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CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2020-__

INTRODUCED BY:

Councilor JoAnne Vigil Coppler

A RESOLUTION

REQUIRING THAT THE CITY MANAGER SEEK GOVERNING BODY APPROVAL BEFORE EXTENDING THE TERM OF THE EXCLUSIVE NEGOTIATION AGREEMENT WITH KDC CIENDA SF INVESTMENTS ONE LP (“KDC/CIENDA”) BEYOND ITS INITIAL ONE-YEAR TERM; AND REQUIRING THAT THE 30-DAY PROGRESS REPORTS FROM THE MIDTOWN DEVELOPMENT TEAM BE SUBMITTED TO THE GOVERNING BODY.

WHEREAS, the Governing Body entered into an Exclusive Negotiation Agreement (“ENA”) with KDC/Cienda on May 4th, 2020; and

WHEREAS, the initial term of the ENA is twelve months from the effective date, May 4th, 2020, plus the number of days delay due to COVID -19 restrictions; and

WHEREAS, in the event that the City of Santa Fe (“City”) and KDC/Cienda have not finally executed and delivered a DDA during the initial term, either party may extend the initial term of the ENA for an additional four months; and

WHEREAS, the ENA provides that the City Manager, acting on behalf of the City, shall

1 have the right to extend the initial term; and

2 **WHEREAS**, the Governing Body wants to be involved in the extension of the initial
3 term of the ENA; and

4 **WHEREAS**, Section 5.3.1 of the ENA requires that the development team submit
5 regular progress reports to the City’s Midtown Project Manager and the Executive Decision-
6 Makers no less than once every thirty days, including a summary of the activities it has completed
7 related to the project during the prior thirty days; and

8 **WHEREAS**, the Governing Body wants to receive the progress reports for review.

9 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
10 **CITY OF SANTA FE** that the City Manager or her designee shall seek Governing Body
11 approval before extending the term of the Exclusive Negotiation Agreement with KDC Cienda
12 SF Investments One LP.

13 **BE IT FURTHER RESOLVED** that the City Manager or her designee shall submit the
14 development team’s thirty-day regular progress reports to the Governing Body as soon as they are
15 available, as is feasible.

16 PASSED, APPROVED, and ADOPTED this _____ day of _____, 2020.

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19 _____
20 ALAN WEBBER, MAYOR

21 ATTEST:

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23 _____
24 YOLANDA Y. VIGIL, CITY CLERK
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1 APPROVED AS TO FORM:

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4 ERIN K. McSHERRY, CITY ATTORNEY

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25 *Legislation/2020/Resolutions/Midtown ENA Oversight*