



**ECONOMIC DEVELOPMENT MEMORANDUM  
#5-2021**

**DATE:** Oct. 25, 2021

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

**THROUGH:** Heather Geyer, City Manager 

**FROM:** Debbie Tuttle, Director of Economic Development   
Brook Svoboda, Director of Planning & Development

**SUBJECT:** CR-109 –Third Extension of the Continuum Memorandum of Understanding

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**PURPOSE**

To consider CR-109, a resolution approving a third extension to the Memorandum of Understanding (MOU) between the City and Continuum Partners. The extension would be for an additional 13 weeks, to expire no later than Feb. 28, 2022.

**BACKGROUND**

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. The first extension to the MOU was approved by the City Manager, extending the expiration date to May 27, 2021. A second amendment was approved by City Council to extend the MOU until Nov. 26, 2021.

**UPDATE**

With the upcoming expiration of the MOU, staff and Continuum are requesting an additional 13-week extension to develop a refined design and site plan. This would allow for more definitive cost estimates and a better understanding of the economics of the project. This information is needed to negotiate the Redevelopment Agreement.

**BUDGET/TIME IMPLICATIONS**

Once a pro forma has been received by Continuum, any financial impacts to the City would be evaluated.

If Council approves this resolution, this would be the final extension to the MOU.

**STAFF RECOMMENDATION**

Staff recommends approval of CR-109.

**STAFF REFERENCE**

If Council members have any questions, please contact:

- Debbie Tuttle, Director of Economic Development, at 303.450.8743 or dtuttle@northglenn.org
- Brook Svoboda, Director of Planning & Development, at 303.450.8937 or bsvoboda@northglenn.org

CR-109 –Third Extension of the Continuum Memorandum of Understanding

SPONSORED BY: MAYOR LEIGHTY

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-109  
Series of 2021

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

A RESOLUTION APPROVING A THIRD 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 Third 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.

\_\_\_\_\_  
JENNY WILLFORD  
Mayor Pro Tem

ATTEST:

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

APPROVED AS TO FORM:

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COREY Y. HOFFMANN  
City Attorney

### THIRD AMENDMENT TO MEMORANDUM OF UNDERSTANDING

**THIS THIRD AMENDMENT TO MEMORANDUM OF UNDERSTANDING (the "Third 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 the Memorandum of Understanding, dated March 1, 2021, to expire on May 26, 2021.

D. The Parties extended the Exclusive Negotiation Period for an additional six (6) months via approval of the Second Amendment to the Memorandum of Understanding, dated May 10, 2021, which Exclusive Negotiation Period now expires November 26, 2021.

E. The Parties desire to further extend the Original MOU for an additional thirteen (13) weeks.

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 thirteen (13) weeks from the Second Amendment date, or through and including until February 28, 2022.

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 Third Amendment as of the day and year first set forth above.

CITY OF NORTHGLENN, COLORADO

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JENNY WILLFORD  
Mayor Pro Tem

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