

**CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 24
Series of 2020**

TITLE: A RESOLUTION APPROVING THE FIRST AMENDMENT TO THE PIF COLLECTING AGENT AGREEMENT BETWEEN THE CITY OF WHEAT RIDGE, THE LONGS PEAK METROPOLITAN DISTRICT AND EVERGREEN-CLEAR CREEK CROSSING, L.L.C.

WHEREAS, pursuant to Charter Section 14.2 and C.R.S. § 29-1-203, the City of Wheat Ridge is authorized to enter into cooperative agreements with other governmental entities; and

WHEREAS, pursuant to C.R.S. § 31-15-101(1)(c), the City may enter into contracts with any person; and

WHEREAS, the City, the Longs Peak Metropolitan District (“District”), and Evergreen-Clear Creek Crossing, L.L.C. (“Evergreen”) have entered into a Public Finance Agreement to finance the construction of public improvements to serve a mixed-use development known as Clear Creek Crossing (the “Project”); and

WHEREAS, Evergreen has recorded against the Project’s property certain covenants imposing public improvement fees on retail, admissions, and lodging sales (the “PIFs”); and

WHEREAS, the City, District, and Evergreen have negotiated an agreement whereby District and Evergreen will engage the City as a Collecting Agent to collect revenue generated by the PIFs in a similar manner as the City collects taxes for retail, admissions, and lodging sales; and

WHEREAS, the City Council wishes to approve the first amendment to the PIF Collecting Agent Agreement to include an additional PIF Covenant in the Agreements definition of PIF Covenants, and for charges thereunder to be collected and paid in the same manner as the original PIF Covenants.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wheat Ridge, Colorado, that:

The PIF Collecting Agent Agreement shall be amended to add the following subparagraph 7 to Recital E:

7. A Declaration of Covenants Imposing and Implementing the Evergreen – Clear Creek Crossing Services Public Improvement Fee at Reception No. [] in the real property records of the Clerk and Recorder of Jefferson County, Colorado.

DONE AND RESOLVED this 27th day of April, 2020, at Wheat Ridge, Colorado

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



Bud Starker, Mayor

ATTEST:



Steve Kirkpatrick, City Clerk



**FIRST AMENDMENT
TO
PIF COLLECTING AGENT AGREEMENT**

This **FIRST AMENDMENT TO PIF COLLECTING AGENT AGREEMENT** ("**First Amendment**") is effective the 27th day of April 2020, among the **LONGS PEAK METROPOLITAN DISTRICT** (the "**District**"), a quasi-municipal corporation and political subdivision of the State of Colorado ("**State**"), **EVERGREEN- CLEAR CREEK CROSSING, L.L.C.**, an Arizona limited liability company (the "**Developer**"), and the **CITY OF WHEAT RIDGE** (the "**City**"), a home rule city and political subdivision of the State (collectively, the "**Parties**").

RECITALS

- A. The Parties are parties to that certain PIF Collecting Agent Agreement, effective as of September 23, 2019, and approved by the City by City of Wheat Ridge, Colorado, Resolution No. 55, Series 2019 (the "**Agreement**"); and
- B. The Agreement sets forth terms whereby the City will collect charges imposed by six Public Improvement Fee Covenants recorded against certain property within the District (the "**PIF Covenants**"); and
- C. A seventh Public Improvement Fee Covenant has been recorded against certain property within the District at Reception No. _____ in the real property records of the Clerk and Recorder of Jefferson County, Colorado (the "**Additional PIF Covenant**"); and
- D. The Parties desire to amend the Agreement to include the Additional PIF Covenant in the Agreement's definition of PIF Covenants, and for charges thereunder to be collected and paid in the same manner as the original PIF Covenants.

FIRST AMENDMENT


NOW, THEREFORE, for and in consideration of the mutual agreements, promises and covenants herein contained, the Parties agree as follows:

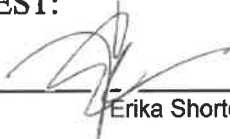
1. **First Amendment.** The Agreement's shall be amended to add the following subparagraph 7 to Recital E:
 - 7. A Declaration of Covenants Imposing and Implementing the Evergreen – Clear Creek Crossing Services Public Improvement Fee at Reception No. _____ in the real property records of the Clerk and Recorder of Jefferson County, Colorado.

2. **No Further Modification.** The purpose of this First Amendment is limited to adding the Additional PIF Covenant to the Agreement's definition of PIF Covenants.

This First Amendment is entered into and executed by the parties as of the date set forth above.

LONGS PEAK METROPOLITAN DISTRICT


By: 
Tyler Carlson, President

ATTEST:
By: 
Erika Shorter, Secretary

CITY OF WHEAT RIDGE

By: 
Bud Starker, Mayor

ATTEST:
By: 
Office of the City Clerk

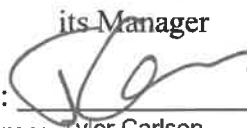
APPROVED AS TO FORM:

Gerald E. Dahl, City Attorney

DEVELOPER

**EVERGREEN-CLEAR CREEK
CROSSING, L.L.C.,**
an Arizona limited liability company

By: Evergreen Development Company-2016, L.L.C.,
an Arizona limited liability company,
its Manager

By: Evergreen Devco, Inc.,
a California corporation,
its Manager

By: 
Name: Tyler Carlson
Its: Executive Vice President