

RECEPTION#: 2010000057782, 08/27/2010 at 02:45:24 PM, 1 OF 11, TD Pgs: 0 Doc
Type: PAS Karen Long, Adams County, CO

RECORDED AS RECEIVED

**PARTIAL ASSIGNMENT OF BROMLEY PARK FILING NO. 103
DEVELOPMENT AGREEMENT**

THIS PARTIAL ASSIGNMENT OF BROMLEY PARK FILING NO. 103 DEVELOPMENT AGREEMENT ("Assignment") is made and entered into this 9th day of July, 2010, by and between the CITY OF BRIGHTON, COLORADO, a home rule municipality of the County of Adams, State of Colorado ("City"); and KING PAUL 1, LLC, a Colorado limited liability company, JACOBS COLORADO LLC, a Colorado limited liability company, and IVE COLORADO LLC, a Colorado limited liability company (collectively, "Developer"); and WESTERN UNITED ELECTRIC SUPPLY CORPORATION, a Colorado corporation ("Owner"), as follows:

WHEREAS, the City and Developer entered into that certain Bromley Park Filing No. 103 Development Agreement dated January 5, 2010, and recorded in the Adams County Clerk and Recorder's Office on January 29, 2010, at Reception No. 2010000006237 ("Filing 103 Development Agreement"). A map depicting Bromley Park Filing No. 103 is attached as Exhibit A;

WHEREAS, Developer was and is the owner of the Development, as defined in the Filing 103 Development Agreement, except for that certain portion of the Development described as Lot 1, Block 1, Bromley Park Filing 103, Adams County, Colorado ("Lot 1"), which Lot 1 was conveyed to and is to be developed by Owner;

WHEREAS, the Developer has requested that the specific obligations of the Filing 103 Development Agreement applicable to Lot 1, be assigned to and assumed by the Owner, and that the Developer be released from such obligations as to Lot 1, and that the City consent to such assignment and release;

WHEREAS, Section 9.4 of the Filing 103 Development Agreement contemplates such assignment and release, and the Parties to this Assignment desire to amend the Filing 103 Development Agreement accordingly, as set forth herein;

NOW THEREFORE, in consideration of the foregoing Recitals, incorporated by reference, and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereto promise, covenant, and agree as follows:

1. The Parties acknowledge that Lot 1 is owned by Owner and is subject to all terms and provisions of the Filing 103 Development Agreement.
2. All notices to Developer required to be made under Section 9.6 of the Filing 103 Development shall be addressed as follows:

King Paul Management, LLC
Attention: Christopher King
7000 East Belleview Ave., Suite 300

CITY OF BRIGHTON
22 S 4TH AVE
BRIGHTON, CO 80601
Trans#: 0

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Englewood, CO 80111

And to:

King Paul Management, LLC
Attention: Paul DeCrescentis
50 South Steele Street, Suite 1050
Denver, CO 80209

With copy to:

Matt Dillman, Esq.
Burns, Figa & Will, P.C.
6400 S. Fiddlers Green Circle, Ste. 1000
Greenwood Village, CO 80111

3. All notices to Owner required to be made under Section 9.6 of the Filing 103 Development shall be addressed as follows:

Western United Electrical Supply Corporation
Attention: Michael A. Prom
100 Bromley Business Parkway
Brighton, CO 80603

4. The term "Owner" herein means Western United Electrical Supply Corporation, and, upon this Assignment, means "Developer" as that term is used in the Filing 103 Development Agreement. All other capitalized terms herein shall have the same meaning as in the Filing 103 Development Agreement.

5. The Owner hereby assumes and agrees to perform all obligations of the Developer as set forth in the Filing 103 Development Agreement, as to Lot 1. The Developer (King Paul 1, LLC, Jacobs Colorado LLC, and IVE Colorado LLC) is hereby released from all obligations identified in the Filing 103 Development Agreement, including but not limited to those obligations identified in Paragraph 2 of Exhibit G of the Filing 103 Development Agreement, as to Lot 1 only. The City consents to such assignment and delegation of obligations regarding Lot 1 pursuant to this Assignment and Section 9.4 of the Filing 103 Development Agreement.

6. The Filing 103 Development Agreement shall otherwise remain unchanged and in full force and effect, except as specifically modified herein.

7. Nothing in this Assignment shall be construed as in any way affecting or modifying Developer's obligations as set forth in the Limited Assignment of Developer's Rights and Obligations and Bridge Street Improvement Agreement, dated February 9, 2010, between Developer and Owner.

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IN WITNESS WHEREOF, the Parties have executed this Assignment the day and year written above.

CITY OF BRIGHTON, COLORADO
 A Home Rule Municipality

By: Richard N. McLean
 Richard N. McLean, Mayor

ATTEST:

By: Natalie Hoel
 Natalie Hoel, City Clerk



APPROVED AS TO FORM:

Margaret R. Brubaker
 Margaret R. Brubaker, Esq.
 City of Brighton Attorney

DEVELOPER

KING PAUL 1, LLC, a Colorado limited liability company

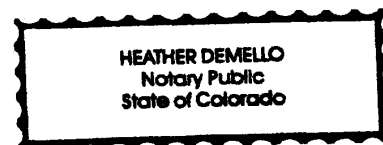
By: Christopher R. King
 Christopher R. King, Manager

STATE OF COLORADO)
) SS
 COUNTY OF Adams)

The foregoing instrument was acknowledged before me this 29 day of July, 2010, by Christopher R. King, Manager of King Paul 1, LLC, a Colorado limited liability company.

Heather Demello
 Notary Public

My Commission Expires: 10/6/10



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JACOBS COLORADO LLC, a Colorado limited liability company

By: Columbo 11 LLC, a Colorado limited liability company, Manager

By:

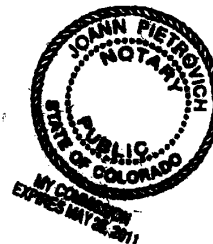
Paul T. DeCrescentis, Manager

STATE OF COLORADO)
) SS
 COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 29th day of JUNE, 2010, by Paul T. DeCrescentis, Manager of Columbo 11 LLC, a Colorado limited liability company, Manager of Jacobs Colorado LLC, a Colorado limited liability company.

Joann Pietrovich
 Notary Public

My Commission Expires: MAY 27 2011



IVE COLORADO LLC, a Colorado limited liability company

By: Columbo 11 LLC, a Colorado limited liability company, Manager

By:

Paul T. DeCrescentis, Manager

STATE OF COLORADO)
) SS
 COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 29th day of JUNE, 2010, by Paul T. DeCrescentis, Manager of Columbo 11 LLC, a Colorado limited liability company, Manager of IVE Colorado LLC, a Colorado limited liability company.

Joann Pietrovich
 Notary Public

My Commission Expires: MAY 27 2011



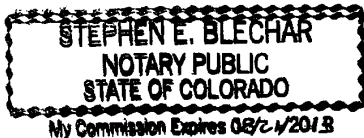
WESTERN UNITED ELECTRICAL SUPPLY CORPORATION,
a Colorado corporation

STATE OF COLORADO)
) SS
COUNTY OF Adams)

The foregoing instrument was acknowledged before me this 9th day of July, 2010, by Michael A. Prom, President of Western United Electrical Supply Corporation, a Colorado corporation.

Stephen T. Blum
Notary Public

My Commission Expires: 8/21/13



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EXHIBIT A
[Bromley Park Filing 103]

UNOFFICIAL COPY

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BROMLEY PARK FILING No. 103

BEING A PART OF THE NORTHWEST QUARTER OF SECTION 12, AND THE
NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 1 SOUTH, RANGE 66 WEST, CITY
OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO
PAGE 2 OF 5

OWNERSHIP AND TITLE CERTIFICATION

I, _____, A DAILY AUTHORIZED OFFICER OF
FIDELITY NATIONAL TITLE INSURANCE COMPANY, HEREBY CERTIFY THAT THE
PARTY EXECUTING THIS PLAT AS OWNER OF THE DESCRIBED PROPERTY IS THE
OWNER THEREOF IN FEE SIMPLE, AND FURTHER CERTIFY THAT ALL PUBLIC
RIGHT-OF-WAY, EASEMENTS AND PUBLIC IMPROVEMENTS, IF ANY, THAT ARE
DEICATED BY THIS PLAT, ARE FREE AND CLEAR OF ALL LIENS AND
ENCUMBRANCES WHICH MAY INTERFERE WITH OR RESTRICT THEIR INTENDED USE
BY THE CITY OF BIRMINGHAM.

DATE _____

SIGNATURE _____

TITLE _____

CITY COUNCIL CERTIFICATE

THIS PLAN IS APPROVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, ADAMS COUNTY, COLORADO THIS _____ DAY OF _____, 2019, A.D., FOR FILING WITH THE CLERK AND RECORDER OF ADAMS COUNTY AND FOR CONVEYANCE TO THE CITY OF THE PUBLIC BENEFICIATIONS, SAYING: HEREON, SUBJECT TO THE PROVISION THAT APPROVAL IN NO MANNER LIMITS THE CITY OF BRIGHTON FOR THE FINANCING OR CONSTRUCTION OF IMPROVEMENTS ON LAND OR EASEMENTS DEDICATED TO THE PUBLIC EXCEPT AS SPECIFICALLY AGREED TO BY CITY COUNCIL.

DATA

WITNESS MY HAND AND OFFICIAL SEAL: OF THE CITY OF BRIGHTON

QUESTIONS

SURVEYOR'S CERTIFICATION

I, DONALD LAMBERT, A PROFESSIONAL LAND SURVEYOR, LICENSED TO PRACTICE IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE SURVEY SHOWN AND DESCRIBED HEREON WAS PREPARED UNDER MY SUPERVISION AND THAT THIS PLAT IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATE _____
DONALD L. LABRELL, PLS 12830
FOR AND ON BEHALF OF
FRONTIER SURVEYING, INC.
352 NORFOLK STREET
ALBUQUERQUE, NM 87011

GENERAL NOTES

1. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY FRONTIER SURVEYING, INC. TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FIDELITY NATIONAL TITLE INSURANCE COMPANY COMMITMENT NO. F205313, DATED DECEMBER 31, 2018, 2018 AT 7:29 AM, WAS SOLELY RELIED UPON FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY AND TITLE OF RECORD OR OTHER ENCUMBRANCES AFFECTING THE SUBJECT PARCEL.

2. NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE (3) YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED ON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN (10) YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

C.R.S. 13-90-105(3)(b)

3. THE BASIS OF BEARINGS FOR THIS SURVEY IS N85°20'45" E ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 12, T.15, R.25W. THIS BEARING BASIS MATCHES THE ADAMS COUNTY CONTROL NETWORK.

4. UTILITY EVENTS SHOWN HEREON AND NOT PREVIOUSLY DEDICATED OR OTHERWISE DEDICATED PURSUANT TO THE ABOVE GENERAL NOTES ARE HEREBY DEDICATED TO THE CITY OF BRIGHTON.

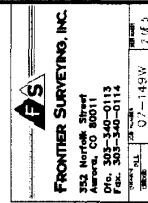
CLERK & RECORDER'S CERTIFICATE

THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE ADAMS COUNTY CLERK AND
RECORDED IN THE STATE OF COLORADO AT _____ AM. P.M. ON THE _____ DAY OF _____

COUNTY CLERK AND RECORDER

ONLINE

5	1/10/20	1st Subject	DL1
2	10/03/06	2nd Subject	DL1
1	6/03/06	1st Subject	DL1



BROMLEY PARK FILING No. 103
 BEING A PART OF THE NORTHWEST QUARTER OF SECTION 12, AND THE
 NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 1 SOUTH, RANGE 66 WEST, CITY
 OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO

MONUMENT LEGEND

- FOUND A 3/4" ALUMINUM CAP IN A RANGE ROCK STAMPED AS SHOWN HEREON AT THE WEST CORNER OF SECTION 12, T1S R66W BY P.M.
- FOUND A 3/4" ALUMINUM CAP STAMPER AS SHOWN HEREON AT THE CORNER QUARTER CORNER OF SECTION 12.
- FOUND A 3/4" ALUMINUM CAP CHAIN BEARS STAMPED AS SHOWN HEREON AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 12.
- FOUND A BRID PLASTIC CAP ON A BEAM STAMPED "MEXICA L.O.D.-15 11.50"
- FOUND A YELLOW PLASTIC CAP CHAIN BEAR STAMPED "FRONTIER SURV.-H.S. 5250"
- SET A YELLOW PLASTIC CAP ON A BEAM STAMPED "FRONTIER SURV.-H.S. 5250"

CURVE TABLE

CURVE	RADIUS	LENGTH	CH. PT.	Pt. B.C.
1	100.00	157.08	100.00	100.00
2	100.00	157.08	100.00	100.00
3	100.00	157.08	100.00	100.00
4	100.00	157.08	100.00	100.00
5	100.00	157.08	100.00	100.00
6	100.00	157.08	100.00	100.00
7	100.00	157.08	100.00	100.00
8	100.00	157.08	100.00	100.00
9	100.00	157.08	100.00	100.00
10	100.00	157.08	100.00	100.00
11	100.00	157.08	100.00	100.00
12	100.00	157.08	100.00	100.00
13	100.00	157.08	100.00	100.00
14	100.00	157.08	100.00	100.00
15	100.00	157.08	100.00	100.00
16	100.00	157.08	100.00	100.00
17	100.00	157.08	100.00	100.00
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36	100.00	157.08	100.00	100.00
37	100.00	157.08	100.00	100.00
38	100.00	157.08	100.00	100.00
39	100.00	157.08	100.00	100.00
40	100.00	157.08	100.00	100.00
41	100.00	157.08	100.00	100.00
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47	100.00	157.08	100.00	100.00
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49	100.00	157.08	100.00	100.00
50	100.00	157.08	100.00	100.00
51	100.00	157.08	100.00	100.00
52	100.00	157.08	100.00	100.00
53	100.00	157.08	100.00	100.00
54	100.00	157.08	100.00	100.00

BROMLEY PARK FILING No. 103
BEING A PART OF THE NORTHWEST QUARTER OF SECTION 12, AND THE
NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 1 SOUTH, RANGE 66 WEST, CITY
OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO
4 OF 5

ADAMS COUNTY
RECORDS
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