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CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2020-26

INTRODUCED BY:

Councilor JoAnne Vigil Coppler

Councilor Jamie Cassut-Sanchez

Councilor Renee Villarreal

Councilor Michael J. Garcia

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 designee shall seek Governing Body approval
11 before extending the term of the Exclusive Negotiation Agreement with KDC Cienda SF
12 Investments One LP.

13 **BE IT FURTHER RESOLVED** that the City Manager or 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 29th day of July, 2020.

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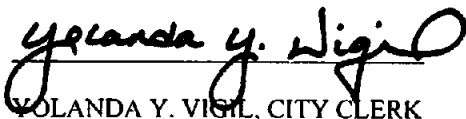
ALAN WEBBER, MAYOR

21 ATTEST:

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YOLANDA Y. VIGIL, CITY CLERK

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1 APPROVED AS TO FORM:

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ERIN K. McSHERRY, CITY ATTORNEY

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Legislation/2020/Resolutions/2020-26 Midtown ENA Oversight