



MAYOR AND COUNCIL COMMUNICATION

DATE: 03/05/2013

REGULAR

ITEM #: 9

RESOLUTION

AGENDA ITEM: Standard Form of Development Agreement – Resolution to Adopt Agreement

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Kyle Klatt, Planning Director
Cathy Bendel, Finance Director
Dave Snyder, City Attorney

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to consider approving Resolution No. 2013-16, adopting the Standard Form of Development Agreement.

STAFF REPORT: In preparation for upcoming development, city staff has prepared a Standard Form of Development Agreement to be used by development applicants' in cases where public infrastructure improvements are needed to serve the development.

The purpose of a development agreement is to vest certain development rights in the landowner/developer in exchange for construction and dedication of public improvements, certain restrictions on land uses, and other concessions on the part of developer. Development agreements also provide assurances to the applicant for a particular development project, that upon approval of the project, the applicant may proceed in accordance with applicable local statutes, ordinances, resolutions, rules, and policies in existence at the time the development approval. The city needs a mechanism for negotiating such benefits in return for the vesting of development rights for a specific period.

The Standard form of Development Agreement contains provisions regarding the agreement terms, conditions, development rights, time of performance, responsibility for costs, security requirements, forms of security, ownership transfer of public improvements, and other special provisions. These provisions form the basis for which staff will prepare individual development agreements and specify the content and procedures for such development agreements.

RECOMMENDATION: Staff is recommending that the City Council consider approving Resolution 2013-16, adopting the Standard Form of Development Agreement.

ATTACHMENTS:

1. Resolution No. 2013-16
2. Standard Form of Development Agreement