

Exhibit 3 Changes incorporated into Amended Opening Brief - 8/30/2018
2018civil01 Sutherland v City Council

- 1) The following sentences were added to the end of the original footnote #1. (still footnote #1)

However, the necessary legislation is something that is; 1) well within the authority of a Home Rule municipality to enact, 2) desirable for the purposes of enabling predictability by virtue of ease of enforcement for a general range of conditions that may be attached to the approval of development applications, and 3) long past due as a much needed step forward in the evolution of development review in Fort Collins. In other words, this is something that is widely regarded as a necessary improvement to the development review process.

- 2) The words “*at this point*” were removed from the end of the second sentence of the 4th paragraph of Section II. FOLLOWED BY MORE...

3) The entirety of what is now footnote # 2 was added to better explain the absurdity of considering claims 3,4 and 5 as abuse of discretion claims subject to the procedure of C.R.C.P. Rule 106. All subsequent footnotes were renumbered as a result.

4) The words “no later than the” were substituted for the word “upon” in the third sentence of the fourth paragraph of sub-section *A. Sufficient allegation ...* under ARGUMENT. This change was made to make the important distinction that an allegation of a failure to comply with the LUC may be made before and up to the filing of a Notice of Appeal.

5) Footnote # 6 was added to reference the Notice of Appeal as evidence. The Notice of Appeal did appear in the certification of the record prepared by the city clerk, but it is also presented as a simple exhibit here. All subsequent footnotes were renumbered as a result.

6) Added the citation for *MDC Holdings* in the first paragraph of sub-section *C. Claims 3 and 4...* under III. ARGUMENT.

7) Footnote # 9 as presented in the amended version was slightly modified.

An e-signature for Brian Dwyer was added.