

ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor's Legislative Team
at MileHighOrdinance@DenverGov.org by 9 a.m. Friday. Contact the Mayor's Legislative team with questions

Date of Request: October 10, 2024

Please mark one: Bill Request or Resolution Request

Please mark one: The request directly impacts developments, projects, contracts, resolutions, or bills that involve property and impact within .5 miles of the South Platte River from Denver's northern to southern boundary? (Check map [HERE](#))

Yes No

1. Type of Request:

Contract/Grant Agreement Intergovernmental Agreement (IGA) Rezoning/Text Amendment

Dedication/Vacation Appropriation/Supplemental DRMC Change

Other:

2. **Title:** Approves a contract with Allied Waste Systems of Colorado LLC (Allied) to exchange ownership of an approximately 18 acre parcel of land fronting Tower Road in the City of Commerce City owned by Allied with a 25.33 acre parcel in Adams County west of E470 owned by Denver International Airport (DEN) (PLANE-202475538).

3. **Requesting Agency:** Department of Aviation

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution (e.g., subject matter expert)	Contact person for council members or mayor-council
Name: Ken Cope, SVP of Real Estate	Name: Kevin Forgett, State and Local Legislative Advisor
Email: Ken.Cope@flydenver.com	Email: Kevin.Forgett@flydenver.com

5. General description or background of proposed request. Attach executive summary if more space needed:

Allied Waste Systems of Colorado (Allied) filed an application with the City of Commerce City to vacate Himalaya St Right-of-Way in order to realize its development plans for administrative buildings on newly acquired land immediately east of their land fill operations. Vacating Himalaya St would restrict access to a 25.33-acre parcel of land owned by Denver's Department of Aviation (DEN) immediately south of their proposed development.

Allied and DEN negotiated in good faith to find a way to vacate Himalaya St while providing reasonable access to the DEN Parcel, and signed a May 1, 2024 Letter of Intent and Term Sheet (the "LOI"). Through the LOI, Allied and DEN agreed to negotiate one of two options: (1) Allied would provide Denver an access easement on the eastern side of their development, or (2) Allied and DEN would swap the DEN Parcel for the Allied Parcel. Option 2 is the preferred option for both DEN and Allied. The parcel to be acquired by DEN is approximately 18 acres fronting Tower Road and contiguous to land under development in DEN's 2nd Creek Campus commercial district. The agreement benefits both parties, as it meets Allied's intended goals while also giving DEN a more developable parcel, that will create revenue for DEN and leverage current investment in DEN's 2nd Creek Campus commercial district.

No money will be exchanged between parties. The value of the exchanged land will be equal and based upon the assessed fair market value of each parcel. The difference in value at which each parcel appraised results in DEN's 25 acre parcel being proposed for exchange with 18 acres of the parcel owned by Allied.

The proposed property exchange supports Vision 100 through the Growing our Infrastructure pillar. Not only does the parcel exchange resolve an access issue, exchanging a remote parcel for one in a rapidly developing corridor will accelerate growth of DEN's 2nd Creek Campus commercial district. Successful and expanding commercial development increases non-aeronautical revenue which in turn increases the City's financial resilience

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

- 6. City Attorney assigned to this request (if applicable): David Steinberger
- 7. City Council District: 11
- 8. ****For all contracts, fill out and submit accompanying Key Contract Terms worksheet****

Key Contract Terms

Type of Contract: (e.g. Professional Services > \$500K; IGA/Grant Agreement, Sale or Lease of Real Property): Exchange of Real Property

Vendor/Contractor Name (including any dba’s): Allied Waste Systems of Colorado LLC

Contract control number (legacy and new): PLANE-202475538

Location: Denver International Airport

Is this a new contract? Yes No **Is this an Amendment?** Yes No **If yes, how many?** _____

Contract Term/Duration (for amended contracts, include existing term dates and amended dates): No Expiration

Contract Amount (indicate existing amount, amended amount and new contract total): No money will be exchanged between parties. Appraisal of land value determined acreages to be exchanged.

<i>Current Contract Amount</i>	<i>Additional Funds</i>	<i>Total Contract Amount</i>
<i>(A)</i>	<i>(B)</i>	<i>(A+B)</i>
0	0	0

<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>
0	0	0

Scope of work:

The DEN parcel to be exchanged consists of 25.33 acres. A 3rd party appraisal assigned value to each parcel and determined that the value of DEN’s parcel is equivalent to ± 18 acres of the Allied parcel at Tower Rd. Upon completion of the contract to exchange parcels, the Allied parcel will be subdivided and a legal description provided of the ± 18 ac portion adjacent to Tower Rd to be transferred to DEN.

Was this contractor selected by competitive process? No **If not, why not?** Contract resulted from a mutually beneficial negotiation between adjacent landowners to solve for access issues triggered by Allied’s development plans.

Has this contractor provided these services to the City before? Yes No

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Source of funds: N/A

Is this contract subject to: W/MBE DBE SBE XO101 ACDBE N/A

WBE/MBE/DBE commitments (construction, design, Airport concession contracts): N/A

Who are the subcontractors to this contract? N/A

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