

2021 - ____

A RESOLUTION

AUTHORIZING A CHANGE IN USE DEVELOPMENT AGREEMENT FOR PROPERTY LOCATED AT 8600, 8630 & 8650 WEST COLFAX AVENUE

WHEREAS, on March 22, 2021, the Lakewood City Council adopted Ordinance O-2021- ____, which rezoned certain property within the City located at 8600, 8630 & 8650 W. Colfax Avenue (collectively, the "Property") from Mixed-Use Neighborhood Urban (M-N-U) to Mixed-Use General Suburban (M-G-S) to accommodate motor vehicle sales, minor vehicle service and outdoor storage land uses (the "Rezoning Ordinance");

WHEREAS, approval of the Rezoning Ordinance results in an automatic change in use by right for the Property that, in accordance with section 2.6 of the Colorado Department of Transportation Access Code, will require the closure of the Property's eastern access point to W. Colfax Avenue, necessitating the construction of certain public improvements along the Property frontage (the "Public Improvements");

WHEREAS, following the effective date of the Rezoning Ordinance, the Property owner's lessee intends to begin construction of certain site improvements, including demolition of the building at 8630 W. Colfax Avenue, repaving the outdoor vehicle storage area, and installing site lighting, outdoor storage area screening and landscape improvements (the "Project");

WHEREAS, the property's owner and the City wish to enter into the attached Change In Use Development Agreement to ensure the Public Improvements, in accordance with City regulations, are constructed to accommodate the change in use and designed to reflect the Project; and

WHEREAS, the City Council hereby finds and determines that approving the attached Change In Use Development Agreement is and shall be in the best interest of the residents of the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. The attached Change in Use Development Agreement for 8600, 8630 and 8650 W. Colfax Ave., Lakewood, Colorado, is hereby approved.

SECTION 2. The City Manager and City Clerk are hereby authorized and directed to execute and attest, respectively, the Change in Use Development Agreement on behalf of the City.

SECTION 3. The City will record the fully executed Change in Use Development Agreement with the Jefferson County Clerk and Recorder's Office.

SECTION 4. This Resolution shall become effective immediately upon adoption.

INTRODUCED, READ, AND ADOPTED by a vote of ____ for and ____
against at a virtual meeting of the City Council on March 22, 2021, at 7 o'clock p.m.

Adam Paul, Mayor

ATTEST:

Bruce Roome, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

EXHIBIT 1
(Legal Description of the Property)

Parcel A:

That part of the Northeast $\frac{1}{4}$ of Section 3, Township 4 South, Range 69 West of the 6th Principal Meridian, described as follows:

Beginning at the point on the North line of said Section 3, which is 25 feet West of the Northeast corner of the West one-half of the Northeast one-quarter of the Northeast one-quarter of the said Section 3, running thence South 435.6 feet, thence West 175 feet; thence North 435.6; thence East 175 feet to the Point of Beginning, except the North 40 feet thereof, County of Jefferson, State of Colorado.

Parcel B:

A tract of land in West $\frac{1}{2}$ Northeast $\frac{1}{4}$ Northeast $\frac{1}{4}$ Section 3, Township 4 South, Range 69 West as follows:

Beginning at a point 200 feet West and 327 feet South of Northeast corner of West $\frac{1}{2}$ Northeast $\frac{1}{4}$ Northeast $\frac{1}{4}$ of Section 3, Township 4 South, Range 69 West; thence South 108.6 feet; thence West 193.7feet; thence North 108.6 feet; thence East 193.7 feet, more or less, to the Point of Beginning, County of Jefferson, State of Colorado.

Parcel C:

A tract of land in the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 3, Township 4 South, Range 69 West described as follows:

Beginning at a point 593.20 feet West of the East line and 50 feet of the North line of said Section 3; thence South and parallel with the East line of said Section 3; 177.25 feet to the True Point of Beginning; thence continuing South and parallel with said East line, 64.75 feet, more or less, to the Easterly right of way line of Rocky Mountain Ditch; thence along said right of way line to the point of intersection with the centerline of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the said Section 3; thence Southwesterly 45.9 feet, more or less, to a point 435.6 feet South of the North line of said Section 4 and 25 feet West of the centerline of the Northeast $\frac{1}{4}$ of said Section 3; thence North and parallel with said centerline 208.35 feet, more or less, to a point 227.25 feet South of the North line of said Section 3; thence East and parallel with the said North line, 92.04 feet, more or less, to the True Point of Beginning, Except that part described in Book 876 at Page 217, County of Jefferson, State of Colorado.