

RESOLUTION NO: 2019-47

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE THIRD AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR THE BRIGHTON CROSSING SUBDIVISION FILING NO. 3, DESCRIBED AS A PART OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO, AND AUTHORIZING THE MAYOR TO EXECUTE SAID THIRD AMENDMENT ON BEHALF OF THE CITY

WHEREAS, on December 16, 2003, CARMA Colorado, Inc., a Colorado corporation, BPK Commercial, LLC, a Colorado limited liability company, South Beebe Draw Metropolitan District, and the Brighton Crossing Metropolitan District #4 entered into a Development Agreement (the "Agreement") for the Development, which was approved by City Council Resolution No. 03-158; and

WHEREAS, on May 7<sup>th</sup>, 2013, S3L Holdings, LLC, a Colorado Limited Liability Company, South Beebe Draw Metropolitan District, and the Brighton Crossing Metropolitan District #4 entered into the First (1<sup>st</sup>) Amendment to the Development Agreement (the "1<sup>st</sup> Amendment") for Brighton Crossing Filing No. 3 (the "Development"), which was approved by City Council Resolution No. 2013-40; and

WHEREAS, on August 25, 2014, S3L Holdings, LLC, a Colorado limited liability company (the "Developer"), 70 Ranch LLC, a Colorado limited liability company, Brookfield Residential LLC, a Nevada limited liability company authorized to conduct business in the State of Colorado, South Beebe Draw Metropolitan District, and the Brighton Crossing Metropolitan District No. 4 entered into the Second (2<sup>nd</sup>) Amendment of the Development Agreement ("2<sup>nd</sup> Amendment") for Brighton Crossing, Filing No. 3 which was approved by City Council Resolution No. 2014-77, and by its terms replaced in its entirety the 1<sup>st</sup> Amendment; and

WHEREAS, Lots 1-6 of Block 17 and Lot 1 of Block 18 of the Development are currently owned by S3L Holding, LLC, and were platted with the Brighton Crossing, Filing 3 Subdivision, approved on November 4, 2003; and

WHEREAS, Section 17-40-250 of the Subdivision Regulations of the City's Land Use and Development Code allows for plat amendments to be submitted to the City for review and approval; and

WHEREAS, S3L Holdings, LLC, has submitted a revised Phasing Plan and revised Schedule of Public Improvements for Brighton Crossing, Filing 3, 7<sup>th</sup> Amendment, Lots 1-8 of Block 17 and Lot 1 of Block 18 of the Development; and

WHEREAS, the Developer and the City are entering into this Third Amendment to the Brighton Crossing Filing #3 Development Agreement to set forth their understandings and agreements regarding the improvements associated with the development of Lots 1-8, Block 17, and Lot 1 of Block 18 of the Development; and

WHEREAS, the Developer has provided the City with a copy of the executed reimbursement agreement for the improvements to N. 50<sup>th</sup> Avenue and E. Bridge Street that are completed per the terms of the 2<sup>nd</sup> Amendment; and

WHEREAS, Bromley Park was annexed to the City of Brighton in 1985, and zoned Bromley Park P.U.D.; and

WHEREAS, the Bromley Park Annexation Agreement and Bromley Park P.U.D. were amended in 1986 and was again amended by the Second Amendment to the Bromley Park P.U.D. in October of 1994; and

WHEREAS, the proposed Third Amendment is in compliance with the Bromley Park Land Use Regulations and the Bromley Park Master Plans; and

WHEREAS, the City Council has determined that the Third Amendment to the Development Agreement does follow the intent of the Comprehensive Land Use Plan in providing for the future of the City, and does comply with the requirements of the City of Brighton Land Use and Development Code, provides consistency with the purpose and intent of these regulations, compatibility with surrounding areas, is harmonious with the character of the neighborhood, and is not detrimental to the immediate area, future development of the area, or 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 Third Amendment to the Development Agreement for Brighton Crossing Subdivision Filing No. 3 is hereby approved.

Section 2. The Mayor and City Clerk are hereby authorized to execute and deliver such 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.

RESOLVED, this 16<sup>th</sup> day of April, 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