




**PLANNING & DEVELOPMENT MEMORANDUM**  
**#9-2021**

**DATE:** May 10, 2021

**TO:** Honorable Mayor Meredith Leighty and City Council Members

**THROUGH:** Heather Geyer, City Manager 

**FROM:** Brook Svoboda, Director of Planning and Development   
Debbie Tuttle, Economic Development Director   
Eric Ensey, Senior Planner

**SUBJECT:** CR-53 – Second Amendment to Memorandum of Understanding for the Civic Center P3 Master Developer

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**PURPOSE**

To consider CR-53, a resolution approving a second extension of the Memorandum of Understanding (MOU) between the City and Continuum Partners LLC, the Civic Center P3 Master Developer.

**BACKGROUND**

The City Council entered into an MOU with Continuum on Sept. 14, 2020. The MOU entered both parties into an Exclusive Negotiation Period with the intent of negotiating terms of a public-private partnership to complete the vision of the Civic Center Master Plan. A First Amendment to the MOU extending the negotiation period was approved by the City Manager in March and is set to expire on May 26, 2021.

City staff has been actively working with the Continuum team since the original MOU was approved with the goal of developing a more refined site plan, term sheet and redevelopment agreement. City staff, along with the Continuum development team, are requesting that the MOU be extended by six months to better understand these items and how to address them. At this time, staff has no concerns that a final redevelopment agreement cannot and/or will not be reached. However, more time is needed to resolve these items in order to develop the term sheet and redevelopment agreement.

**NEXT STEPS**

If approved, the term for negotiations with Continuum will be extended by six months to Nov. 26, 2021. This will provide additional time for staff and Continuum to work toward a term sheet and redevelopment agreement.

**BUDGET/TIME IMPLICATIONS**

There are no budget impacts with the Second Amendment to the MOU. However, if approved, there will be time implications. Staff will continue to provide City Council will timeline updates as negotiations progress during the six-month extension period.

**STAFF RECOMMENDATION**

Staff recommends approval of CR-53, a resolution that, if approved, would authorize the Mayor to execute a second amendment to the MOU with Continuum Partners extending the term of the agreement by six additional months.

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**STAFF REFERENCE**

If Council members have any questions, please contact:

- Brook Svoboda, Director of Planning and Development, at [bsvoboda@northglenn.org](mailto:bsvoboda@northglenn.org) or 303.450.8937
- Debbie Tuttle, Economic Development Director, at [dtuttle@northglenn.org](mailto:dtuttle@northglenn.org) or 303.450.8743

CR-53 – Second Amendment to Memorandum of Understanding for the Civic Center P3 Master Developer  
Second Amendment to Memorandum of Understanding with Continuum Partners, LLC

SPONSORED BY: MAYOR LEIGHTY

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-53  
Series of 2021

\_\_\_\_\_  
Series of 2021

A RESOLUTION APPROVING A SECOND AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF NORTHGLENN AND CONTINUUM PARTNERS, LLC REGARDING A PUBLIC-PRIVATE PARTNERSHIP FOR THE IMPLEMENTATION OF PHASE 2 OF THE CIVIC CENTER MASTER PLAN

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

Section 1. The Second Amendment to the Memorandum of Understanding between the City of Northglenn and Continuum Partners, LLC regarding a public-private partnership for the implementation and successful development of Phase 2 of the Civic Center Master Plan, as attached hereto, is hereby approved and the Mayor is authorized to execute same on behalf of the City.

DATED at Northglenn, Colorado, this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
MEREDITH LEIGHTY  
Mayor

ATTEST:

\_\_\_\_\_  
JOHANNA SMALL, CMC  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
COREY Y. HOFFMANN  
City Attorney

## SECOND AMENDMENT TO MEMORANDUM OF UNDERSTANDING

**THIS SECOND AMENDMENT TO MEMORANDUM OF UNDERSTANDING (the "Second Amendment")** is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by and between the City of Northglenn, Colorado (the "**City**"), and Continuum Partners, LLC, a Colorado limited liability company ("**Continuum**"). The City and Continuum are sometimes herein referred to singularly as a "**Party**" and collectively as "**Parties**."

### RECITALS

A. On or about September 14, 2020, the City and Continuum entered into a Memorandum of Understanding ("**Original MOU**") to evaluate a public-private partnership (P3) to complete the vision of the Civic Center Master Plan ("**CCMP**") with private development of two super-pads totaling 11.395 acres (the "**Site**").

B. The Original MOU contains an Exclusive Negotiation Period that expired on February 26, 2021.

C. The Parties extended the Exclusive Negotiation Period for an additional ninety (90) days via approval of the First Amendment to Memorandum of Understanding, dated March 1, 2021, which Exclusive Negotiation Period now expires May 26, 2021.

D. The Parties desire to further extend the Original MOU for an additional six (6) months.

NOW THEREFORE, in consideration of the mutual agreement set forth herein, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. The Exclusive Negotiation Period as set forth in Section 2 of the Original MOU is hereby extended for an additional six months, or through and including until November 26, 2021.

2. Except as to the extension of the Exclusive Negotiation Period as set forth herein, the Original MOU remains in full force and effect and is hereby ratified by the City and Continuum.

IN WITNESS WHEREOF, the Parties have executed this Second Amendment as of the day and year first set forth above.

CITY OF NORTHGLENN, COLORADO

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MEREDITH LEIGHTY  
Mayor

Attest:

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JOHANNA SMALL, CMC  
City Clerk

APPROVED AS TO FORM:

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COREY Y. HOFFMANN  
City Attorney

CONTINUUM PARTNERS, LLC,  
a Colorado limited liability company

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Mark G. Falcone, its Manager