

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 45
Series of 2018

TITLE: A RESOLUTION APPROVING THE TERMINATION OF THE 2006 INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY AND THE LONGS PEAK METROPOLITAN DISTRICT

WHEREAS, the Longs Peak Metropolitan District (“District”) was organized pursuant to the Colorado Special District Act §§ 32-1-101, *et seq.*, C.R.S.; and

WHEREAS, the City Council for the City of Wheat Ridge (“City”), as the District’s governing body, approved the District’s Service Plan (“2006 Service Plan”) by the adoption of City of Wheat Ridge Resolution No. 09, Series of 2006 on March 13, 2006; and

WHEREAS, the 2006 Service Plan provided for the District’s provision and financing of public improvements and services for the development of a commercial retail center (the “2006 Project”); and

WHEREAS, the City and District entered into an Intergovernmental Agreement dated December 11, 2006, which was amended by the First Amendment to Agreement dated December 10, 2007 and a Second Amendment to Agreement dated December 21, 2007 (collectively, the “2006 IGA”); and

WHEREAS, some of the 2006 Service Plan’s proposed public improvements were constructed pursuant to the 2006 IGA, but the 2006 Project was never completed; and

WHEREAS, a new mixed-use project has been proposed for the 2006 Project site (the “CCC Project”); and

WHEREAS, the District’s provision and financing of the public improvements and services for the CCC Project will materially differ from the 2006 Service Plan and 2006 IGA; and

WHEREAS, the District has petitioned the City to approve an Amended and Restated Service Plan that generally sets forth how the District may provide and finance public improvements and services for the CCC Project (the “2018 Service Plan”); and

WHEREAS, the District, City, and the developer of the CCC Project have or will be entering into a Public Finance Agreement that sets forth how the CCC Project’s public improvements and facilities will be financed; and

WHEREAS, the City finds that the 2006 IGA is obsolete and should be terminated.


NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wheat Ridge, Colorado, as follows: The Termination of the 2006 Intergovernmental Agreement between the City of Wheat Ridge and the Longs Peak Metropolitan District, attached to this Resolution as

EXHIBIT A, is hereby approved, and the Mayor and City Clerk are authorized and directed to execute the same.

Done and Resolved this 9th day of July, 2018, at Wheat Ridge, Colorado.



CITY COUNCIL OF THE
CITY OF WHEAT RIDGE,
JEFFERSON COUNTY, COLORADO

By: 
Bud Starker, Mayor

ATTEST:



Janelle Shaver, City Clerk

EXHIBIT A

TERMINATION OF THE 2006 INTERGOVERNMENTAL AGREEMENT BETWEEN THE
CITY OF WHEAT RIDGE, COLORADO AND LONGS PEAK METROPOLITAN DISTRICT

**TERMINATION OF THE 2006 INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE CITY OF WHEAT RIDGE, COLORADO
AND
LONGS PEAK METROPOLITAN DISTRICT**

This TERMINATION OF THE 2006 INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF WHEAT RIDGE, COLORADO AND LONGS PEAK METROPOLITAN DISTRICT (“**Termination**”) is entered into as of the ___ day of _____, 2018, by and between the City of Wheat Ridge, a Colorado home-rule municipality (the “**City**”), and the Longs Peak Metropolitan District, a quasi-municipal corporation and political subdivision of the State of Colorado (the “**District**”).

RECITALS

- A. The City is a Colorado home rule municipality, organized and existing pursuant to Section 6 of Article XX of the Colorado Constitution.
- B. The City has authority under Article XIV Section 18 of the Colorado Constitution and § 29-1-201 *et seq.*, C.R.S. to enter into intergovernmental agreements for lawful purposes authorized to it.
- C. The District is a quasi-municipal corporation and political subdivision organized and existing pursuant to § 32-1-101 *et seq.*, C.R.S. and is authorized to enter into intergovernmental agreements for lawful purposes authorized to it pursuant to § 32-1-1001, C.R.S.
- D. The City and District are parties to an Intergovernmental Agreement between the City of Wheat Ridge Colorado and Longs Peak Metropolitan District dated December 11, 2006, as amended by the First Amendment to Agreement dated December 10, 2007 and Second Amendment to Agreement dated December 21, 2007 (collectively, the “**2006 IGA**”).
- E. The 2006 IGA concerns the financing and construction of public improvements necessary for the development of a planned commercial project anchored by a Cabela’s superstore, certain limitations and obligations related to the District’s governance, and was attached to and incorporated in the District’s service plan dated March 13, 2006 (“**Service Plan**”).
- F. Development of the property and public improvements subject to the 2006 IGA was not completed, and the project contemplated therein has been replaced by a planned development project known as Clear Creek Crossing (the “**CCC Project**”).
- G. The City and District have entered into an Intergovernmental Agreement for Construction of the I-70 and 32nd Avenue Interchange, which sets forth terms for the financing and construction of on and off hook ramps and other related public improvements for the CCC Project (the “**Hook Ramp IGA**”).
- H. The City, District, and developer of the CCC Project, Evergreen-Clear Creek Crossing, L.L.C., have or will enter into a Public Finance Agreement setting forth terms for the

financing and construction of the remaining public improvements necessary for the CCC Project (the “PFA”).

- I. The public improvements to be financed and constructed pursuant to the Hook Ramp IGA and PFA replace the remaining public improvements and terms for financing and construction set forth in the 2006 IGA.
- J. The City has approved or will consider for approval an amended and restated version of the Service Plan (the “2018 Service Plan”) that incorporates the public improvements and services for the CCC Project.
- K. The Hook Ramp IGA, PFA, and 2018 Service Plan render the 2006 IGA obsolete.

NOW THEREFORE, the City and District have entered into this Termination.

1. **TERMINATION.** Pursuant to Section 15 of the 2006 IGA, the City and District hereby terminate the 2006 IGA in its entirety.

2. **EFFECTIVE DATE.** This Termination shall take effect upon the City’s adoption of a resolution approving the 2018 Service Plan.

3. **COUNTERPART EXECUTION.** This Termination may be executed in counterparts, and the authorized signatures of either the City or District affixed to a counterpart signature shall be deemed to constitute execution of the original Termination.

4. **NO THIRD-PARTY BENEFICIARIES.** Nothing in this Termination, express or implied, is intended to or shall confer upon any other person or entity any right, benefit or remedy of any nature whatsoever under or by reason of this Termination.

IN WITNESS WHEREOF, the parties have executed this Termination on the date first above written. By the signature of its representative below, each party affirms that it has taken all necessary action to authorize said representative to execute this Termination.

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(Signatures Appear on the Following Page)

CITY OF WHEAT RIDGE
A home-rule municipality of the State of Colorado

By: 
Bud Starker, Mayor

ATTEST:



Janelle Shaver, City Clerk

APPROVED AS TO FORM:

Gerald Dahl, City Attorney

LONGS PEAK METROPOLITAN DISTRICT
A quasi-municipal corporation and political subdivision of the
State of Colorado

By: 
Michael Glade, President

ATTEST:


Tyler Carlson, Secretary