## **BRIGHTON CITY COUNCIL RESOLUTION**

# BROMLEY PARK, FILING 102, 1<sup>ST</sup> AMENDMENT (76 COMMERCE CENTER) DEVELOPMENT AGREEMENT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING WITH CONDITIONS THE BROMLEY PARK, FILING 102, 1<sup>ST</sup> AMENDMENT DEVELOPMENT AGREEMENT, FOR APPROXIMATELY 122.377 ACRES OF PROPERTY, GENERALLY LOCATED WITHIN SECTION 1, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, BRIGHTON, COLORADO, AUTHORIZING THE MAYOR TO EXECUTE THE DEVELOPMENT AGREEMENT ON BEHALF OF THE CITY; AND SETTING FORTH OTHER DETAILS RELATED THERETO.

### **RESOLUTION NO.: 2018-30**

**WHEREAS**, Hyde Development, LLC (the "Applicant") is the owner and developer of Bromley Park, Filing 102, 1<sup>st</sup> Amendment, generally located within Section 1, Township 1 South, Range 66 West of the 6<sup>th</sup> Principal Meridian and more specifically described in **EXHIBIT A**, attached hereto (the "Property"); and

*WHEREAS*, the Property was annexed as part of the Bromley Park Annexation on June 4, 1985, given its current zoning designation of the Bromley Park Planned Unit Development (PUD), 1<sup>st</sup> Amendment on December 16, 1986 and in accordance with Section 17-8-20 (e)(7) of the Municipal Code, the Bromley Park, Filing 102, 1<sup>st</sup> Amendment, as depicted in **EXHIBIT B**, may be administratively approved; and

**WHEREAS**, the Applicant has submitted a request to approve the Bromley Park, Filing 102, 1<sup>st</sup> Amendment Development Agreement; and

*WHEREAS*, the City Council acknowledges that the Development Agreement for Bromley Park, Filing 102, 1<sup>st</sup> Amendment complies with the Subdivision 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:

<u>Section 1.</u> The Development Agreement for Bromley Park Filing 102, 1<sup>st</sup> Amendment, attached hereto as Exhibit C is approved subject to the following conditions:

- 1. That Anadarko Petroleum Corp. shall provide to the City no later than 12:00 noon March 23, 2018 a complete legal description and map to scale of the purported pipeline (RGSI-51-2) as described in its objection letter dated March 20, 2018. If it is determined that a pipeline exists, the Developer shall amend the Bromley Park Filing 102 1<sup>st</sup> Amendment Plat accordingly, including the designation of all easements necessitated thereby.
- 2. That Anadarko Petroleum Corp. shall schedule a meeting with City staff no later than April 3, 2018 to describe its mineral interests and all proposed oil and gas facilities to be located on the subject property and to determine if a surface use or other agreement is warranted, as required by COGCC Rule 302(c). If it is determined at that meeting that a surface use or other agreement is warranted, the City will not issue any building permit for Phase III of the Development until said agreement is finalized and provided to the City.
- 3. If any of the above conditions is not timely met, the City will proceed to administratively approve the Bromley Park Filing 102 1<sup>st</sup> Amendment as originally submitted, and record the same.

Section 2. That the Mayor is authorized to execute the Development Agreement for Bromley Park, Filing 102, 1<sup>st</sup> Amendment, and in furtherance thereof, that the City Manager and/or his designee(s) 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 Development Agreement, for and on behalf of the City of Brighton.

RESOLVED, this 20th day of March, 2018.

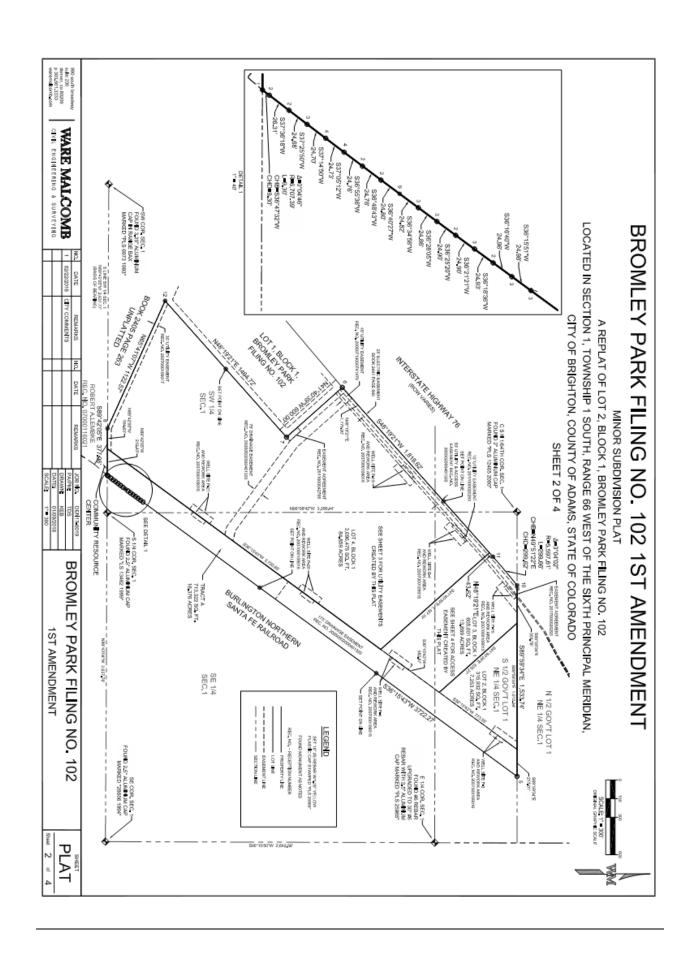
	CITY OF BRIGHTON, COLORADO
	Kenneth J. Kreutzer, Mayor
ATTEST:	
Natalie Hoel, City Clerk	
APPROVED AS TO FORM:	
Margaret R. Brubaker, Esq., City Attorney	

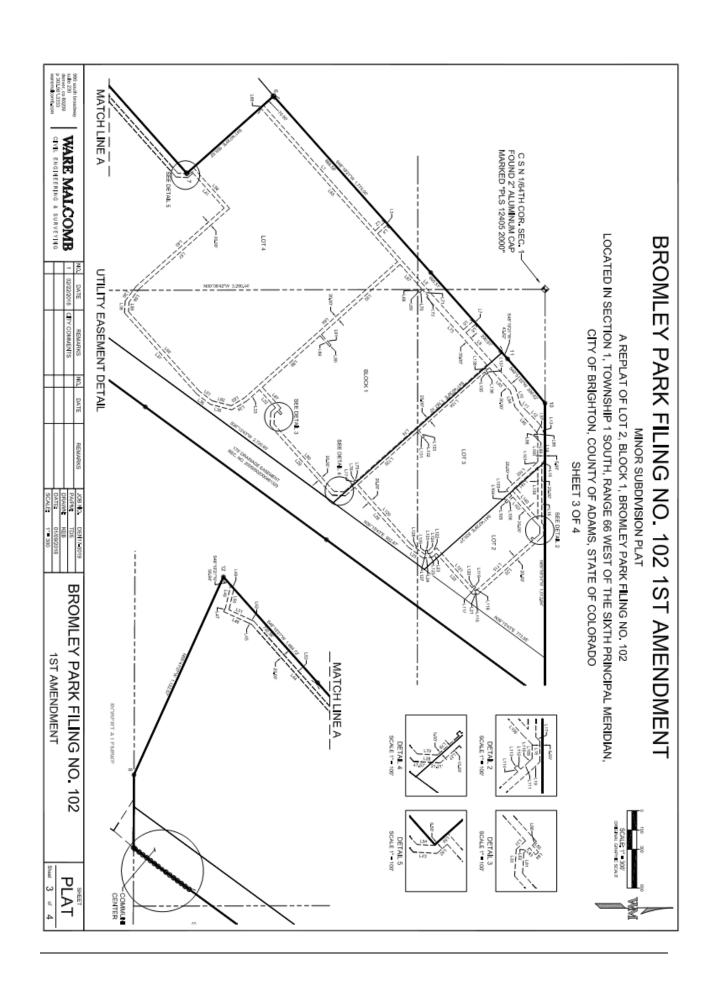
# EXHIBIT A LEGAL DESCRIPTION BROMLEY PARK, FILING 102, 1st AMENDMENT

Lot 2, Lot 3 and Lot 4, Block 1, Bromley Park Filing 102, 1<sup>st</sup> Amendment. Section 1, Township 1 South, Range 66 West of the 6<sup>th</sup> P.M., City of Brighton, County of Adams, State of Colorado.

# EXHIBIT B BROMLEY PARK, FILING 102, 1st AMENDMENT

### 990 south broadway suite 230 derrier, co 80209 p 301.981,3333 wareination/buoes ENCLANDED TO PRACTICE BEFORE THE COURTS OF RECORD OF COLORADO, DO HERBY CERTEY THAT HAVE EXAMEND THE TILE TO SUCH AND IS THE DECENTIONS AND ENGLISHED AND SHOWN HOW THEE TO SUCH AND IS THE DECENTAGES. REPEATED AND SHOWN HOW THE TO SUCH AND IS THE PROPERTY OF THE TO SUCH AND CEAR OF ALL LIES AND ENLANDED TO THE TOP THE SURVEYOR'S CERTIFICATE: MY COMMISSION EXPIRES COUNTY OF ADAMS MAINTENANCE AND REPLACEMENT OF SUCH LINES, SAID EASEMENTS AND RIGHTS TO BE UTILIZED IN A RESPONSIBLE AND PRUDENT NAVIOR LOT 2, BLOCK 1, BROMLEY PARK FILING NO. 102, ADMAS COUNTY, CO. IN THESE PRESENTS, THE UNDERSCHIED BERKETHE OWNERS, OF A PARCEL OF LAND STRUKTED HIS SECTION TOWNSHE'S SOUTH RANGE BY MEST OF THE STH PRINCEPAL MERDIAN, CITY OF BRISHFOIN COUNTY OF ADAMS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS BY LAWS. LEGAL DESCRIPTION: DE BROMLEY PARK FILMS NO. 102 18T AMENDMENT WAS UNDER MY SUPERVISION AND THE ACCOMPANYING PLAT ACCURATELY AND PROPERLY SHOWS SAID SUBCIVISION. SHI DBIVO ATTORNEY'S CERTIFICATE: MITNESS MY HAND AND OFFICIAL SEAL. STATE OF COLORADO OWNERS TO COMMERCE CENTER LLC, A NITWESOTA LIMITED LIABILITY COMPANY CONTAINING 5,330,730 SQUARE FEET OR 122,377 ACRES, MORE OR LESS. - 18 WARE MALCOMB DAY OF LOCATED IN SECTION 1, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN BROMLEY PARK FILING NO. 102 1ST AMENDMENT FOUND #5 REBAR WITH 1.25" YELLOW PLASTIC CAP MARKED "LS 38215" LOCATED 567038'24" W 0.22' FROM CALCULATED POSITION, MONUMENT NOT ACCIPIED. SET 18" #5 REJIAR WITH YELLOW PLASTIC CAP FOUND 45 REBAR WITH 1.5" PLASTIC CAP MARKED "CDDH" LOCATED M64D29'01"W 0.4" FROM CALCULATED POSITION, MONUMENT NOT ACCEPTED. SET 18" 85 REBAR WITH YELLOW PLASTIC CAP MARKED "PLS 2586". 10. FOUND #4 REBAR WITH 1" YELLOW PLASTIC CAP MARKED "PL\$ 13482 AWF" LOCATED N77036"56"W 0.74" FROM CALCULATED POSITION, MONUMENT NOT ACCEPTED. SET 18" #5 REBAR WITH 8. FOUND #5 REBAR WITH 1.25" PLASTIC CAP MARKED "PLS 6973" LOCATED N88005'17" IL 0.97" FROM CALCULATED POSITION, MONUMENT NOT ACCEPTED. SET 18" #5 REBAR WITH YELLOW PLASTIC CAP MARKED "PLS 25965" MONUMENT TABLE: POUND 85 REBAR WITH 1.25" RED PLASTIC CAP MARKED "IS 13155" LOCATED N86D59'41" E 0.69' FROM CACCULATED POSITION, MONUMENT NOT ACCIPTED. SET 18" 95 REBAR WITH YELLOW PLASTIC CAP FOUND #5 REBAR WITH 1.25" RED PLASTIC CAP MARKED "LS 13155" 2. FOUND #5 REBAR 7. FOUND #5 REBAR WITH 1.5" ALUMINUM CAP MARKED "30830 FRONTIER SURV" S, FOUND MS REBAR WITH 1.25" YELLOW PLASTIC CAP MARKED "PLS 37948 FARNSWORTH" S. FOUND #4 REBAR WITH 1" YELLOW PLASTIC CAP MARKED "PLS 13482 AWF" FOUND #5 REBAR WITH 1.5" ALUMINUN LFOUND #5 REBAR WITH 1.25" YELLOW PLASTIC CAP MARKED "LS 24669 HCE" CITY COMMENTS CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO A REPLAT OF LOT 2, BLOCK 1, BROMLEY PARK FILING NO. 102 8EC. 35 SEC. 2 MARKED "30830 FRONTIER SURV VICINITY MAP MINOR SUBDIVISION PLAT SEC, 36 SEC. 12 T1S R66W SHEET 1 OF 4 SEC. 8 T18 RB5W 58 C. 7 T15 R65/ SEC, 31 THM R65W **BROMLEY PARK FILING NO. 102** 8. UTILITY EASEMENTS ARE TO BE DEDICATED FOR EACH BUILDING IN CONJUNCTION WITH INCINDUAL SITE PLANS. A THE SURVEY DOES NOT COMMITTIES A THE SERVICE WAS WARE MACKAGED TO SETEMBRE WESTERN COMMITTIES. A THE SURVEY DOES NOT COMMITTIES AND SOURCE OF THE SURVEY SURVEY SOURCE OF THE SURVEY S 1. MOTER ACCORDINA TO COLOGADO LAW YOU MAIST COMMERCE ANY LEGAL ACTION BASED INFO ANY DEFECTIR THIS SUPPRIEW THAT HAT HERE YEARS AFTER YOU FIRST DOESOURT SICH HERECT, INFO PERIF MAY ANY ACTION BASED UPDN ANY DEFECT IN THIS SURVEY DE COMMERCIA MODERNIA FEMILIA PROCEDED THE CERTIFICATION SYSTEMS HERED. A. THE LINEAL DISTANCE UNIT USED IN THE PREPARATION OF THIS LEGAL DESIGNATIONS THE UNITED STATES SURVEY FOOT THE UNITED STATES DEPARTMENT OF COMMERCE LINEAU STATUS ALL THE PREPARATION OF THE UNITED STATES SURVEY FOOT AS TRANSPAR THE UNITED STATES SURVEY FOR THE UNITED S 4, BASIS OF BEARINGS THE SOUTHLINE OF THE SOUTHWEST QUARTER OF SECTION HATTA A NATTED BEARING WHICH BEARING HORTH MEXICATION WEST ACCORDING TO BROMEEY PARK FILM ONC), OZ SAD LINE BEARS AND AND MEXICATION HEREON. 2. ANY PERSON WHO WORNNELLY REJOVES, ALTERS OR DEFACES ANY PUBLIC LIAND SURVEY MONUMENT OR LIAND BOURDARY MONUMENT OR ACCESSIONS, COMMITS A CLASS TWO (2) MISIDIMENHOR PURSUANT TO STATE STATUTE IS 1—500. C.A.S. NOTES: 1ST AMENDMENT PARCEL AREA TABLE APPROVED BY THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF BRIGHTON COLORADO THIS DAY OF 20 ACCEPTED FOR FILING IN THE OFFICE OF THE AT BRIGHTON COLORADO ON THIS CLERK AND RECORDER COMMUNITY DEVELOPMENT DIRECTOR APPROVAL CERTIFICATE: OFFICE: OFFICE / WAR ATTEST CITY CLERK RECEPTION NUMBER CLERK AND RECORDER OF ADMAS COUNTY, 20 AT PLAT





# BROMLEY PARK FILING NO. 102 1ST AMENDMENT

MINOR SUBDIVISION PLAT
A REPLAT OF LOT 2, BLOCK 1, BROMLEY PARK FILING NO. 102
LOCATED IN SECTION 1, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN,

CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO

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# EXHIBIT C DEVELOPMENT AGREEMENT