

**To the Mayor and Members of the City Council****November 8, 2016**

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**SUBJECT: AMENDMENT TO ECONOMIC DEVELOPMENT PROGRAM  
AGREEMENT WITH CLEARFORK DEVELOPMENT COMPANY, LLC  
TO EXTEND THE COMPLETION DEADLINE FOR THE FIRST PHASE**

On February 18, 2014 (M&C C-26672), the City Council authorized execution of an Economic Development Program Agreement (Agreement) with Clearfork Development Company, LLC, or an affiliate, related to Clearfork, a mixed-use project to be constructed near the southwest intersection of West Vickery Boulevard and South Hulen Street due south of Chisholm Trail Parkway. The planned development was to be constructed in two phases, with the first phase to be completed by December 31, 2016.

This Agreement was executed as City Secretary Contract 45586, and was later amended (45586-A1) to provide for a clarification in terminology from "certificate of occupancy for shell building space" to "certificate of completion for shell building space" to confirm that the Agreement reflected current practice for issuance by the Planning and Development Department.

The Agreement provides that deadlines established by the Agreement may be extended on account of events that cause delays and that are not the fault of the performing party (identified in the Agreement as events of force majeure). On October 17, 2016, the Developer notified the City by letter of a request for a 60 day extension as a result of inclement weather in the form of rain which occurred during the early stages of the project from April 2015 through December 2015. Per the Developer, most site and utility work occurred during this time, and the extraordinary amounts of rainfall during this period made the site difficult to access and manage for grading, utility work, and paving. The Developer provided City staff with weather documentation to substantiate the amount and number of days with precipitation during that time.

In order to provide clarity to the rights of both the City and the developer, City staff recommends that the Agreement be amended to change the completion deadline for the first phase of the development from December 31, 2016 to March 1, 2017. All remaining deadlines for future phases of the project will remain in place.

Staff will place an M&C for City Council consideration on the November 15, 2016 agenda.

If you have any questions concerning this information, please contact Robert Sturns, Economic Development Director at 817-212-2663 or [robert.sturns@fortworthtexas.gov](mailto:robert.sturns@fortworthtexas.gov).

**David Cooke**  
**City Manager**