

CITY OF RICHLAND CENTER - AGENDA ITEM DATA SHEET

Agenda Item: Consider Assignment and Amendment of Developer Agreement for 291 N Jefferson Street

Prepared by: Jasen Glasbrenner, Director of Economic Development

Meeting Date: Common Council on 11-03-2026

Committee Review: General Government Committee on 10-27-2026 – *Motion by Cairns to recommend that the Common Council approve assignment and amendment of the developer agreement from ENS Development, LLC to a new developer, subject to the below seven conditions. Seconded by Schultz. Motion carried unanimously (3-0).*

Background: The City has received a request to consider reassignment of the existing developer agreement for 291 N. Jefferson Street (Block 4, Lot 2; Tax Parcel 276-2100-0420) to a new property owner / developer. The current developer, ENS Development, LLC, paid \$6,000 for the lot in 2024. Staff reports that the \$10,000 performance deposit has been forfeited and construction deadlines have passed.

Under Section 4, the agreement cannot be assigned without the City's prior written approval, which may not be unreasonably withheld. The new owner must agree in writing to take on all of ENS's obligations.

Staff Recommendation: Staff recommends that the City approve the transfer under the following conditions:

- 1. Transfer deadline.** ENS must transfer the property to the new developer, and all transfer documents must be signed and recorded with the Richland County Register of Deeds, by February 1, 2027.
- 2. Penalties waived if the deadline is met.** If the transfer is completed by February 1, 2027, the City will not enforce the penalties that have built up under the current agreement (about \$6,500 to date, increasing \$500 per month). If the transfer is not completed by that date, the City keeps all of its rights under the current agreement, including collecting those penalties.
- 3. New developer takes on the agreement.** The new developer must agree in writing to take on the Developer Agreement and all of its obligations, as amended.
- 4. New 18-month deadline.** The construction schedule in Section 2.4 will be replaced with one deadline. The new developer must obtain an occupancy permit from the City Building Inspector within 18 months of February 1, 2027 (by August 1, 2028).
- 5. Payment in lieu of taxes.** If the new developer does not obtain an occupancy permit by the 18-month deadline, the new developer must make a payment in lieu of taxes (PILOT) in an amount determined by the City Assessor using the standard method. This requirement will be written into the amended agreement.
- 6. No cost to the City.** ENS or the new developer must pay all costs of the transfer, including legal, title, and recording costs.
- 7. Legal review and recording.** The assignment and amendment must be in a form approved by the City Attorney and recorded with the Register of Deeds with reference to the original agreement (Document #338358).

Financial Impact: No cost to the City. If the transfer is completed on time, the City will not collect the penalties owed by ENS under the current agreement.

Potential Action:

COUNCIL: Motion to approve the assignment and amendment of the Developer Agreement for 291 N Jefferson Street from ENS Development, LLC to [new developer], subject to the conditions in the Staff Recommendation, and authorizing execution of the documents by the City Administrator and City Attorney.

Attachment(s):

- Development Agmt_291 N Jefferson St_03-15-2024_ROD Recorded
- 2024-0301 ENS - Executed Offer To Purchase for 291 N Jefferson Lot