

RESOLUTION NO. 2023-79

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING A FINAL PLAT AND DEVELOPMENT AGREEMENT FOR THE BRIGHTON CROSSING FILING NO. 6 SUBDIVISION, AN APPROXIMATELY 63.821 ACRE PROPERTY, GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF SOUTH 40TH AVENUE AND SOUTHERN STREET, SOUTH OF FIRE STATION 52, AND WEST OF MT. ELBERT STREET, MORE PARTICULARLY LOCATED IN THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, 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, Brookfield Residential (Colorado) LLC (the “Owner”), owns an approximately 63.821 acre property that is generally located at the northeast corner of the intersection of South 40th Avenue and Southern Street, south of Fire Station 52, and west of Mt. Elbert Street and more specifically described in Exhibit A, attached hereto (the “Property”); and

WHEREAS, Tom Jansen of Ware Malcomb (the “Applicant”), on behalf of Owner, has requested approval of the Brighton Crossing Filing No. 6 Final Plat, attached hereto as Exhibit B (the “Final Plat”); and

WHEREAS, the Property, on December 16, 1986, was annexed to the City of Brighton (the “City”) as part of the Bromley Park II Annexation; and

WHEREAS, the Property, on December 16, 1986, was zoned as part of the Bromley Park PUD (Planned Unit Development) 1st Amendment for Single Family Detached and Attached residential uses; and

WHEREAS, the Property, on October 21, 1994, was zoned as part of the Bromley Park PUD 2nd Amendment for Multi-Family residential uses; and

WHEREAS, the Planning Commission, during a public hearing held on October 24, 2019, approved a Preliminary Plat for the Property; and

WHEREAS, on August 4, 2020, the Bromley Park P.U.D. (Planned Unit Development) 24th Amendment was approved by City Council setting the current zoning for the Property; and

WHEREAS, a Notice of Public Hearing was mailed to all property owners within 1,000 feet of the Property, a public notice was published on the City’s website, and three (3) signs were posted on the Property, all for no less than fifteen (15) days prior to the City Council public hearing; and

WHEREAS, the City Council must use the version of the *Land Use and Development Code* in effect at the time the Applicant submitted the application for the Final Plat on March 17, 2019 for its review related to the application; and

WHEREAS, the City Council conducted a public hearing, during a regularly scheduled meeting, on August 15, 2023, to review and consider the Final Plat application and Development Agreement for the Property; and

WHEREAS, at the public hearing, the City Council received and considered all relevant evidence and testimony from City Staff, the Applicant, and other interested parties, including the public at large; and

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

WHEREAS, the City Council finds and declares that the Final Plat does comply with the requirements of the Subdivision Regulations 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. The Brighton Crossing Filing No. 6 Final Plat, attached hereto as Exhibit B, is hereby approved.

Section 2. The Brighton Crossing Filing No. 6 Development Agreement, attached hereto as Exhibit C, is hereby approved.

Section 3. The Mayor is hereby authorized to execute the Final Plat and Development Agreement for the Brighton Crossing Filing No. 6 Final Plat, and in furtherance thereof, the City Manager, or designee, is 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 15th day of August 2023.

CITY OF BRIGHTON, COLORADO

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

APPROVED AS TO FORM:

YASMINA GIBBONS, Deputy City Attorney

EXHIBIT A LEGAL DESCRIPTION

DEDICATION & ACKNOWLEDGEMENT

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, BEING THE OWNERS OF A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 10, 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 THE NORTHWEST QUARTER OF SAID SECTION 10;

THENCE ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, SOUTH 00°25'47" EAST, A DISTANCE OF 761.23 FEET;

THENCE NORTH 89°34'28" EAST, A DISTANCE OF 55.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH 40TH AVENUE, RECORDED AT RECEPTION NO. 2014000028204 IN THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER'S OFFICE, ALSO BEING THE SOUTHWEST CORNER OF LOT 1, BRIGHTON CROSSING FILING NO. 5, A PLAT RECORDED AT RECEPTION NO. 2016000039271 IN SAID RECORDS, AND THE POINT OF BEGINNING;

THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID LOT 1 AND ALONG SOUTHERLY BOUNDARY OF A 10 FOOT WIDE FIRE EASEMENT RECORDED AT RECEPTION NO. 2017000013467 IN SAID RECORDS, NORTH 89°34'28" EAST, A DISTANCE OF 844.73 FEET;

THENCE DEPARTING SAID SOUTHERLY BOUNDARY OF THE FIRE EASEMENT, NORTH 00°25'32" WEST, A DISTANCE OF 90.18 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 363.00 FEET;

THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 66°14'19", AN ARC LENGTH OF 419.66 FEET;

THENCE DEPARTING SAID CURVE RADially, SOUTH 24°11'13" EAST, A DISTANCE OF 18.00 FEET TO THE BOUNDARY OF TRACT A, AS SHOWN ON THE PLAT OF BRIGHTON CROSSING FILING NO. 4 RECORDED AT RECEPTION NO. 20051130001311690 IN SAID RECORDS, AND THE BEGINNING OF A CONCENTRIC CURVE TO THE AFOREMENTIONED SAID CURVE, CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 345.00 FEET THE RADIAL POINT OF SAID CURVE BEARS SOUTH 24°11'13" EAST;

THENCE ALONG THE BOUNDARY OF SAID TRACT A THE FOLLOWING TWELVE (12) COURSES;

1. SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 66°14'19", AN ARC LENGTH OF 398.85 FEET;
2. SOUTH 00°25'32" EAST, A DISTANCE OF 517.17 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 23.00 FEET;
3. SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC LENGTH OF 36.13 FEET;
4. NORTH 89°34'28" EAST, A DISTANCE OF 268.04 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 23.00 FEET;
5. NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 57°21'08", AN ARC LENGTH OF 23.02 FEET TO THE BEGINNING OF A TANGENT REVERSE CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 53.00 FEET;
6. EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 114°42'16", AN ARC LENGTH OF 106.10 FEET TO THE BEGINNING OF A TANGENT REVERSE CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 23.00 FEET;
7. SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 57°21'08", AN ARC LENGTH OF 23.02 FEET;
8. NORTH 89°34'28" EAST, A DISTANCE OF 113.84 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 232.00 FEET;
9. EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 20°56'33", AN ARC LENGTH OF 84.80 FEET;
10. NORTH 68°37'55" EAST, A DISTANCE OF 86.88 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 268.00 FEET;
11. EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 21°04'51", AN ARC LENGTH OF 98.61 FEET;
12. NORTH 89°42'46" EAST, A DISTANCE OF 144.37 FEET TO THE WESTERLY BOUNDARY OF BRIGHTON CROSSING FILING NO. 3, RECORDED AT RECEPTION NO. C1271524 IN SAID RECORDS;

THENCE ALONG SAID WESTERLY BOUNDARY THE FOLLOWING THREE (3) COURSES;

1. SOUTH 00°17'14" EAST, A DISTANCE OF 36.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 23.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 00°17'14" EAST;
2. SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC LENGTH OF 36.13 FEET;
3. TANGENT TO SAID CURVE, SOUTH 00°17'14" EAST, A DISTANCE OF 100.34 FEET TO THE BOUNDARY OF THE VILLAGE SUBDIVISION, RECORDED AT RECEPTION NO. C0903809 IN SAID RECORDS;

THENCE ALONG SAID BOUNDARY THE FOLLOWING TWO (2) COURSES;

1. SOUTH 89°43'03" WEST, A DISTANCE OF 138.28 FEET;
2. SOUTH 00°24'19" EAST, A DISTANCE OF 1,301.58 FEET TO THE NORTHERLY RIGHT-OF-WAY OF SOUTHERN STREET, AS RECORDED AT RECEPTION NO. 2014000028204 IN SAID RECORDS;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY, SOUTH 89°43'40" WEST, A DISTANCE OF 1,629.39 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 55.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 00°14'44" WEST;

THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY, NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°50'46", AN ARC LENGTH OF 86.25 FEET TO SAID EASTERLY RIGHT-OF-WAY OF SOUTH 40TH AVENUE;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY, NORTH 00°25'47" WEST, A DISTANCE OF 1,787.50 FEET TO THE POINT OF BEGINNING;

CONTAINING AN AREA OF 63.821 ACRES, (2,780,063 SQUARE FEET), MORE OR LESS.

SHEET 2 OF 12

LINE TABLE		
LINE	BEARING	LENGTH
L1	N00°25'32"W	90.18'
L2	S24°11'35"E	113.00'
L3	N69°34'28"E	113.84'
L4	N68°37'59"E	86.88'
L5	N69°42'40"E	144.37'
L6	S00°17'41"E	36.00'
L7	S00°17'41"E	100.34'
L8	S89°43'03"W	136.28'
L9	S00°17'41"E	4.00'
L10	N00°46'01"E	3.51'

1. BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEND MONUMENT AT THE NORTH QUARTER CORNER BY A 3-1/4" ALUMINUM CUP STAMPED "T.S. 24266" IN A RANGE BOX AND AT THE CENTER QUARTER CORNER BY A 2-1/2" ALUMINUM CUP STAMPED "T.S. 24465" IN A RANGE BOX, ASSUMED TO BE AN OLD SOUTH 0072206" EAST.

- [illegible]

CHINE		TABLE	
CHINE	DELTA	RADIUS	LENGTH
C26	9070113°	23.00°	36.14°
C27	895849°	23.00°	36.12°
C28	9070113°	23.00°	36.14°
C29	895849°	15.00°	23.56°
C30	9070113°	15.00°	23.57°
C31	895849°	23.00°	36.12°
C32	935136°	23.00°	37.66°
C33	8570000°	23.00°	34.12°
C34	9070010°	23.00°	36.13°
C35	895849°	23.00°	36.12°
C36	9070010°	23.00°	36.13°
C37	9070113°	23.00°	36.14°
C38	895945°	19.00°	29.84°
C39	9070015°	23.00°	29.85°
C40	9070010°	23.00°	36.13°
C41	955730°	23.00°	36.39°
C42	8670145°	23.00°	34.55°
C43	9070010°	23.00°	36.13°
C44	9070010°	23.00°	36.13°
C45	9070010°	23.00°	36.13°
C46	9070010°	23.00°	36.13°
C47	9070010°	23.00°	36.13°
C48	9070010°	23.00°	36.13°
C49	907643°	23.00°	36.24°
C50	9070700°	23.00°	36.13°

LINE TABLE		
LINE	BEARINGS	LENGTH
L1	N00°25'32"W	90.18
L2	S24°11'33"E	18.00
L3	N08°34'28"E	113.34
L4	N08°37'55"E	86.88
L5	N09°42'46"E	144.37
L6	S00°17'14"E	36.00
L7	S00°17'14"E	100.34
L8	S39°42'03"W	138.28
L9	S00°17'14"E	4.07
L10	N08°46'07"E	3.59

FINAL PLAT OF
BRIGHTON CROSSING FILING NO. 6
 A PORTION OF THE NORTHWEST 1/4 OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF
 THE SIXTH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO
 SHEET 3 OF 12

SHEET 4



SEE SHEET 4
 & SHEET 5 FOR FULL
 BOUNDARY INFORMATION
 & LEGEND

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 Created By: BAH

DATE OF
 REVISION: 06-25-2018
 SCALE: 1"=100'
 SHEET 3 OF 12

FOR AND ON BEHALF OF
 AZTEC CONSULTANTS, INC.

A PORTION OF THE NORTHWEST 1/4 OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO


SEE SHEET 2
FOR LINE &
CURVE TABLES

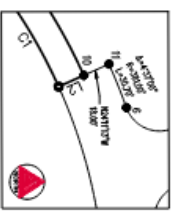


SEE SHEET 5

DATE OF PREPARATION:	07-25-2016
SCALE:	1"=100'
SHEET 4 OF 12	

FOR AND ON BEHALF OF
AZTEC CONSULTANTS, INC.

- MONUMENT SYMBOL LEGEND**
-  FOUND SECTION CORNER AS MONUMENTED
- 1 FOUND 1" BASS W/ STAMPED "AZTEC 36589"
- 2 FOUND 1" BASS W/ STAMPED "LS 22591"
- 3 FOUND 1-1/4" BLUE PLASTIC CAP STAMPED "AZTEC LS 22591"
- 4 FOUND 1-1/4" RED PLASTIC STAMPED "AMERICAN WEST 3797"
- 5 FOUND 1-1/4" YELLOW PLASTIC CAP STAMPED "THOMSON SAW" LS 22593"
- 6 FOUND 1-1/4" YELLOW PLASTIC CAP STAMPED "THOMSON SAW" PLS 36589"
- 7 FOUND 1-1/4" YELLOW PLASTIC CAP STAMPED "AZTEC"
- 8 FOUND 1-1/4" YELLOW PLASTIC CAP STAMPED "THOMSON SAW" PLS W/ NO LETTERS
- 9 FOUND OLD NAIL
- 10 FOUND NO. 5 RESIN W/ W/ NO CAP
- 11 FOUND BENT NO. 5 RESIN W/ NO CAP
- U.E. UTILITY EQUIPMENT
- D.E. DRAINAGE EQUIPMENT



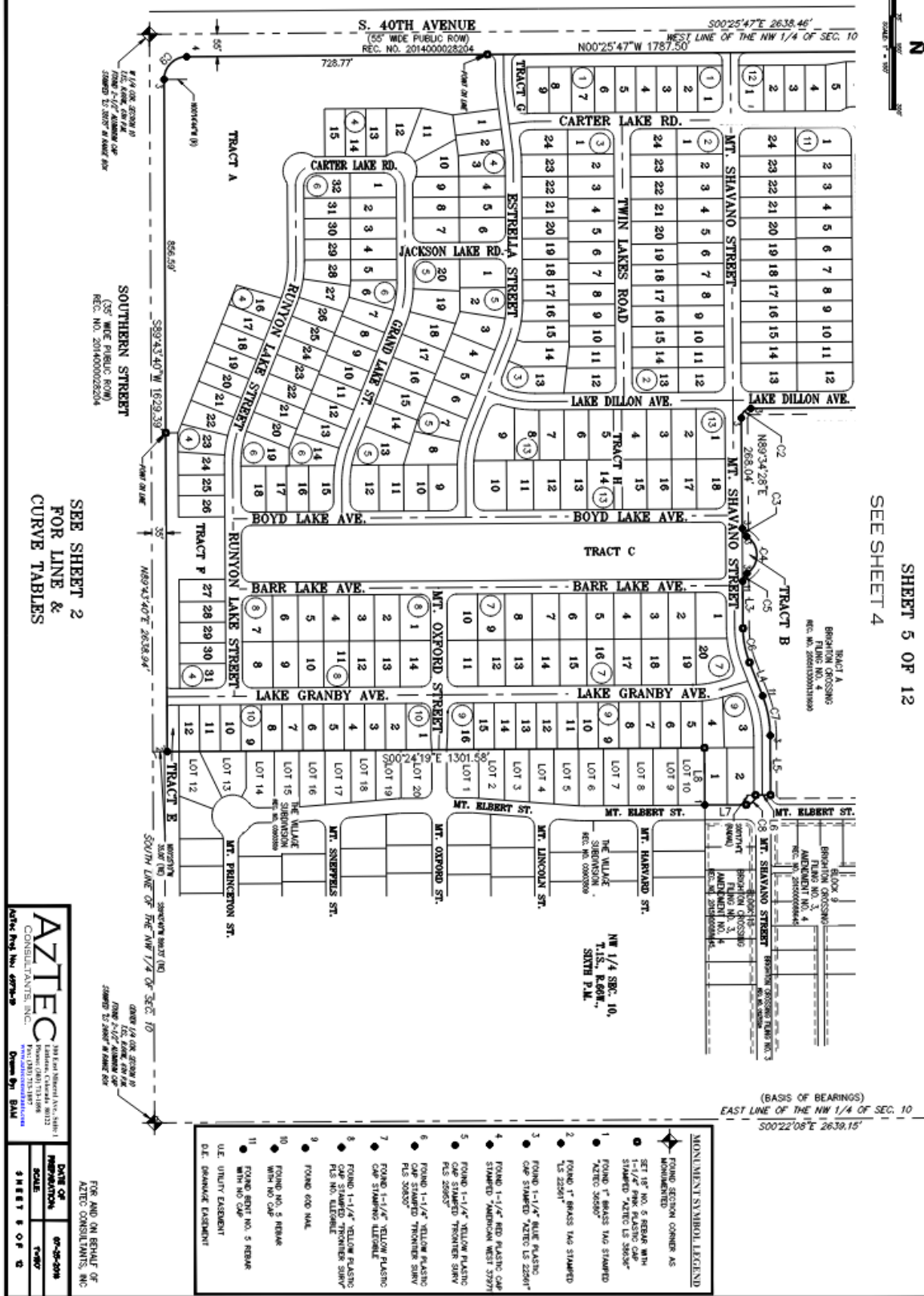


A PORTION OF THE NORTHWEST 1/4 OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO

BRIGHTON CROSSING FILING NO. 6

SHEET 5 OF 12

SEE SHEET 4



(BASIS OF BEARINGS)
EAST LINE OF THE NW 1/4 OF SEC. 10
S00°22'08"E 2639.15'

MONUMENT SYMBOL LEGEND

- FOUND SECTION CORNER AS MONUMENTED
- SET 18" NO. 5 REBAR WITH 1-1/4" PINK PLASTIC CAP STAMPED "AZTEC LS 30630"
- FOUND 1" BRASS TAG STAMPED "AZTEC 30650"
- FOUND 1" BRASS TAG STAMPED "LS 22591"
- FOUND 1-1/4" BLUE PLASTIC CAP STAMPED "AZTEC LS 22591"
- FOUND 1-1/4" RED PLASTIC CAP STAMPED "AMERICAN WEST 37275"
- FOUND 1-1/4" YELLOW PLASTIC CAP STAMPED "THORNER SHAW PLS 25965"
- FOUND 1-1/4" YELLOW PLASTIC CAP STAMPED "THORNER SHAW PLS 30630"
- FOUND 1-1/4" YELLOW PLASTIC CAP STAMPING ILLEGIBLE
- FOUND NO. 5 REBAR WITH NO CAP
- FOUND REBAR NO. 5 REBAR WITH NO CAP
- UT. UTILITY EASEMENT
- D.E. GRANTING EASEMENT

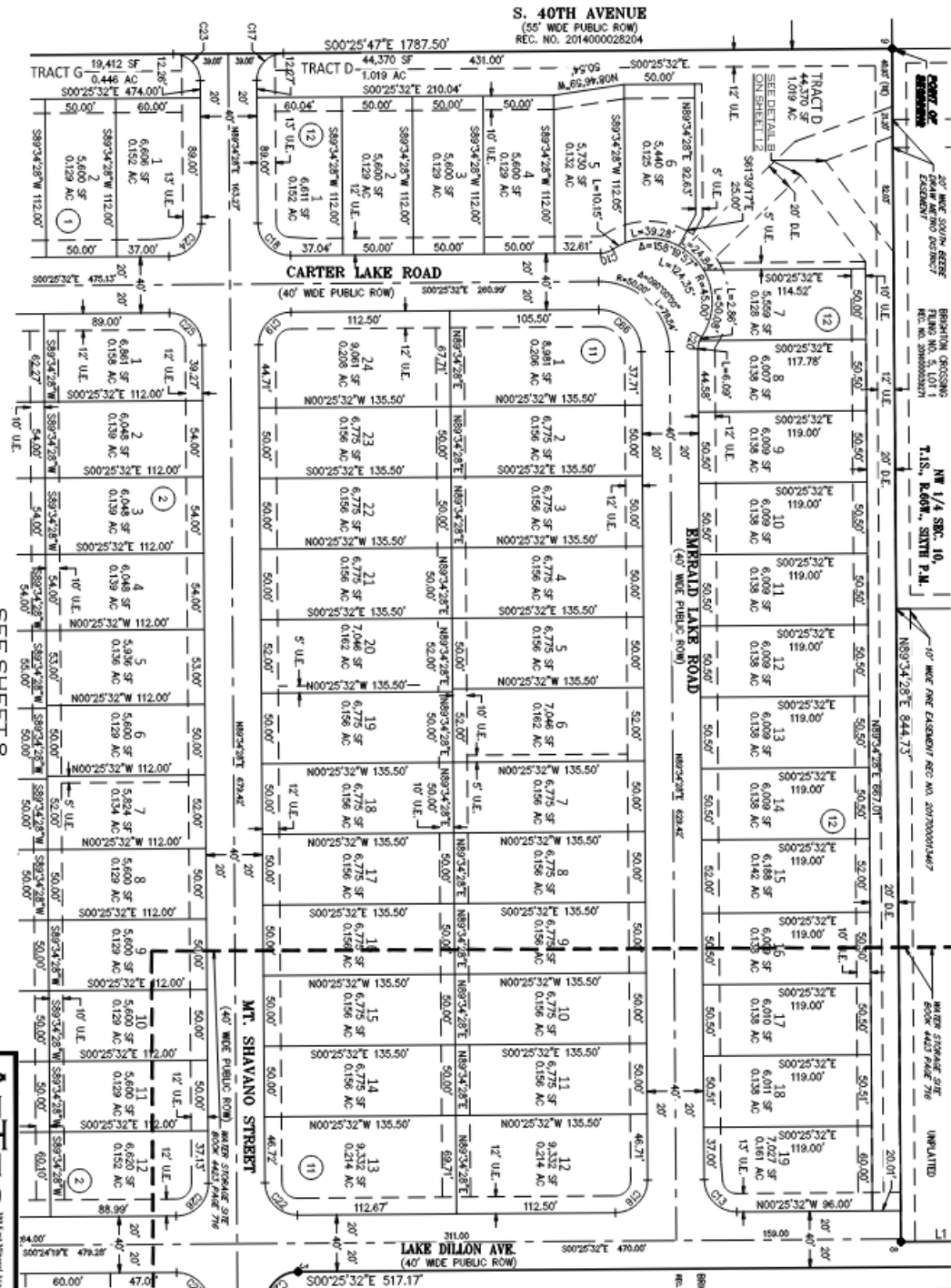
AZTEC
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DATE OF PREPARATION: 06-28-2008
DRAWN BY: BLM
SHEET 5 OF 12

FOR AND ON BEHALF OF
AZTEC CONSULTANTS, INC.



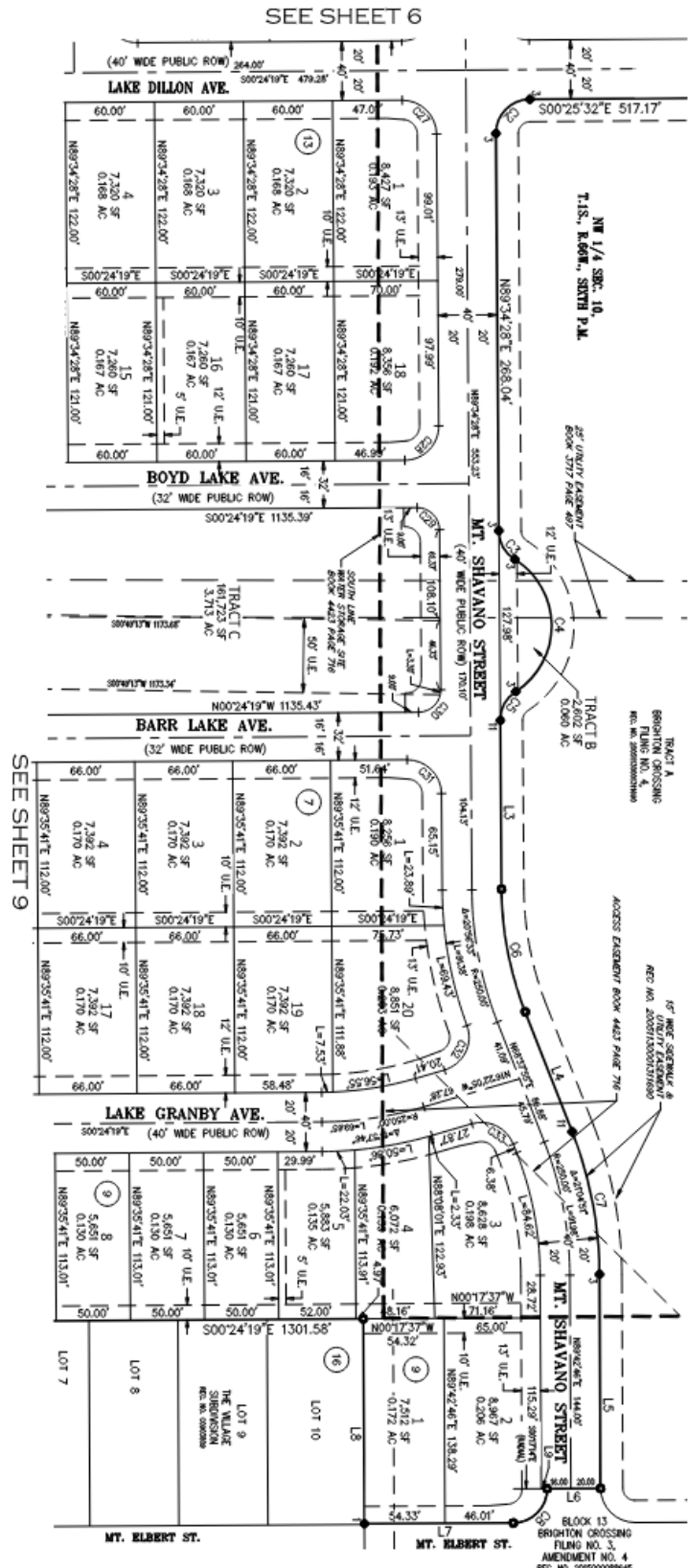
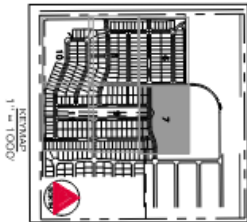
FINAL PLAT OF
BRIGHTON CROSSING FILING NO. 6
A PORTION OF THE NORTHWEST 1/4 OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO
SHEET 6 OF 12



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DATE OF REVISION	BY	REVISION
06-25-2008	TAB	FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
06-25-2008	TAB	FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.

FINAL PLAT OF **BRIGHTON CROSSING FILING NO. 6** A PORTION OF THE NORTHWEST 1/4 OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO SHEET 7 OF 12



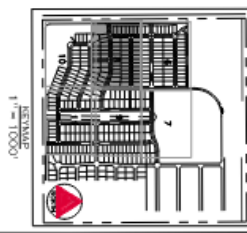
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DATE OF REVISION
07-28-2018
BY
TAD
FOR AND ON BEHALF OF
AZTEC CONSULTANTS, INC.

DATE THIS MAP WAS PREPARED BY
BLM

SHEET 7 OF 12

FINAL PLAT OF
BRIGHTON CROSSING FILING NO. 6
 A PORTION OF THE NORTHWEST 1/4 OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
 CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO
 SEE SHEET 6
 SHEET 8 OF 12



SEE SHEET 9

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Drawn By: BAW

DATE OF REVISION: 06-26-2008
 SCALE: 1"=40'
 SHEET 8 OF 12

FOR AND ON BEHALF OF
 AZTEC CONSULTANTS, INC.

SEE SHEET 2
 FOR LINE &
 CURVE TABLES

BRIGHTON CROSSING FILING NO. 6

SEE SHEET 7

SHEET 9 OF 12



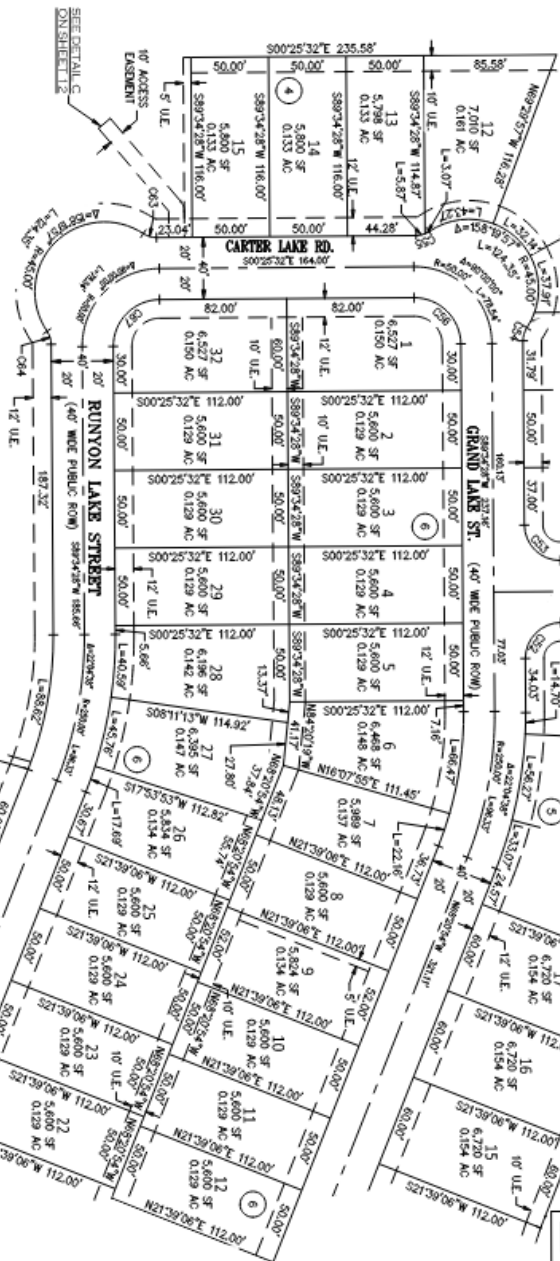
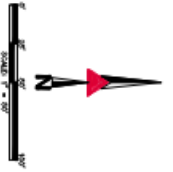
FINAL PLAT OF

BRIGHTON CROSSING FILING NO. 6

A PORTION OF THE NORTHWEST 1/4 OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO

SHEET 10 OF 12

SEE SHEET 8

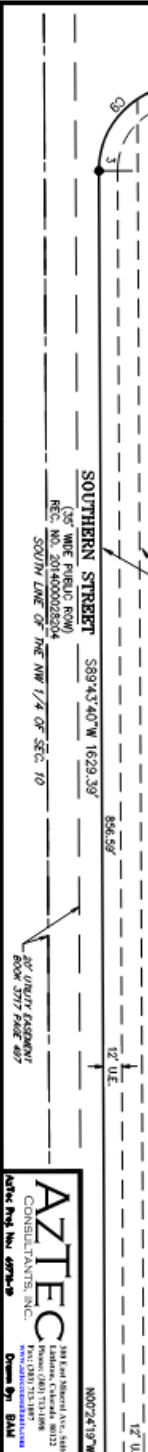


SEE SHEET 11

NW 1/4 SEC. 10,
T1S, R66W,
S4TH T4L.

TRACT A
279,084 SF
6.407 AC

SEE SHEET 2
FOR LINE &
CURVE TABLES



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Drawn By: BAA

DATE OF REVISION	07-25-2016
SCALE	T=40'
SHEET NO. OF 12	10

FOR AND ON BEHALF OF
AZTEC CONSULTANTS, INC.

FINAL PLAT OF

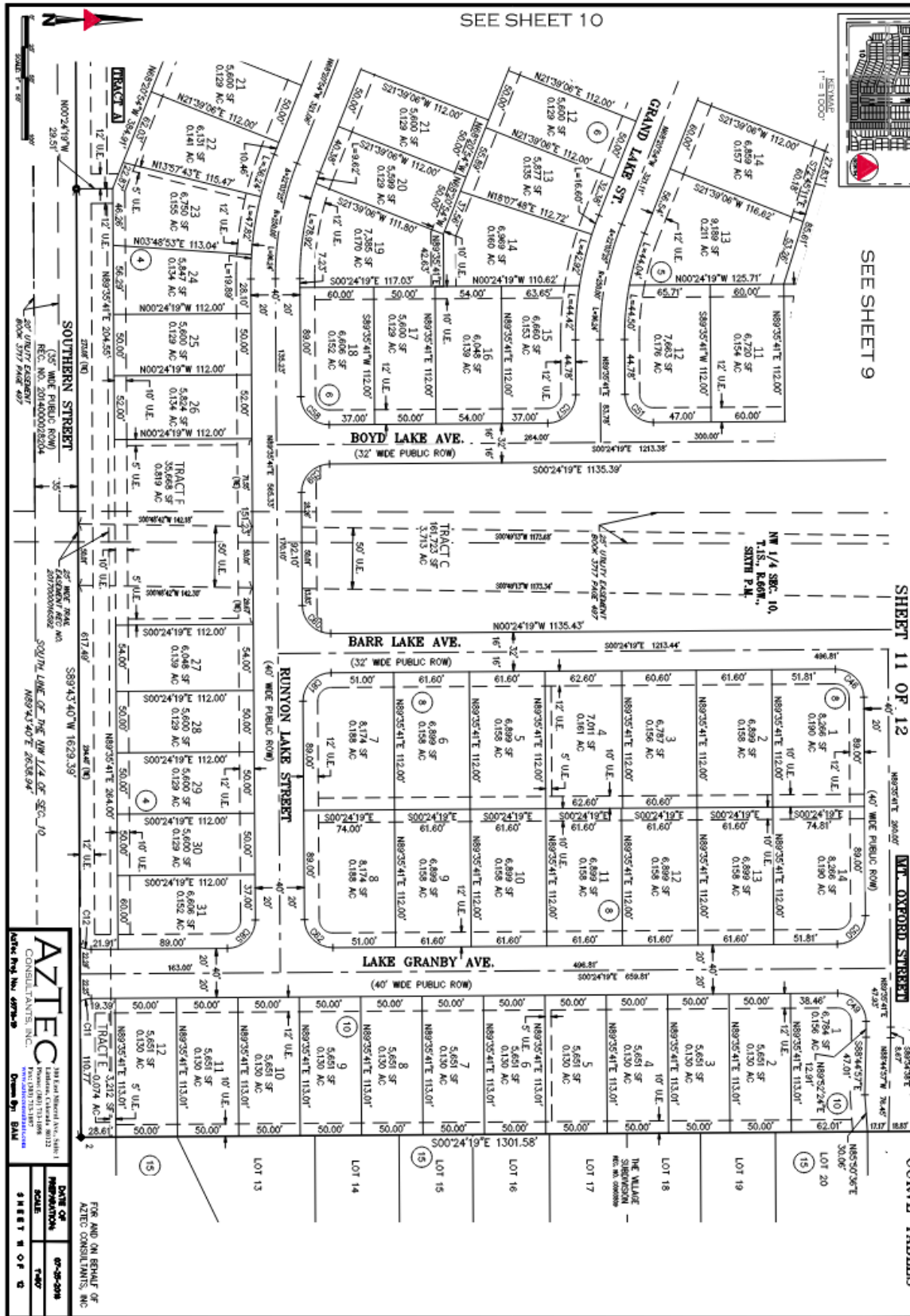
BRIGHTON CROSSING FILING NO. 6

A PORTION OF THE NORTHWEST 1/4 OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO

SHEET 11 OF 12

SEE SHEET 9

SEE SHEET 2
FOR LINE &
CURVE TABLES



SEE SHEET 10

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DATE OF REVISION: 06-28-2018
SCALE: 1"=40'
SHEET 11 OF 12

FOR AND ON BEHALF OF
AZTEC CONSULTANTS, INC.

EXHIBIT C
DEVELOPMENT AGREEMENT

(The document starts on the next page.)