

RESOLUTION NO. 2024-84

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING THE DEVELOPMENT AGREEMENT FOR THE BRIGHTON CROSSING FILING NO. 6 SUBDIVISION, CONSISTING OF APPROXIMATELY 63.821 ACRES OF LAND, 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 AMENDMENT 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, the Brighton Crossing Filing No. 6 Development Agreement was approved by the City Council on August 15, 2023, in Resolution No. 2023-79 (the "Development Agreement"); and

WHEREAS, the City of Brighton (the "City") and the Owner desire to amend the Development Agreement to modify the obligation to design and construct an interim turn lane at the intersection of South 40th Avenue and East Bridge Street, and to instead allow for a cash-in-lieu to be provided to the City rather than the design and construction, as more particularly described in the First Amendment to the Brighton Crossing Filing No. 6 Development Agreement, attached hereto as Exhibit B (the "First Amendment"); and

WHEREAS, Section 11.4 of the Development Agreement requires that any modifications or amendments be in writing and executed with the same formality as the Development Agreement; and

WHEREAS, the City Council believes that it is in the best interest of the residents of the City of Brighton to amend the Development Agreement.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO AS FOLLOWS:

Section 1. The First Amendment is hereby approved.

Section 2. The Mayor is authorized to execute the First Amendment, and in furtherance thereof, the City Manager and/or his 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 Development Agreement or the First Amendment for and on behalf of the City.

Section 3. This Resolution is effective as of the date of its adoption.

RESOLVED this 15th day of October 2024.

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 398.65 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.

EXHIBIT B
FIRST AMENDMENT TO THE BRIGHTON CROSSING FILING NO. 6
DEVELOPMENT AGREEMENT

(The document starts on the next page.)