



## Todd G. Messenger

### Director

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Todd's practice focuses on the private and public elements of real estate development, including transactions, obtaining development approvals, and reforming land development codes. He helps both developers and regulators navigate and interpret complex land use regulations, and assists in reforming regulations that are outmoded, over-complicated, legally questionable, or ineffective.

For the private sector, Todd helps real estate developers and investors throughout the life cycle of development, including site identification, regulatory due diligence, purchase and sale agreements, title review and resolution, zoning entitlements, subdivision approvals, infrastructure reimbursement agreements, development agreements, annexation agreements, subdivision improvements agreements, easements, and licenses. This work includes research and drafting, collaboration with development team members and local government staff, neighborhood meetings, public hearing presentations, and (as necessary) appeals (both administrative and judicial). Todd also helps property owners and business owners with real estate matters including sign permits, leasing, boundary disputes (encroachments), and easement interpretation.

For public sector clients, Todd's principal focus is regulatory reform, principally in the areas of zoning, subdivision, and sign regulations. Todd has played a central role in the reform and redrafting of a dozen Colorado land development codes, and has provided support for several more. In addition, Todd has rewritten more than a dozen Colorado sign codes to streamline procedures, promote legible and appropriately-scaled signage, and address First Amendment issues. In addition to regulatory reform, Todd provides general and special counsel services to small cities and towns dealing with issues involving planning and zoning administration, annexation, infrastructure financing, utilities, and open records. Clients rely on Todd to translate complex rules into a straightforward and practical course of action that meets their unique needs.

Todd is committed to advancing the profession, and to that end is a frequent lecturer or panelist on topics such as regulatory reform, the interplay between zoning and housing affordability, and the relationship between sign regulations and the First Amendment.

Todd's work is informed not only by his significant experience on different sides of multifaceted issues, but also by more than 10 years of martial arts training (he is currently a second-degree black belt in Taekwondo). Taekwondo's five core tenets—courtesy, integrity, perseverance, self-control, and indomitable spirit—are

fundamental principles that shape Todd's approach to the practice of law.

## Education

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University of Florida Levin College of Law, J.D., *Order of the Coif*, 2000

Florida Atlantic University, M.P.A., 1994

University of Florida, B.A., *with highest honors*, 1993

## Bar Admissions

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Colorado

Florida

U.S. Court of Appeals for the Tenth Circuit

U.S. District Court for the District of Colorado

U.S. District Court for the Northern District of Florida

U.S. District Court for the Southern District of Florida

U.S. Supreme Court

## Practice Areas

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Construction and Land Development

Land Use, Zoning, and Development Entitlements

Litigation

Condominium, Homeowner, and Property Owner Association Formation

Public Policy and Governmental Relations

Real Estate

Real Estate Litigation

Purchase and Sale, Leasing, and Due Diligence

Annexation and Disconnection

Colorado Open Records Act (CORA) and Colorado Sunshine Law

Title 32 Special Districts

Zoning Rewrites / Regulatory Reform

## Sectors

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Affordable Housing

Residential, Commercial, Industrial, and Mixed-Use Development

## Representative Experience

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- Represented developers, local governments, and civic groups in a variety of contexts, including development entitlements, litigation in state and federal courts, alternative dispute resolution, real estate due diligence and acquisition, code enforcement, annexations, community redevelopment planning, development agreements and strategic land planning
- Experience in assisting developers navigate the process of property acquisition and development approval, including title review, regulatory due diligence, purchase and sale agreements, advocacy before governmental staff and elected and appointed officials, negotiation of development agreements, and

drafting of covenants, conditions, and restrictions

- Helped establish an Urban Renewal Authority in Colorado
- Drafted and advocated for municipal and county codes and code amendments
- Assisted with the creation of consensus-based comprehensive and special area plans, economic development plans, and land use regulations to implement them

## Professional Affiliations

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- Colorado Chapter, American Planning Association

## Recognition

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- American Planning Association – Colorado Chapter
  - Centennial Land Development Code - Outstanding Planning Project, 2010
- American Planning Association – Indiana Chapter
  - Valparaiso Unified Development Code - Outstanding Project Honorable Mention, 2010
- American Planning Association – Louisiana Chapter
  - Tangipahoa Parish Comprehensive Plan - Outstanding Plan, 2011
  - Zachary Unified Development Code - Outstanding Project/Program Tool, 2011
- American Planning Association – Texas Chapter
  - Edinburg Unified Development Code, 2007
- Florida Planning and Zoning Association
  - City of Oviedo, Florida Downtown Master Plan
  - City of Bradenton, Tamiami Tomorrow Corridor Plan

## Presentations

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- “Signs 101 (Legal), Planning for Sign Code Success,” Colorado American Planning Association and Colorado Sign Association (July 18, 2018)
- “Defining ‘Sign’ and Other Pesky Sign Regulation Problems,” American Planning Association Conference (October 24, 2016)
- “Ethics: Should Ex Parte Communication be Allowed in Quasi-Judicial Proceedings? Why or Why Not?,” Land Use Law: The Great Debates, CLE International (December 2017)
- “Living Small with Micro Housing,” Commercial Real Estate: Growing Pains & Gains, CLE International (April 2016)
- “Why Your Sign Ordinance Could Fail Even the ‘Laugh Test’ (and What You Should Do About It),” Colorado County Attorney’s Association Annual Conference (November 2015)
- “Is It a Sign? Emerging Thinking on Sign Regulation,” Inaugural Local Government Law Conference, Colorado Law Institute / CLE International (April 2015)
- “New Directions for Sign Regulations,” American Planning Association, Colorado Chapter, Annual Conference (October 2015)