
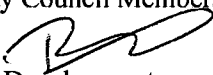


**PLANNING AND DEVELOPMENT DEPARTMENT
MEMORANDUM 13-15**

DATE: May 13, 2013
TO: Honorable Mayor Joyce Downing and City Council Members 
FROM: David H. Willett, Acting City Manager 
Brook Svoboda, Director of Planning and Development
SUBJECT: CR-46 TH Automotive Subdivision Improvement Agreement (SIA) Extension

INTRODUCTION

Attached to this memo is a resolution that, if adopted, would grant an extension to the existing TH Automotive Subdivision Improvement Agreement (SIA) for a period of 180 days.

BACKGROUND

The original SIA was approved by Council on May 14th of 2012 and provided for 365 days to post security for approximately \$79,000.00 for the required public improvements associate with the development of the project.

Mr. Hawpe has requested the extension (Attachment 1) as he is in the process of selling one of the two parcels of the development - the use of the proceeds of sale is how he intends to post the required security under the SIA. His closing on the parcel is set for late May early June of this year.

STAFF REFERENCE

Brook Svoboda, Director of Planning and Development - bsvoboda@northglenn.org 303.450.8937
Travis Reynolds, Senior Planner – treynolds@northglenn.org 303.450.8836

ATTACHMENTS

ATTACHMENT 1 Request for Extension dated – Tim Hawpe

ATTACHMENT 1

April 9, 2013

Timothy G. Hawpe
As President of
TH Automotive
10750 Irma Drive, Unit 5/6
Northglenn, CO 80233

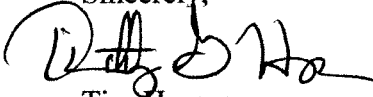
Extension of Existing Sub Improvement Agreement

To Whom It May Concern:

The property located at 10555 Irma Drive is currently under contract, with a potential closing date of May 20, 2013. This letter is to request an extension of the Sub Improvement Agreement set to expire on May 14, 2013, for 180 days to allow the Contract to close.

If you have questions or comments, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Hawpe', written over the printed name.

Tim Hawpe
President
TH Automotive

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-46
Series of 2013

Series of 2013

A RESOLUTION APPROVING THE FIRST ADDENDUM TO SUBDIVISION IMPROVEMENT AGREEMENT WITH TIMOTHY HAWPE FOR THE TH AUTOMOTIVE SUBDIVISION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. The First Addendum to Subdivision Improvement Agreement with Timothy Hawpe for the TH Automotive Subdivision, attached hereto as **Exhibit 1**, is hereby approved and the Mayor is authorized to execute same on behalf of the City.

DATED at Northglenn, Colorado, this ____ day of _____, 2013.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney

**FIRST ADDENDUM TO
SUBDIVISION IMPROVEMENT AGREEMENT
TH AUTOMOTIVE SUBDIVISION**

THIS FIRST ADDENDUM TO SUBDIVISION IMPROVEMENT AGREEMENT (the "First Addendum") is made and executed this ____ day of _____, 2013, by and between the CITY OF NORTHGLENN, COLORADO, a Colorado home rule municipal corporation, (hereafter referred to as the "City"), and TIMOTHY HAWPE ("Owner/Developer").

WITNESSETH

WHEREAS, the City and Owner/Developer entered into that Subdivision Improvement Agreement dated May 14, 2012 (the "Original Agreement") incident to the approval of the Final Plat for the TH Automotive Subdivision (the "Property");

WHEREAS, the Owner/Developer requires an extension of not to exceed one hundred eighty (180) days to post security for the construction of the required public improvements, which posting is required prior to recordation of the final plat in the real estate records of Adams County; and

WHEREAS, the City by this First Addendum is amenable to providing Owner/Developer with an additional one hundred eighty (180) days to post the required security.

NOW THEREFORE, the parties hereto, for themselves, their successors and assigns (to the extent this Agreement is assignable, as specified hereinafter), in and for the consideration of the performance of the mutual covenants and promises set forth herein, the receipt and adequacy of which are hereby acknowledged, do hereby covenant and agree as follows:

1. The City and Owner/Developer agree to an extension of time as set forth in Section 11.1 of the Original Agreement of an additional one hundred eighty (180) days to furnish the performance guarantee as set forth in the Original Agreement. The performance guarantee must be posted on or before 5:00 p.m. on November 11, 2013, or the City's approval of the final plat for the Property shall be negated as set forth in the Original Agreement.

2. Except as modified herein, the Original Agreement is in full force and effect and is hereby ratified by the City and the Owner/Developer. In the event of any conflict between the Original Agreement and this First Addendum, the terms and conditions of this First Addendum shall control.

DATED this day and date first above set forth.

THE CITY OF NORTHGLENN, COLORADO

Joyce Downing, Mayor

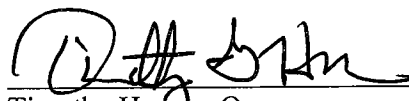
ATTEST:

Johanna Small, CMC, City Clerk

APPROVED AS TO FORM:

Corey Y. Hoffmann, City Attorney

OWNER/DEVELOPER



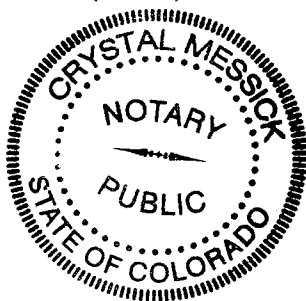
Timothy Hawpe, Owner

STATE OF COLORADO)
)
COUNTY OF ADAMS) ss.

Subscribed, sworn to and acknowledged before me this 2nd day of May,
2013 by Timothy Hawpe.

My commission expires: 8/12/2013

(SEAL)





Notary Public