

CITY COUNCIL RESOLUTION

SABLE CENTER SUBDIVISION FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT

RESOLUTION NO.: _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR THE SABLE CENTER SUBDIVISION, DESCRIBED AS A PART OF THE SE ¼ OF THE NW ¼ OF SECTION 18, 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 owner and applicant, RVP, INC, a Colorado corporation, has requested approval of a First Amendment to the Development Agreement for the Sable Center Subdivision; and

WHEREAS, on December 30, 2009, CARLSON-PARKHILL, LLC, a Colorado limited liability company, and 148th AND SABLE BOULEVARD BUILDING, LLC, a Colorado limited liability company, and RBK, LLC, a Colorado limited liability company entered into a Development Agreement (the "Agreement") for Sable Center (the "Development"), which was approved by City Council Resolution 09-190; and

WHEREAS, said Agreement was recorded in the real estate records of Adams County on December 31, 2009 at Reception No. 2009000096569; and

WHEREAS, in conjunction with the approval of the Agreement, the Sable Center Subdivision Final Plat (the "Final Plat") was also approved; and

WHEREAS, RVP, INC. (the Developer) has acquired and currently owns Lot 4 of the Sable Center Subdivision (the Property); 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, the Developer has submitted a plat amendment to create two lots out of Lot 4 of the Sable Center Subdivision; and

WHEREAS, the title of the plat amendment is Sable Mini Storage Subdivision and the two lots are designated as Lot 1 and Lot 2; and

WHEREAS, the Developer has submitted a revised Schedule of Improvements for Lot 4 of the Development and a revised Phasing Plan; and

WHEREAS, the construction of the S29 Outfall System Plan Channel has been completed as set forth in the Prairie Center Regional Detention Ponds 4-6 and Regional Outfall Public Improvement Construction Plans; and

WHEREAS, the location of the 10' trail that was to be located along the southern boundary of Lot 4 of the Sable Center Subdivision is now planned to be located adjacent to the west boundary of Sable Blvd from 148th Avenue to the edge of the S29 Outfall System Plan Channel, then extending west along the southern boundary of S29 Outfall System Plan Channel; and

WHEREAS, due to certain changed circumstances, specified requirements for the Developer's construction of public improvements associated with the Property within the Sable Mini Storage Subdivision as set forth in the Agreement must be revised or deleted; and

WHEREAS, the Developer and the City are entering into this First Amendment to the Sable Center Development Agreement to set forth their understandings and agreements regarding the public improvements associated with the development of Lots 1 and 2 of the Sable Mini Storage Subdivision.

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 Sable Center, 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 7th day of April, 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
Sable Center Development Agreement
(11 pages)