

**BRIGHTON CITY COUNCIL RESOLUTION
NORTH STAR SUBDIVISION**

DEVELOPMENT AGREEMENT AND FINAL PLAT

RESOLUTION NO.: 2016-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING A FINAL PLAT AND DEVELOPMENT AGREEMENT FOR THE NORTH STAR SUBDIVISION AN APPROXIMATE 1.6 ACRE PARCEL OF CONTIGUOUS LAND, IN THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 1 SOUTH, RANGE 66 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO; AUTHORIZING THE MAYOR TO EXECUTE THE DEVELOPMENT AGREEMENT ON BEHALF OF THE CITY; AND SETTING FORTH OTHER DETAILS RELATED THERETO.

WHEREAS, North Star Equities, LLC, (the “Owner/Applicant”) owns an approximately 1.6 acre property, generally located on the northeast corner of Grosbeak Street and South 50th Avenue, and more specifically described in **EXHIBIT A**, attached hereto (the “Property”); and

WHEREAS, T. Joshua Shipman, North Star Equities LLC, has requested approval of the North Star Subdivision Final Plat, attached hereto as **EXHIBIT B** (the “Final Plat”); and

WHEREAS, the Property was annexed to the City of Brighton (the “City”) on February 16, 2016 and zoned as PUD (Planned Unit Development), Bromley Park, 17th Amendment on February 16, 2016; and

WHEREAS, the Planning Commission, during a public hearing held on October 13, 2015, approved a Preliminary Plat for the Property; and

WHEREAS, the City Council finds and declares that, although not required by the *Municipal Code*, 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 meeting, on February 16, 2016, to review and consider a Final Plat Application and Development Agreement for the Property; and

WHEREAS, the Council has reviewed the Final Plat pursuant to the applicable provisions and criteria set forth in the *Municipal Code*; and

WHEREAS, the City Council finds and declares that the Final Plat does comply with the requirements of the Final Plat procedures and 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. That the North Star Subdivision Final Plat, attached hereto as **Exhibit B**, is hereby approved.

Section 2. That the North Star Subdivision Development Agreement, attached hereto as **Exhibit C**, is hereby approved.

Section 3. That the Mayor is authorized to execute the Final Plat and Development Agreement for the North Star Subdivision Final Plat, and in furtherance thereof, that 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 16th day of February, 2016.

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

APPROVED AS TO FORM:

Margaret R. Brubaker, Esq., City Attorney

EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 11, WHENCE THE NORTH QUARTER CORNER THEREOF BEARS N89°48'26"E, A DISTANCE OF 2637.19 FEET; THENCE S00°18'18"E ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 11, 759.88 FEET, THENCE N89°48'26"E, 30.00 FEET TO THE POINT OF BEGINNING;

THENCE N89°48'26"E, 521.78 FEET TO A POINT ON THE WEST BOUNDARY OF TRACT B, BROMLEY PARK FILING NO. 5, FILED AT RECEPTION NO. C0655375, FILE 18, MAP 199 ON MARCH 31, 2000 IN THE ADAMS COUNTY CLERK AND RECORDER'S OFFICE; THENCE ALONG SAID BOUNDARY THE FOLLOWING TWO (2) COURSES:

- 1) THENCE S00°18'18"E, A DISTANCE OF 125.00 FEET;
- 2) THENCE N89°48'26"E, A DISTANCE OF 0.28 FEET TO A POINT ON THE WEST BOUNDARY OF LOT 1, BLOCK 2 OF SAID BROMLEY PARK FILING NO. 5;

THENCE S09°19'12"W, ALONG THE WEST BOUNDARY OF SAID LOT 1, BLOCK 2, A DISTANCE OF 8.44 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF GROSBEAK STREET;

THENCE ALONG THE NORTH RIGHT OF WAY LINE OF GROSBEAK STREET THE FOLLOWING THREE (3) COURSES;

- 1) THENCE S89°41'42"W A DISTANCE OF 440.64 FEET;
- 2) THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 55.00 FEET, AN ARC LENGTH OF 32.36 FEET, A CENTRAL ANGLE OF 33°42'29", AND A CHORD BEARING N73°27'04"W A DISTANCE OF 31.89 FEET;
- 3) THENCE N89°48'26"E A DISTANCE OF 49.48 FEET;

THENCE N00°18'18"W, A DISTANCE OF 125.00 FEET TO THE POINT OF BEGINNING, COUNTY OF ADAMS, STATE OF COLORADO

SAID PARCEL CONTAINS 69,277 SQUARE FEET, 1.590 ACRES, MORE OR LESS.

EXHIBIT B

NORTH STAR SUBDIVISION FINAL PLAT

**[REDUCED COPY OF
FINAL PLAT BEGINS: 1 OF 3 PAGES.]**

NORTH STAR SUBDIVISION

A PRELIMINARY AND FINAL PLAT OF TRACT A, BROMLEY PARK FILING NO. 5 AND AN UNPLATTED PORTION OF A PART OF THE NORTHWEST QUARTER OF SECTION 11, LOCATED IN THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO

1 OF 3

CERTIFICATE OF OWNERSHIP

KNOW ALL PEOPLE BY THESE PRESENTS THAT THE UNDERSIGNED WARRANT EASERS OF A PARCELS OF LAND BEING ALL OF TRACT A, BROMLEY PARK FILING NO. 5 AND AN UNPLATTED PORTION OF THE NORTHWEST QUARTER OF SECTION 11, 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: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 11, THENCE THE NORTH QUARTER CORNER THENCE BEARS N69°42'W A DISTANCE OF 287.19 FEET; THENCE S81°18'E ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 11, A DISTANCE OF 732.8 FEET, THENCE N87°42'W STARTED TO THE POINT OF BEGINNING; THENCE S81°18'E 329 FEET TO A POINT ON THE WESTERLY BOUNDARY OF SAID TRACT A, A DISTANCE OF 162.6 FEET TO A POINT ON THE BOUNDARY OF TRACT A, BROMLEY PARK FILING NO. 5; THENCE ALONG THE EASTERN AND SOUTHERN BOUNDARY OF SAID TRACT A THE FOLLOWING (TO ALL COURSES):

- 1) THENCE N87°42'W A DISTANCE OF 120 FEET;
- 2) THENCE S81°18'E A DISTANCE OF 144 FEET TO A POINT ON THE NORTHERN RIGHT-OF-WAY LINE OF GROESBECK STREET;
- 3) THENCE S81°18'E ALONG THE NORTHERN RIGHT-OF-WAY LINE OF GROESBECK STREET, A DISTANCE OF 464.4 FEET;
- 4) THENCE CONTINUING ALONG THE NORTHERN RIGHT-OF-WAY LINE OF GROESBECK STREET, ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 50.0 FEET, AN ARC LENGTH OF 20.0 FEET, A CENTRAL ANGLE OF 57°32'41", THENCE S81°18'E 27.9 FEET TO A POINT OF BEGINNING; THENCE N87°42'W A DISTANCE OF 54.9 FEET; THENCE S81°18'E 19.0 FEET TO A POINT OF BEGINNING.

COUNTY OF ADAMS,
STATE OF COLORADO

SAD PARCEL CONTAINS 8,297 SQUARE FEET, .19 ACRES, MORE OR LESS. HAVING BEEN PLATTED AND SUBMITTED INTO LOTS AND A TRACT AS SHOWN ON THE MAP AT UNDER THE NAME AND STATE OF NORTH STAR SUBDIVISION AND BEING DEEMED AS INDICATED HEREIN, THE EASERS SHOW HEREON AND/OR DESCRIBED HEREIN AND NOT PREVIOUSLY DESCRIBED.

EXECUTED THIS ____ DAY OF _____, 2015.

OWNER

NORTH STAR EQUITIES, LLC, A COLORADO LIMITED LIABILITY COMPANY

BY _____ AS MANAGER

NOTARY CERTIFICATE

STATE OF _____ }
COUNTY OF _____ } SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2015, AT _____, COLORADO, BY _____ AS MANAGER OF NORTH STAR EQUITIES, LLC, A COLORADO LIMITED LIABILITY COMPANY, AS MANAGER OF NORTH STAR EQUITIES, LLC, A COLORADO LIMITED LIABILITY COMPANY, WITNESS MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC: _____



OWNERSHIP AND TITLE CERTIFICATION

I, A duly authorized officer of the relevant national title insurance company, hereby certify that the priority executing this plat as owner of the described property is the owner of the property described herein. I am not aware of any other persons claiming an interest in the property described herein, and I am not aware of any liens, mortgages, judgments, or other encumbrances which may have intervened with or restricted their intended use by the City of Brighton.

DATE _____ SIGNATURE _____ TITLE _____

SUBDIVIDER

NORTH STAR EQUITIES, LLC
3801 E PENNINGTON AVE, SUITE 100
GREENWOOD VILLAGE, CO 80111
PH: 303-583-7850

SINGLE-FAMILY DETACHED DEVELOPMENT	AVERAGE LOT SIZE
7	847.5 SQUARE FEET

TRACT TABLE		AREA
TRACT	DEDICATED USE	0.15 AC.
TRACT 1	OPEN SPACE	0.15 AC.

CITY OF BRIGHTON APPROVALS

APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BRIGHTON, COLORADO, ON BEHALF OF _____ DATE _____

APPROVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, OR DESIGNEE _____ DATE _____

CITY COUNCIL _____ DATE _____

SURVEYOR'S CERTIFICATION

I, DONALD L. LAMBERT, A PROFESSIONAL LAND SURVEYOR, DESIRES TO PRACTICE AS A SURVEYOR IN THE STATE OF COLORADO AND HEREBY CERTIFY THAT THIS PLAT IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DONALD L. LAMBERT, P.L.S. 8080 _____ DATE _____

FOR AND ON BEHALF OF
DONALD L. LAMBERT, P.L.S.
ENGINEER, DONALD L. LAMBERT, P.L.S.
ENG. BWOOD, CO

CLERK & RECORDER'S CERTIFICATE

THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE ADAMS COUNTY CLERK AND RECORDER IN THE STATE OF COLORADO AT _____ AM, P.M. ON THE ____ DAY OF _____, 2015.

COUNTY CLERK AND RECORDER
BY DEPUTY _____
INSTRUMENT NO. _____

Est land surveying, llc

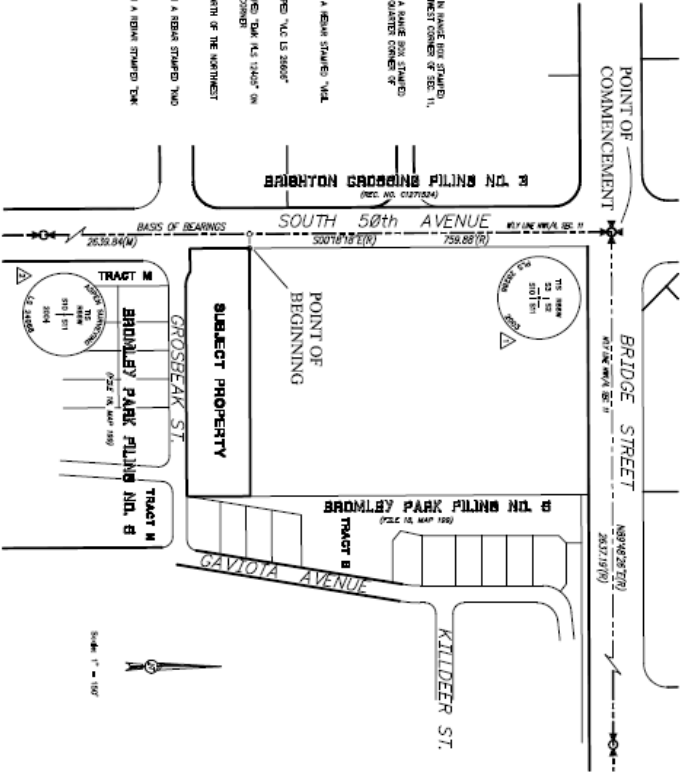
1514 E. Logan Rd
Coal Pk, CO
Englewood, CO 80113

303-448-0713

12-1-189 1 OF 3

NORTH STAR SUBDIVISION

A PRELIMINARY AND FINAL PLAT OF TRACT A, BROMLEY PARK FILING NO. 5 AND AN UNPLATTED PORTION OF A PART OF THE NORTHWEST QUARTER OF SECTION 11, LOCATED IN THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO
2 OF 3



MONUMENT LEGEND

- ▲ FOUND A 3-1/4" ALUMINUM CAP IN NADINE BOX STAMPED AS SHOWN HEREON AT THE NORTHWEST CORNER OF SEC. 11.
- ▲ FOUND 3/4" X 1/2" ALUMINUM CAP IN A NADINE BOX STAMPED AS SHOWN HEREON AT THE WEST QUARTER CORNER OF SECTION 11.
- ▲ FOUND A 6" REBAR
- ▲ FOUND A 3/4" ALUMINUM CAP ON A REBAR STAMPED "MIL LAND CONSULTANTS ITS DESIGN"
- ▲ FOUND A 1/2" NAIL AND WOOD STAMPED "M.C. IS 3660"
- ▲ FOUND A NAIL AND WOOD STAMPED "M.C. IS 3660" ON A 3" SPACER NORTH OF THE LOT CORNER
- ▲ FOUND A CORDED CROSS 3/4" NORTH OF THE NORTHWEST CORNER OF LOT 17
- ▲ FOUND A YELLOW PLASTIC CAP ON A REBAR STAMPED "MIL LAND"
- ▲ FOUND A YELLOW PLASTIC CAP ON A REBAR STAMPED "M.C. IS 3660"

GENERAL NOTES

1. THE SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY FRONTIER SURVEYING, INC. TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. THE TITLE INSURANCE COMPANY COMMITTEE FOR ADAMS COUNTY HAS REVIEWED A COPY OF THIS SURVEY AND HAS DETERMINED THAT THERE ARE NO EASEMENTS, RIGHTS-OF-WAY AND TITLE OF RECORD OR OTHER ENCUMBRANCES AFFECTING THE SUBJECT PARCELS.
2. NOTES ACCORDING TO SECTION 4 AND YOU MUST COMMENCE ANY LEGAL ACTION WITHIN THE PERIOD OF LIMITATION. YOU MUST COMMENCE ANY LEGAL ACTION WITHIN THE PERIOD OF LIMITATION. YOU MUST COMMENCE ANY LEGAL ACTION WITHIN THE PERIOD OF LIMITATION. YOU MUST COMMENCE ANY LEGAL ACTION WITHIN THE PERIOD OF LIMITATION.
3. THE BASIS OF BEARINGS FOR THIS SURVEY IS THE RECORD BEARING OF SECTION 11, T1S, R66W AS PER THE LEGAL DESCRIPTION OF THE SUBJECT PROPERTY FOUND IN RECORDING NUMBER AS FILED IN THE ADAMS COUNTY CLERK AND RECORDS OFFICE.
4. UTILITY EASEMENTS SHOWN HEREON AND NOT PREVIOUSLY IDENTIFIED OR OTHERWISE DEDICATED PURSUANT TO THE ABOVE GENERAL NOTES ARE HEREBY DEDICATED TO THE CITY OF BRIGHTON.

5. ALL DEDICATIONS AND DEEDS MADE TO THE CITY OF BRIGHTON ARE SUBJECT TO THE TERMS, CONDITIONS, AND RESTRICTIONS OF THE AMERICAN LEGAL TITLE INSURANCE COMPANY'S POLICY OF TITLE INSURANCE NUMBER 14, 1594 N. BUCK 4403 AT PAGE 508, NOVEMBER 20, 1991 IN BOOK 4537 AT PAGE 355, JUNE 15, 1998 IN BOOK 4776 AT PAGE 114, AND NOVEMBER 21, 1997 IN BOOK 4115 AT PAGE 218.
6. SALES OF LOTS SHALL NOT BE ALLOWED UNTIL ALL IMPROVEMENTS ARE COMPLETED BY THE ESTATE OR AN FINANCIAL GUARANTEES ACCEPTABLE TO THE CITY HAVE BEEN PROVIDED BY THE DEVELOPER, ALONG WITH FINAL PLAT APPROVAL.
7. A REMAINDER EASEMENT IS HEREBY GRANTED TO THE BROWLEY PARK OWNERS, U.S. SOUTH HEREBY GRANTING AND LOCATED ON PRIVATE PROPERTY INDICATED, DESIGNATED "UT", ARE UTILITY EASEMENTS FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES AND CHANGES INCLUDING, BUT NOT LIMITED TO STORM AND SANITARY SEWER, DRAINAGE, SMALLER WATERLINES, GAS LINES, WATER LINES, AND CABLES. THESE UTILITY EASEMENTS SHALL BE LOCATED WITH A MINIMUM WIDTH OF 10 FEET FROM THE CENTERLINE OF THE UTILITY LINE. THE UTILITY EASEMENTS SHALL BE LOCATED WITH A MINIMUM WIDTH OF 10 FEET FROM THE CENTERLINE OF THE UTILITY LINE. THE UTILITY EASEMENTS SHALL BE LOCATED WITH A MINIMUM WIDTH OF 10 FEET FROM THE CENTERLINE OF THE UTILITY LINE.

GENERAL NOTES - CONTINUED

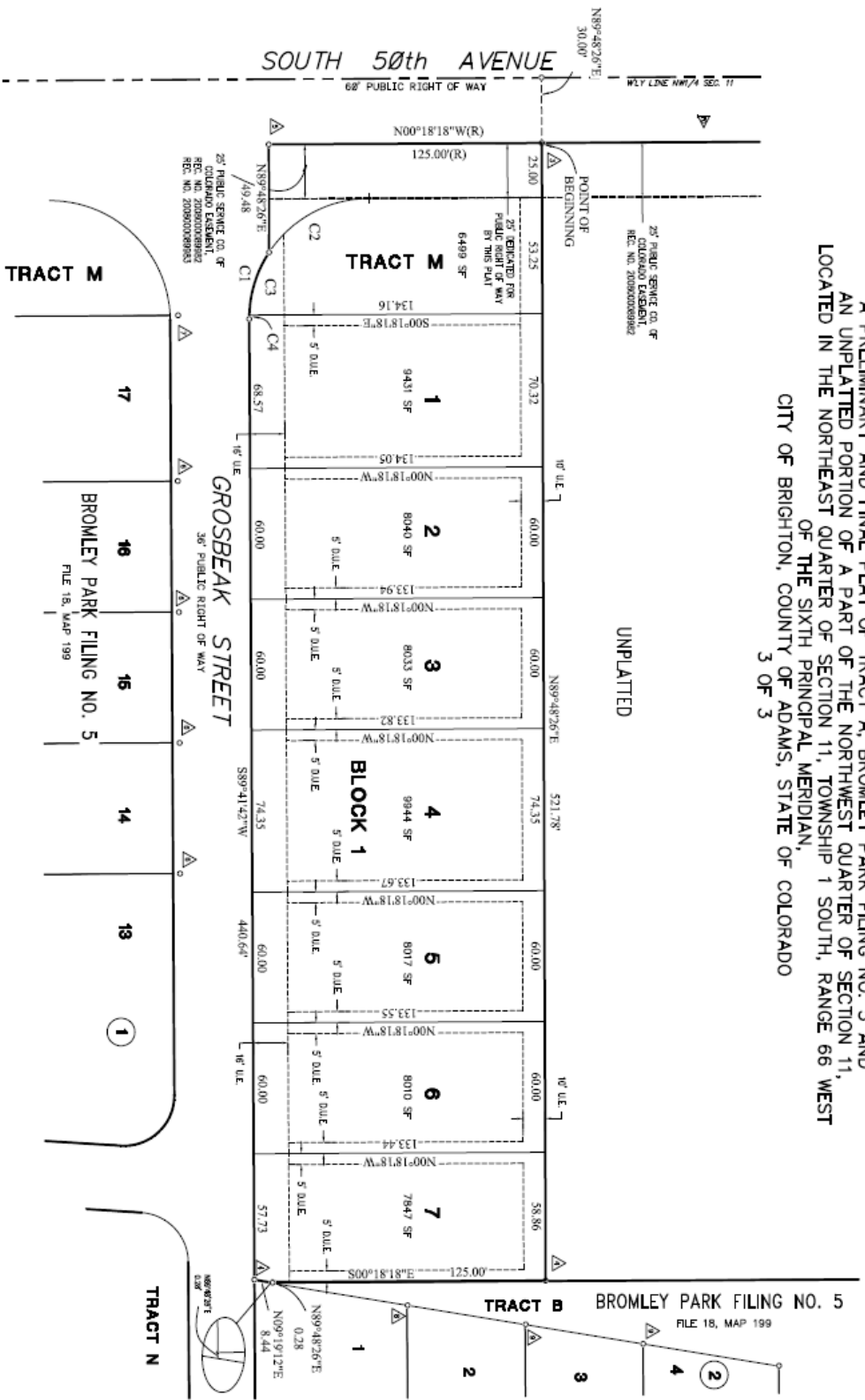
1. UTILITY EASEMENTS THESE PORTIONS OF REAL PROPERTY WITHIN THESE ARE INDICATED, DESIGNATED "UT", ARE UTILITY EASEMENTS FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES AND CHANGES INCLUDING, BUT NOT LIMITED TO STORM AND SANITARY SEWER, DRAINAGE, SMALLER WATERLINES, GAS LINES, WATER LINES, AND CABLES. THESE UTILITY EASEMENTS SHALL BE LOCATED WITH A MINIMUM WIDTH OF 10 FEET FROM THE CENTERLINE OF THE UTILITY LINE. THE UTILITY EASEMENTS SHALL BE LOCATED WITH A MINIMUM WIDTH OF 10 FEET FROM THE CENTERLINE OF THE UTILITY LINE. THE UTILITY EASEMENTS SHALL BE LOCATED WITH A MINIMUM WIDTH OF 10 FEET FROM THE CENTERLINE OF THE UTILITY LINE.
2. UTILITY EASEMENTS, WITH NOTIONS AS INDICATED, AND UNLESS OTHERWISE NOTED, ARE HEREBY GRANTED AND LOCATED ON PRIVATE PROPERTY IMMEDIATELY ADJACENT TO ALL PLATTED STREETS. THESE EASEMENTS ARE FOR THE INSTALLATION AND MAINTENANCE OF STREET LIGHTS, WATER LINES, GAS LINES, AND CABLES. THESE UTILITY EASEMENTS SHALL BE LOCATED WITH A MINIMUM WIDTH OF 10 FEET FROM THE CENTERLINE OF THE UTILITY LINE. THE UTILITY EASEMENTS SHALL BE LOCATED WITH A MINIMUM WIDTH OF 10 FEET FROM THE CENTERLINE OF THE UTILITY LINE. THE UTILITY EASEMENTS SHALL BE LOCATED WITH A MINIMUM WIDTH OF 10 FEET FROM THE CENTERLINE OF THE UTILITY LINE.
3. THE FOOT NON-EXCLUSIVE UTILITY AND DRAINAGE EASEMENTS, WITH NOTIONS AS INDICATED, DESIGNATED "UT", ARE HEREBY GRANTED ALONG EACH SIDE OF THE LOT ADJACENT TO A STREET. THESE EASEMENTS SHALL BE LOCATED WITH A MINIMUM WIDTH OF 10 FEET FROM THE CENTERLINE OF THE UTILITY LINE. THE UTILITY EASEMENTS SHALL BE LOCATED WITH A MINIMUM WIDTH OF 10 FEET FROM THE CENTERLINE OF THE UTILITY LINE. THE UTILITY EASEMENTS SHALL BE LOCATED WITH A MINIMUM WIDTH OF 10 FEET FROM THE CENTERLINE OF THE UTILITY LINE.
4. THE SINGLE-FAMILY RESIDENTIAL HOMES WILL NEED TO MEET THE NEIGHBORHOOD DESIGN STANDARDS, SECTION 17.04 OF THE MUNICIPAL CODE.

7	OWNER	REG. BIRTH DATE	DATE
8	STATE	REG. BIRTH DATE	DATE
9	OWNER	REG. BIRTH DATE	DATE
10	OWNER	REG. BIRTH DATE	DATE
11	OWNER	REG. BIRTH DATE	DATE
12	OWNER	REG. BIRTH DATE	DATE
13	OWNER	REG. BIRTH DATE	DATE
14	OWNER	REG. BIRTH DATE	DATE
15	OWNER	REG. BIRTH DATE	DATE
16	OWNER	REG. BIRTH DATE	DATE
17	OWNER	REG. BIRTH DATE	DATE
18	OWNER	REG. BIRTH DATE	DATE
19	OWNER	REG. BIRTH DATE	DATE
20	OWNER	REG. BIRTH DATE	DATE

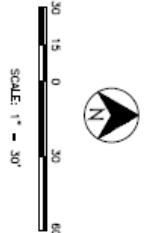
3513 S. Logan St. 301-546-0133
 East Platte, CO 80015
 1-3--189 2 of 3

NORTH STAR SUBDIVISION

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3 OF 3



CURVE	RADIUS	LENGTH	DELTA	Ch. Brg.	Ch. Dist.
C1	50.00	32.36	33°42'28"	N23°27'04"W	31.89
C2	50.00	04.04	06°17'31"	N28°27'04"W	51.89
C3	50.00	30.61	31°35'02"	N72°32'20"W	30.21
C4	50.00	1.75	01°49'27"	N89°48'26"W	1.75



NO.	DATE	BY	DESCRIPTION	FILE NO.
1	1/15/14	JK	PRELIMINARY PLAT	13-189
2	1/15/14	JK	FINAL PLAT	13-189
3	1/15/14	JK	RECORDING	13-189
4	1/15/14	JK	RECORDING	13-189
5	1/15/14	JK	RECORDING	13-189
6	1/15/14	JK	RECORDING	13-189
7	1/15/14	JK	RECORDING	13-189

Est land surveying, llc

3511 S. Logan St.
Suite D-324
Englewood, CO 80113

303-546-0713

EXHIBIT C

DEVELOPMENT AGREEMENT