

EXECUTION OF AN RFP FOR INDEPENDENT LEGAL COUNSEL
TO ASSIST THE CITY COUNCIL WITH RESPECT TO THE
DEVELOPMENT AGREEMENTS WITH MORAN CENTER TENANTS

In the year Two Thousand Ten.....

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, the voters of Burlington, Vermont have by majority approved an Advisory Ballot authorizing the City of Burlington, as the developer, to redevelop the Moran Plant in a manner consistent with the plan for redevelopment as released by the Administration based upon the guidance of several working groups; and

WHEREAS, the Community Sailing Center and the Ice Factor are both committed to being a prospective partner in the redevelopment of the Moran Plan and desire to occupy leased space at the redeveloped Moran Center at Waterfront Park; and

WHEREAS, CEDO and others are currently actively engaged in securing a third tenant (and possibly a fourth) to occupy the space originally for the Green Mountain Children’s Museum; and

WHEREAS, the parties are currently working towards the development agreement phase of the negotiation when legal agreements that define the relationships between the parties and their respective rights, responsibilities and obligations are delineated; and

WHEREAS, it is in the best interest of the voters of Burlington and our City’s future to have the best representation as we move forward in the contract and negotiation phase of the Moran development; and

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40 WHEREAS, the City is employing outside legal counsel to assist the City in preparing
41 and negotiating the legal documents between the City and the tenants at the Moran Center; and

42 WHEREAS, it is in the best interest of the voters of Burlington and the City’s future for
43 the City Council to have access to independent legal counsel who can advise the Council on
44 matters relating to the development agreements;

45 NOW, THEREFORE, BE IT RESOLVED that the CAO of the City will issue an RFP to
46 retain independent legal counsel for the City Council to assist the Council with reviewing and
47 giving advice on the development agreements and other legal documents between the City and
48 the tenants at the Moran Center; and

49 BE IT FURTHER RESOLVED, the independent legal counsel will be engaged during
50 the negotiating process for Moran Development Agreements; and

51 BE IT FURTHER RESOLVED that the City Council and the City Attorney’s Office
52 should endeavor to attract counsel that is within the City or Vermont provided they are qualified,
53 meaning they have a long history of contract negotiations, real estate development and an
54 excellent reputation.

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