

CITY OF GRAND JUNCTION

RESOLUTION No. 05-20

A RESOLUTION AMENDING THE CITY - LAS COLONIAS DEVELOPMENT CORPORATION MASTER LEASE FOR CERTAIN PROPERTY AT LAS COLONIAS PARK FOR THE PURPOSE OF FACILITATING THE DEVELOPMENT OF THE LAS COLONIAS BUSINESS PARK IN THE CITY OF GRAND JUNCTION, COLORADO

RECITALS:


In November 2017 with adoption of Resolution 69-17 the City Council authorized and approved actions furthering the development of 15 acres of the Las Colonias property known as the Las Colonias Business Park. The redevelopment was anticipated to occur pursuant to a 25-year Master Lease from the City to the Las Colonias Development Corporation (LCDC).

In November 2019 City voters approved an amendment to the City Charter which allowed the City to lease certain property, including the Las Colonias Business Park, for a term of up to 99 years.

The LCDC has subleased two of the developable sites and otherwise assisted in the management and development of the project. Through that effort certain sections of the Master Lease have been identified for amendment. With the proposed amendments the Master Lease and its relationship with the development projects will be enhanced, all as more particularly described in the First Amendment to the Master Lease.

The City Council, by and with an action of its members, and the signature of its President, does with this Resolution authorize, adopt and direct the *First Amendment to Master Lease and Development Agreement for Las Colonias Business and Recreation Park* in the form attached to this Resolution.

DATED this 15th day of January 2020.



J. Merrick Taggart
Mayor and President of the City Council
City of Grand Junction, Colorado

Attest:



Wanda Winkelmann City Clerk



**FIRST AMENDMENT TO MASTER LEASE AND DEVELOPMENT AGREEMENT
FOR LAS COLONIAS BUSINESS AND RECREATION PARK**

THIS FIRST AMENDMENT TO MASTER LEASE AND DEVELOPMENT AGREEMENT FOR LAS COLONIAS BUSINESS AND RECREATION PARK (“Lease Amendment”) is made and entered into this 22 day January 2020 by and between the City of Grand Junction, a Colorado home rule municipal corporation (“the City”), and the Las Colonias Development Corporation, a Colorado nonprofit corporation (“LCDC”) collectively “Parties.”

RECITALS

- A. The City and the LCDC entered into that certain Master Lease and Development Agreement for Las Colonias Business and Recreation Park (“Master Lease”) on or about March 22, 2018 in which the City leased certain premises described therein (the Premises) for a term of 25 years to the LCDC for the purpose of developing a recreation and business park on such premises upon the terms and conditions described therein.
- B. On November 5, 2019, the voters of the City of Grand Junction authorized the City to lease Las Colonias properties, including the Premises, for a term of up to 99 years.
- C. After some experience with site plan review and application of the various standards for development of individual pad sites by Subtenants, the Parties desire to clarify some of the provisions governing land use approval and other interactions between and/or among the LCDC, the City, and Subtenant(s).
- D. The Parties choose to amend the Master Lease for the following purposes:
 - a. to increase the term of the Master Lease from 25 to 99 years;
 - b. to clarify the process for the LCDC to review, approve and recommend development plans;
 - c. to clarify that in the event of conflicts between any covenants, conditions and restrictions running with the land and the City’s zoning and development requirements, regulations, and/or restrictions, the greater restriction shall control;
 - d. to clarify the process for certification of compliance for subleases;
 - e. to clarify the “campus” nature of the Business and Recreation Park and the application of zoning and development requirements to site plans for individual pad sites; and,
 - f. to clarify the right of the LCDC to amend covenants, conditions and restrictions running with the land.

WHEREFORE, the Parties amend the Master Lease to replace certain terms thereof as follows. Terms of the Master Lease not expressly included below shall remain in full force and effect and unmodified hereby.

1.03 TRANSFER OF DECLARANT RIGHTS

The City's grant and transfer to the LCDC of its rights to establish protective covenants that run with the land for the Term of the Master Lease shall include the right to amend such covenants subject to acknowledgement in writing by the City.

3.05 LCDC AND CITY REVIEW OF SITE PLANS

Subtenants of the LCDC shall submit site plans ("Application" or "Applications") directly to the City's Community Development Department ("City Planning"). The LCDC's certification to the City pursuant to Section 10.03 herein shall constitute sufficient verification that a Subtenant has authority to submit an Application for development of a given pad site to the City's Community Development Department. No other action shall be required of the LCDC with respect to site plan review; however, the LCDC shall be considered an "outside review agency" for purposes of the City's site plan review process, and the City planner shall provide application materials and comments to the LCDC and receive comments on the Application(s) from the LCDC. The LCDC may, but shall not be obligated to, provide comments on an Application(s).

It shall be the responsibility of the City, and not the LCDC, to interpret and apply all City planning, zoning and building requirements, regulations and restrictions ("City Code") to an Application(s) and to determine whether there are any conflicts between City Code and any covenants, conditions and restrictions running with the land and how, if at all, such conflicts will be resolved.

In reviewing an Application(s), City Planning shall consider the landscaping, parking, access, and other amenities in the Business and Recreation Park as a whole, and in relation to a pad site Application(s). The purpose of the Business and Recreation Park, and the campus nature thereof, is to provide features throughout the Park that can be used by and for the benefit of all the pad sites, and accordingly each pad site Application(s) does not need to meet all the City's zoning and development requirements as a stand-alone site. The determination of the sufficiency of an Application(s) shall be made by the City in its sole discretion.

4.01 TERM

The Term of the Master Lease shall be 99 years commencing March 22, 2018, ("Commencement Date") and expiring at noon on the date which is 99 years thereafter ("Expiration Date.")

6.09 RESTRICTIONS ON ALTERATION AND REUSE

D. DELETED. (This subsection now governed by Section 3.05).

10.03 CERTIFICATION OF COMPLIANCE

Promptly upon entering into a Sublease with a Subtenant, the LCDC shall certify in writing to the City that all of the conditions of 10.02 have been met, and the City shall promptly, in writing, acknowledge the certification to the LCDC.

ALL OTHER provisions of the Master Lease not included and modified above shall remain in full force and effect.

ENTERED INTO effective the day and year first set forth above.


LAS COLONIAS DEVELOPMENT CORPORATION

By:  _____

Robin Brown
President of the LCDC Board of Directors

CITY OF GRAND JUNCTION

APPROVED AS TO FORM:

By:  _____

J. Merrick Taggart
President of the City Council



John Shaver
City Attorney

ATTEST:

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Selestina Sandoval
Deputy City Clerk