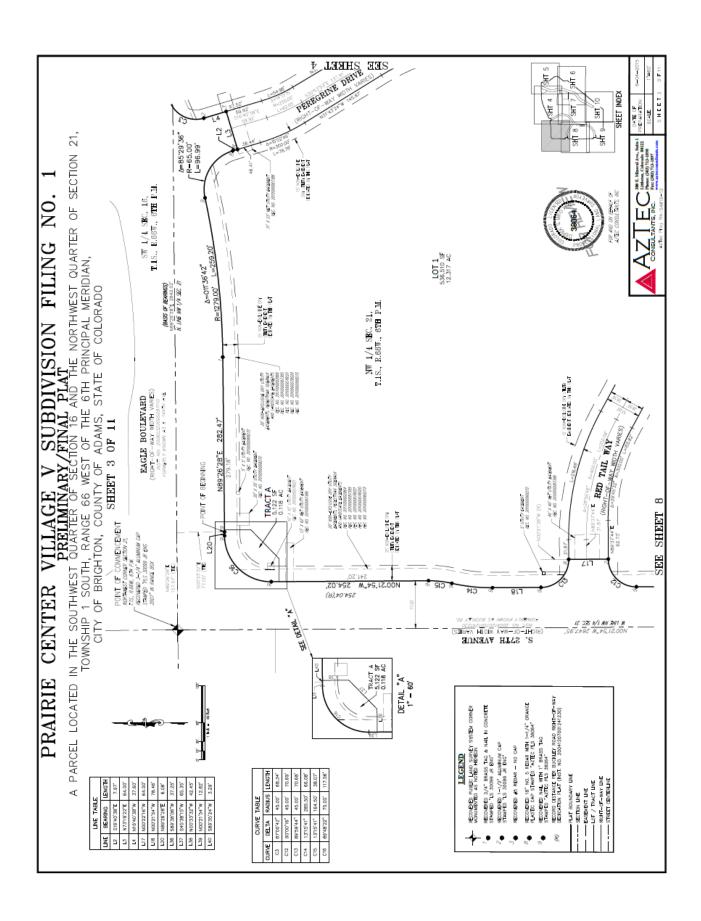
OWNER
THE PRAIRIE CENTER DEVELOPMENT, L.L.C.
2211 N STADIUM REVO STE. 201
COLUMBIA NO 65203—1161

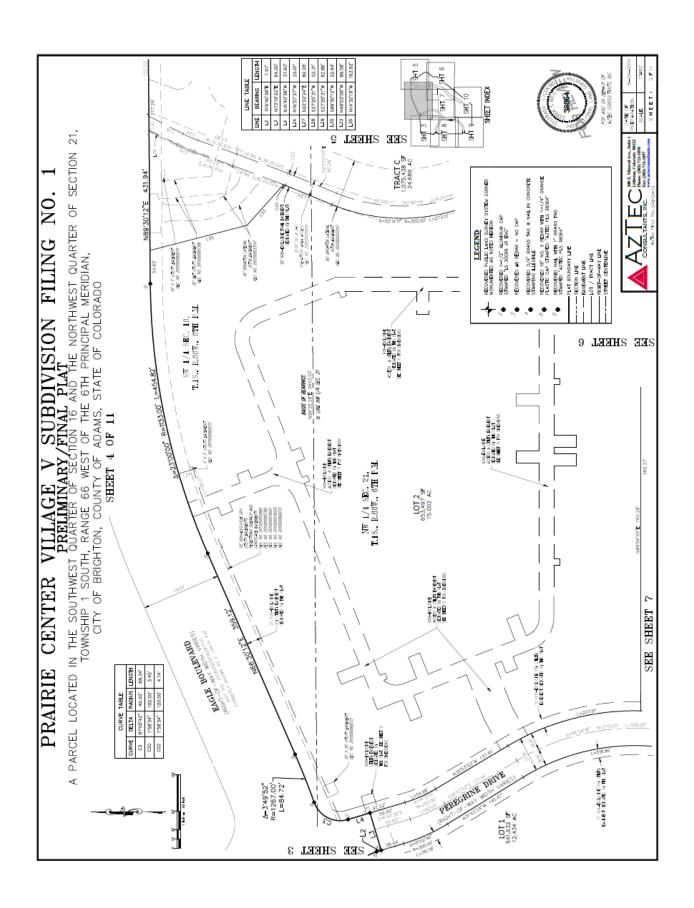
SHEET TEC 1200 E. Mineral Avv., Solis 1 Littleoor, Colorado 80122 LINC. Par. (203) 713-1898 LANTS, INC. Par. (203) 713-1898

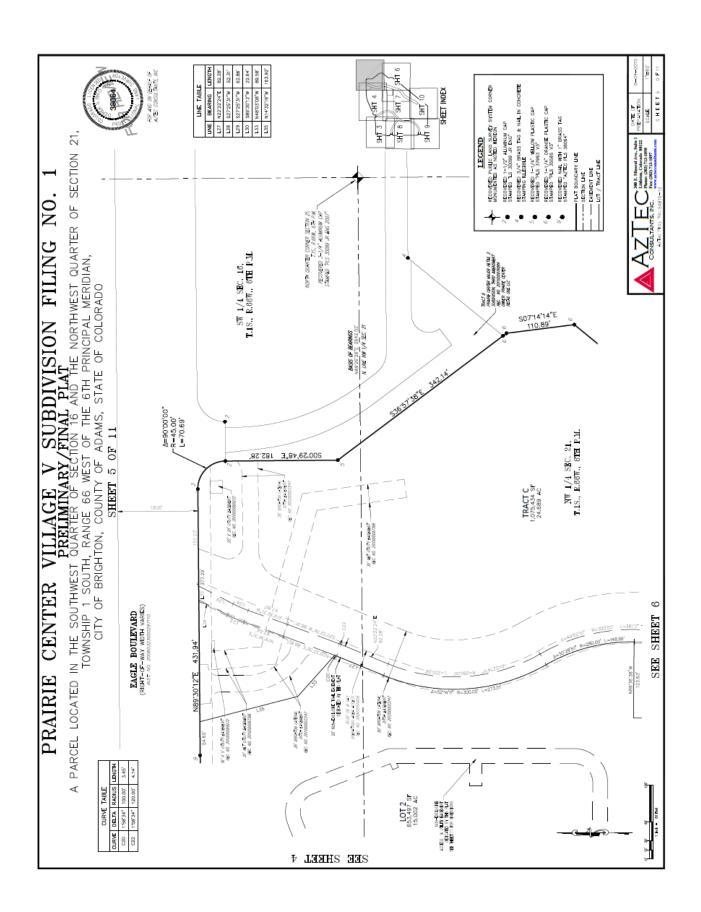
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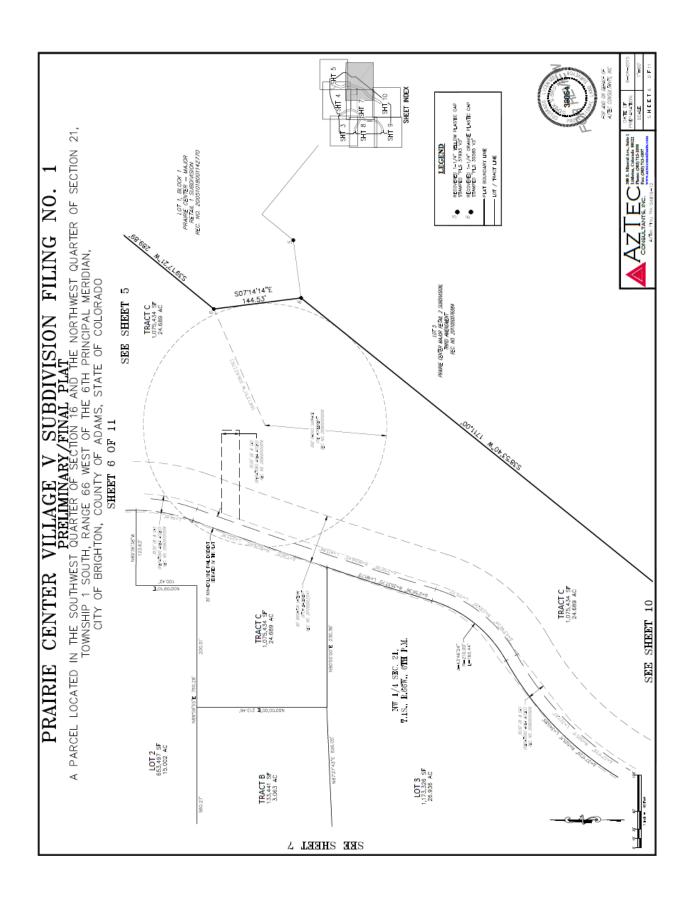
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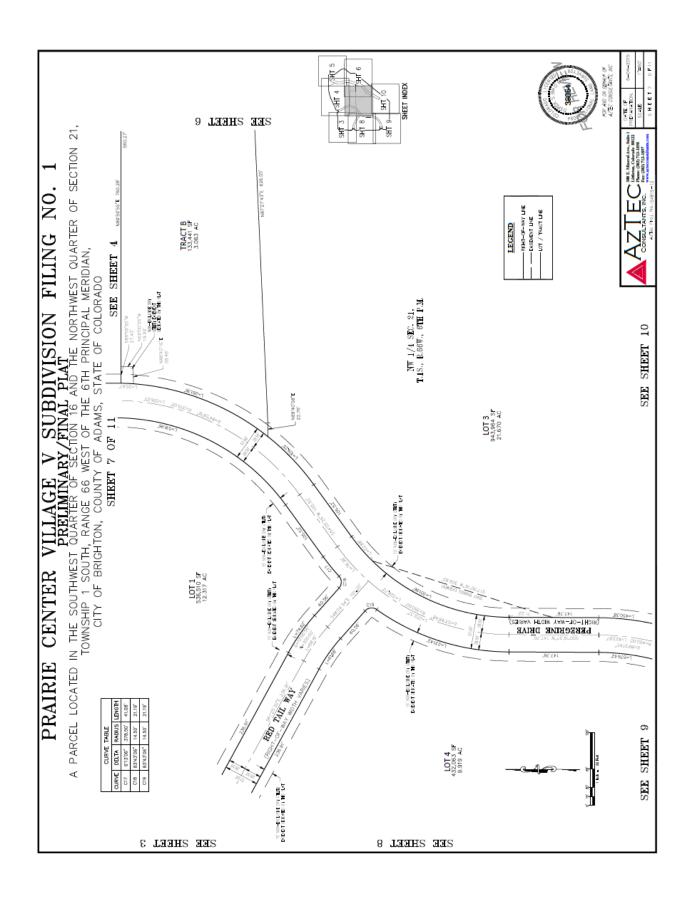


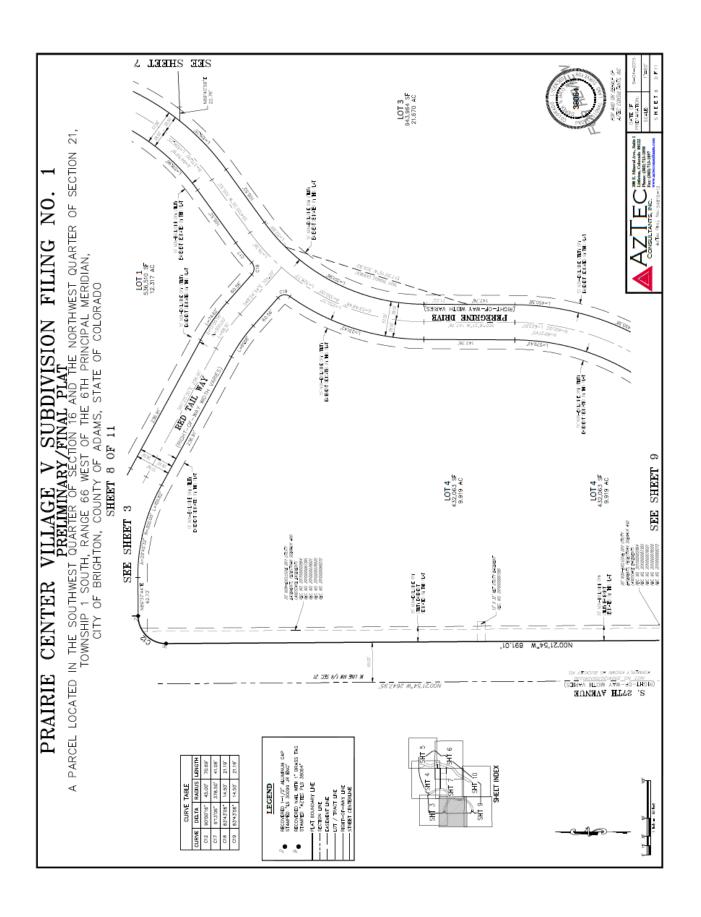


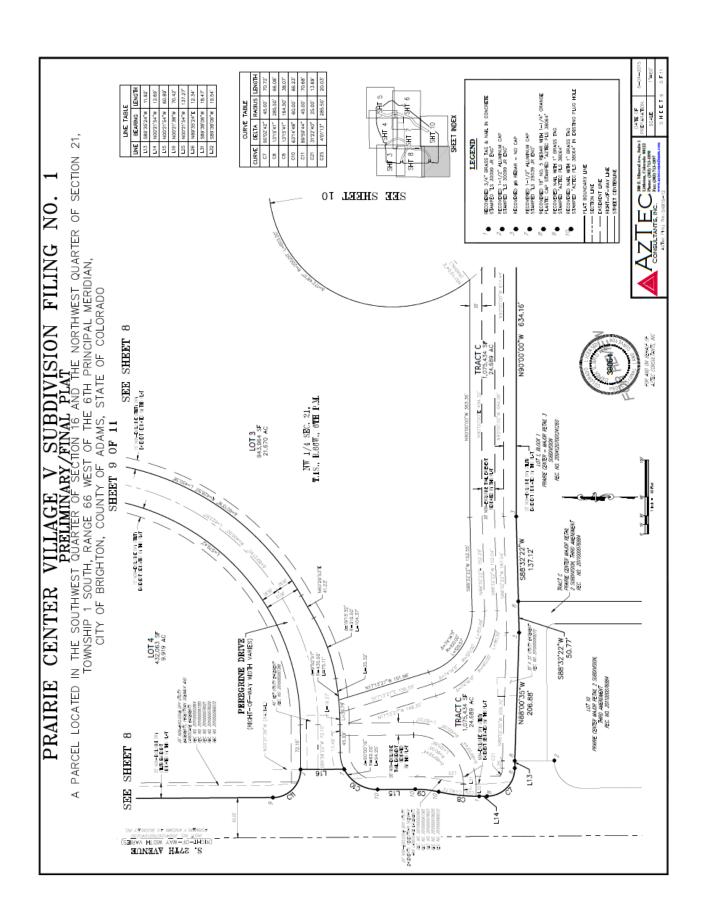


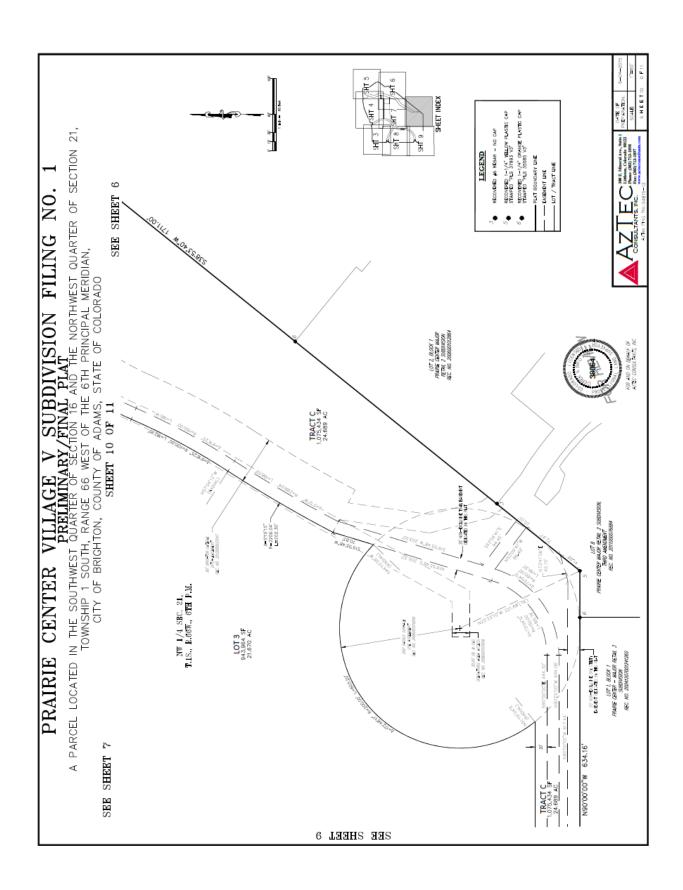












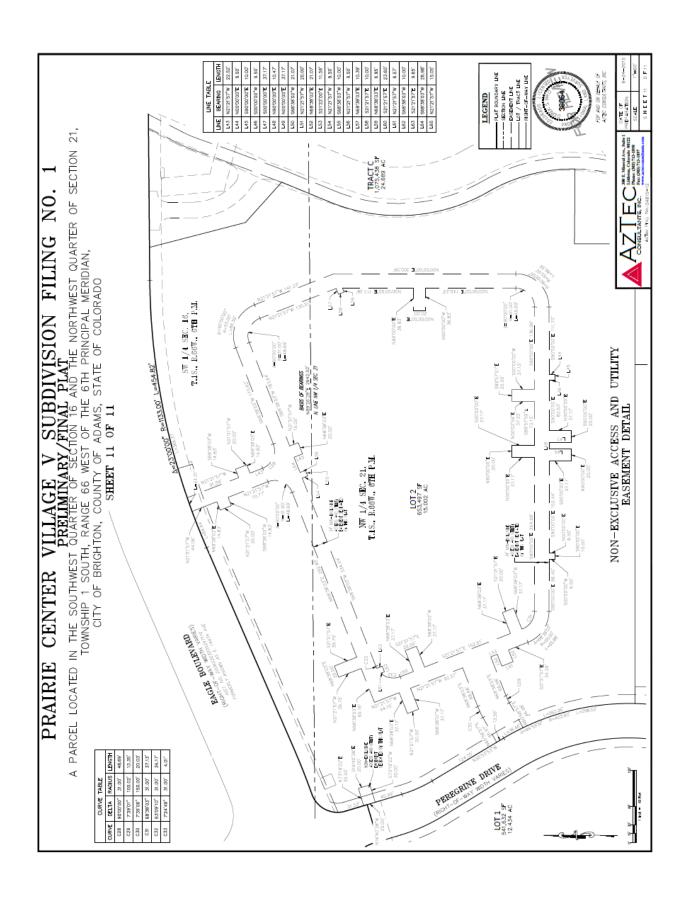


EXHIBIT CDEVELOPMENT AGREEMENT

[Development Agreement begins on the next page.]