



CITY COUNCIL COMMUNICATION

December 10, 2013

SUBJECT: Authorize the City Manager to Negotiate and Execute a Development Agreement with Edgewood Holdings, LLC

SUBMITTED BY: Gary McKamie, City Manager

REFERENCE NO:

ACTION REQUESTED:

Authorize the City Manager to negotiate and execute a Development Agreement with Edgewood Holdings, LLC providing terms and conditions related to the continued operation of the Shadow Creek Apartments including a termination date and assignable option to purchase.

ALTERNATIVES:

- Deny the request

SUMMARY OF SUBJECT:

The Shadow Creek Apartments, located at 311 S. Industrial Blvd, are currently operating as a nonconforming use under the City's Unified Development Code. The City Council directed the Zoning Board of Adjustment to initiate amortization proceedings to determine a reasonable termination date for the nonconforming use of the property. Subsequently, the City and the owner, Edgewood Holdings, LLC have negotiated an agreement in lieu of pursuing amortization against the property to establish a mutually acceptable termination date for the nonconforming use and a plan to bring the property into an acceptable level of repair. The agreement also provides certain provisions establishing the terms and conditions under which the property may be sold or redeveloped. The City will be provided an assignable option to purchase the property under terms provided in the agreement.

Staff recommends that Council authorize the City Manager to negotiate and execute the Development Agreement.

FINANCIAL CONSIDERATIONS:

Revenue Sources:

Expenditure Accounts:

Budgeted Fiscal Year(s):

Estimated Expenditure:

Over/Under Projection By:

Other Comments:

SUPPORTING DOCUMENTS:

APPROVED BY:

_____ **LG** _____

City Manager's Office

_____ **KS** _____

City Secretary's Office