

**PLANNING DEPARTMENT
MEMORANDUM 13-38**

DATE: September 9th, 20013

TO: Honorable Mayor Joyce Downing and City Council Members

FROM: John Pick, City Manager *JP*
Brook Svoboda, Director of Planning and Development *BS*
Debbie Tuttle, Economic Development Manager *DT*

SUBJECT: CR-86 Webster Lake Promenade – Request for alternate revenue source in lieu of PIF

BACKGROUND

The developer of the Webster Lake property, HD Northglenn, LLC, has requested that the City of Northglenn and NURA allow certain owners of property in the Webster Lake development to be exempt from the Public Improvement Fee ("PIF"), that is applicable to all property in the Webster Lake development by way of Section 11 of the document entitled "Grant of Easements and Declaration of Covenants, Conditions & Restrictions" dated July 8, 2013.

In consideration to provide such exemptions, the Developer shall provide accounting that demonstrates to the City and NURA a revenue source the Developer will receive from the exempted businesses in lieu of the PIF, such as additional rent.

BUDGET IMPLICATIONS

There are no direct budget implications with this request.

STAFF REFERENCE

Brook Svoboda, Director of Planning and Development bsvoboda@northglenn.org or 303.450.8937

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-86
Series of 2013

Series of 2013

A RESOLUTION APPROVING DELIVERY OF AN ACKNOWLEDGEMENT LETTER TO HD NORTHGLENN, LLC REGARDING AUTHORITY OF HD NORTHGLENN, LLC TO EXEMPT OWNERS IN WEBSTER LAKE DEVELOPMENT FROM APPLICATION OF THE PUBLIC IMPROVEMENT FEE

WHEREAS, the developer of the Webster Lake property, HD Northglenn, LLC, ("Developer") has requested that the City of Northglenn and NURA allow Developer to exempt certain owners of property in the Webster Lake development from the public improvement fee ("PIF") that is applicable to all property in the Webster Lake development by way of Section 11 of the document entitled "Grant of Easements and Declaration of Covenants, Conditions & Restrictions" dated July 8, 2013, recorded on July 9, 2013 as Instrument Number 2013000058468, Adams County, Colorado Public Records; and

WHEREAS, The City Council desires to allow Developer to provide such exemptions, provided that Developer delivers to the City Council an accounting showing the revenue source Developer will be receiving from exempted businesses in lieu of the PIF, such as (by way of example only) additional rent.

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

Section 1. The City Council hereby approves the letter attached hereto as **Exhibit A**, and the Mayor is authorized to execute the same.

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

JOYCE DOWNING
Mayor

ATTEST:

APPROVED AS TO FORM:

JOHANNA SMALL, CMC
City Clerk

COREY Y. HOFFMANN
City Attorney



EXHIBIT A

11701 Community Center Drive
PO Box 330061
Northglenn, Colorado 80233-8061
Phone (303) 451-8326
FAX (303) 450-8798
TDD (303) 450-8805

September 9th, 2013

HD Northglenn, LLC
Attn. Kevin B. Hawkins
358 S. Rio Grande St., Ste 200
Salt Lake City, UT 84101

Dear Kevin:

Reference is made to: (a) that certain Grant of Easements and Declaration of Covenants, Conditions & Restrictions dated July 8, 2013, recorded on July 9, 2013 as Instrument Number 2013000058468, Adams County, Colorado Public Records (the “**Declaration**”), and (b) that certain Redevelopment Agreement dated October 10, 2012, recorded as Document No. 2013000057751, as amended by that certain First Addendum to Redevelopment Agreement dated May 20, 2013, recorded as Document No. 2013000057752 (collectively, the “**Redevelopment Agreement**”). Capitalized terms used but not defined herein shall be defined as set forth in the Declaration.

This letter confirms our agreement that, notwithstanding any other provision(s) of the Declaration or the Redevelopment Agreement to the contrary, Declarant, in its sole and absolute discretion, may from time to time exempt such Owners from the provisions of Section 11 of the Declaration (regarding the PIF), and the provisions of Exhibit D to the Declaration, in whole or part, and to such extent, as Declarant may see fit in its sole and absolute discretion.

In consideration for such an exemption, you as Declarant must provide an accounting to the City of all funds utilized to fund Project Attributes as that term is defined in Section 11 of the Declaration received from other sources from those Owners exempted from the provisions of Section 11.

CITY OF NORTHGLENN, COLORADO,
a municipal corporation

By: _____

Its: _____