

CITY COUNCIL RESOLUTION

CHAPEL HILL FILING NO. 2 SUBDIVISION FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT

RESOLUTION NO.: 2015-68

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR THE CHAPEL HILL FILING NO. 2 SUBDIVISION, DESCRIBED AS A PART OF THE SOUTHEAST ONE-QUARTER OF SECTION 4, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO; AUTHORIZING THE MAYOR TO EXECUTE SAID FIRST AMENDMENT ON BEHALF OF THE CITY; AND SETTING FORTH OTHER DETAILS RELATED THERETO.

WHEREAS, the Applicant, Mr. Brad Whitfield (the “Applicant”), representing the primary property owner, Larsen Real Estate, LLC (the “Owner”), as well as the owners of two residences on the property; The Joann and Danny Briggs Living Trusts and Susan Cvancara (the “Residence Owners”), are requesting approval of a First Amendment to the Development Agreement for the Chapel Hill Filing No. 2 Subdivision; and

WHEREAS, the Chapel Hill Filing No. 2 Development Agreement (“Original Development Agreement”) was originally approved on April 19, 2005 and recorded on September 20, 2005 in Adams County, Reception No. 20050920001025710, by and between the City of Brighton (the “City”) and Theron Whitfield and Coretta Whitfield (“Prior Owner”); the Agreement was thereafter subsequently amended, this being the First Amendment;

WHEREAS, Larsen Real Estate, LLC, a limited liability company of Colorado, (the “Developer”) is the successor in interest and in title to Prior Owner, and is, in all respects and for all purposes, the Developer under the Agreement, as amended, subject to any future assignment of Developer’s interests and obligations under this Agreement; and

WHEREAS, this First Amendment relates to the Chapel Hill Subdivision Filing No. 2 (“Chapel Hill”), which was originally approved on April 19, 2005 by the Brighton City Council, and the Final Plat thereof recorded on September 20, 2005 in Adams County, at Reception No. 20050920001025730; and

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

WHEREAS, an administrative amendment, titled the Chapel Hill Filing No. 2, Amendment No. 1 Final Plat, was filed and approved on November 5, 2005 by the City which did not require an amendment to the Original Development Agreement; and

WHEREAS, another administrative amendment, titled the Chapel Hill Filing No. 2, Amendment No. 2 Final Plat, has been filed with the City, and which implements various changes, including a change to the lot layout of the Chapel Hill Subdivision Filing No. 2 Final Plat, and which necessitates an amendment to the Original Development Agreement; and

WHEREAS, This First Amendment relates, generally, to the phasing, construction and payment for certain specific public improvements in Chapel Hill, including: (i) the final lift of asphalt on Chapel Hill Drive and Chapel Hill Circle, and (ii) the removal and or relocation of existing water taps that will be affected by the change in lot configurations, and (iii) the installation and maintenance of landscaping; and

WHEREAS, Larsen Real Estate LLC, is the Developer of the real property within Filing No. 2 and the owner of all unimproved property within Filing No. 2, and is subject to the Agreement and the provisions contained therein, as amended; and

WHEREAS, the Residence Owners have executed the Consents attached to the development agreement amendment as the owners of the following lots:

- Lot 10, Block 4 of Filing No. 2 (168 Chapel Hill Circle), owners M. Joann Briggs Living Trust dated August 10, 1998 and Danny R. Briggs Living Trust dated August 10, 1998
- Lot 1, Block 1 of Filing No. 2 (102 Chapel Hill Circle) , owners Susan Cvancara; and

WHEREAS, all of the terms and provisions of the Original Development Agreement, including those amended herein, remain binding and enforceable; and

WHEREAS, in order to facilitate the development of Chapel Hill and the construction of the remaining improvements, which are essential to the City and Chapel Hill, the draft Development Agreement Amendment has been attached hereto as Exhibit A; and

WHEREAS, the City Council has determined that the First 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 RESOVED by the City of Brighton City Council as follows:

1. The First Amendment to the Development Agreement for Chapel Hill, a copy of which is attached hereto as Exhibit A, is hereby approved.
2. The Mayor is authorized to execute said First Amendment on behalf of the City.

RESOLVED, this 23rd day of June, 2015.

CITY OF BRIGHTON, COLORADO

ATTEST:

Natalie Hoel, City Clerk

Richard N. McLean, Mayor

Approved as to Form:

Margaret Brubaker Esq., City Attorney

Exhibit A

First Amendment to the
Chapel Hill Filing No. 2 Subdivision Development Agreement
(17 pages)