

**CITY OF WHEAT RIDGE
RESOLUTION NO. 15
Series of 2021**

TITLE: A RESOLUTION APPROVING A FIRST AMENDMENT TO AN ENHANCED SALES TAX INCENTIVE PROGRAM AGREEMENT WITH GRAMMY'S GOODIES EXTENDING THE COMMENCEMENT DATE FROM NOVEMBER 1, 2020 TO NOVEMBER 1, 2021

WHEREAS, Division 4, Section 22-73 of the Wheat Ridge Code of Laws establishes an Enhanced Sales Tax Incentive Program; and

WHEREAS, the purpose of the enhanced sales tax incentive program is to encourage the establishment and/or substantial expansion of retail sales tax generating businesses within the city; and

WHEREAS, City Council adopted Resolution 27-2020 approving an Enhanced Sales Tax Incentive agreement with Grammy's Goodies on May 11, 2020; and

WHEREAS, improvements to Grammy's Goodies will allow further expansion of the goods available for purchase and consumption by residents of the city; and

WHEREAS, due to the impacts of the COVID-19 pandemic, causing delays in production and arrival of equipment to further the development the project was delayed approximately one-year; and

WHEREAS, approval of an amendment extending certain dates in the agreement will provide public or public-related improvements at no cost, or at deferred cost, to the city and its taxpayers and residents; and

WHEREAS, the requested Amendment will stimulate jobs and growth during and after the improvements and will lead to future sales and use tax revenue and continuation of permanent good paying jobs; and

WHEREAS, approval of the proposed Amendment continues the support of a Wheat Ridge based small business; and is in conformance with the City's Comprehensive Plan; and

WHEREAS, City Council has conducted a proper public hearing on the proposed amendment, meeting all public notice requirements as required by Section 26-109 and 26-407 of the Code of Laws.

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

Section 1. First Amendment to ESTIP agreement approved

The first amendment to Enhanced Sales Tax Improvement Program Agreement with Grammy's Goodies is hereby approved in the form attached as **EXHIBIT 1**, and the Mayor and City clerk are hereby authorized and directed to execute the same.

Section 2. Effective Date

This Resolution shall be effective upon adoption.

DONE AND RESOLVED this 12th day of April 2021.



Bud Starker, Mayor

ATTEST:



Steve Kirkpatrick, City Clerk



EXHIBIT 1

FIRST AMENDMENT TO ENHANCED SALES TAX INCENTIVE PROGRAM

THIS FIRST AMENDMENT TO AN ENHANCED SALES TAX INCENTIVE PROGRAM (this "First Amendment") is made effective as of April 12, 2021, by and between the CITY OF WHEAT RIDGE ("City"), and GRAMMY'S GOODIES ("Grammy's").

RECITALS

A. The City and Grammy's entered into that certain Enhanced Sales Tax Incentive Program Agreement with an Effective Date of May 11, 2020 (the "Original Agreement"), wherein, subject to the terms thereof, both parties agreed to consent to all items pertained in the Original Agreement.

B. Grammy's Goodies desire to amend Sections 2 and 14 of the Original Agreement from November 1, 2020 to November 1, 2021, as more fully set forth below.

C. The City Council has approved this amendment by Resolution No. 15, Series 2021, effective April 12, 2021.

D. Sections 2 and 14 of the Original Agreement, as amended by this First Amendment, are replaced in their entirety to read as follows

2. Term. The term of this Agreement shall commence on the first day of the calendar month following the month in which the Owner receives their Certificate of Occupancy on the Property or November 1, 2021 whichever shall occur first (the "Commencement Date") and shall terminate in five (5) years, unless otherwise provided in this Agreement (the "Term"). The Term of this Agreement shall automatically renew for each additional one year period to the extent required by Section 4(d) hereof.

14. Effective Date. This Agreement shall be effective and binding upon the Parties upon the date first set forth above. Notwithstanding any provision of this Agreement which may be interpreted to the contrary, in the event that Owner does not acquire title to the Property and construct and make improvements to the Property on or before November 1, 2021, then upon notice by the Owner to the City, this Agreement shall terminate and both Parties shall be relieved of all liability hereunder.

IN WITNESS WHEREOF, Owner and City have each caused this First Amendment to be executed by the authorized Parties.

OWNER

GRAMMIES GOODIES



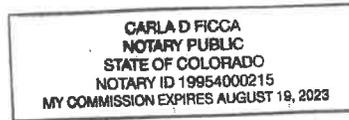
Title

State of Colorado)

County of Jeff) ss.
)

The foregoing Agreement was acknowledged before me this 15 day of April, 2021,
by JEFF CORDER as OWNER [title] of
GRAMMY'S GOODIES LLC, Inc.

WITNESS MY HAND AND OFFICAL SEAL.
My Commission expires: Aug 19, 2023



Carla D. Ficca
Notary Public

CITY OF WHEAT RIDGE

By: *Bud Starker*
Name: Bud Starker
Title: Mayor

ATTEST:

Sh
Name: Steve Kirkpatrick
Title: City Clerk

State of Colorado)
) ss.
County of Jefferson)

The foregoing Agreement was acknowledged before me this 14 day of April, 2021, by Bud Starker as Mayor and Steve Kirkpatrick as City Clerk, respectively, of the City of Wheat Ridge, Colorado.

WITNESS MY HAND AND OFFICAL SEAL.
My Commission expires: Aug. 8, 2022

Allison Menard
Notary Public

