

ORDINANCE/RESOLUTION REQUEST
Please Submit to Mayor's Legislative Team by noon Wednesday to
Milehighordinance@denergov.org

Please mark one: **Bill Request** or **Resolution Request**

1. In the past 12 months has your agency submitted this request?

Yes **No**

If yes, please explain:

2. Title: *(Include a one sentence description that clearly indicates the type of request – grant acceptance, contract execution, municipal code change, supplemental request, etc.)*

Approving:

- (1) A Parking Agreement for Art Hotel and Broadway Office Building located at 1201 Broadway (the Project) which provides for acquisition of and the long term lease of parking spaces in the Cultural Center Parking Garage (the Garage);
- (2) A Permanent Easement from the City to CPX Broadway Developers LLC, (the Developer) of the Project for Air Rights, Mechanical Equipment, Foundation and Columns and Pedestrian Access.
- (3) A Temporary Construction License Agreement for Construction Staging and Temporary Closures from the City to the Developer for construction staging on City-owned land on the north side of the Garage and closure of the Broadway entrance to the Garage during construction.

3. Requesting Agency: Department of Finance

4. Contact Person: *with actual knowledge of proposed ordinance*

- **Name:** Jeffrey Steinberg
- **Phone:** 720-865-7505
- **Email:** Jeffrey.steinberg@denvergov.org

5. Contact Person: *with actual knowledge of proposed ordinance who will present the item at Mayor Council and who will be available for first and second reading, if necessary*

- **Name:** Jeffrey Steinberg
- **Phone:** 720-865-7505
- **Email:** Jeffrey.steinberg@denvergov.org

6. General description of proposed ordinance including contract scope of work if applicable:

The Permanent Easement is compiled of the following:

Exclusive Permanent Easements:

North and South Air Rights Easement: This would grant the Developer of the Project exclusive air space easements for the purpose of allowing a portion of the Project's building structure to occupy air space above land owned by the City and County of Denver.

Mechanical Equipment Pad Easement: This would grant the Developer of the Project an exclusive easement for an area adjacent to the northern boundary of the Cultural Center Garage for the purpose of locating and operating mechanical equipment that will serve the Project.

Foundation/Column Easement: This would grant the Developer of the Project an exclusive easement on land owned by the City for the purpose of accommodating the reconfiguration of foundation and column spacing for the existing garage entrance located on Broadway.

Non-Exclusive Permanent Easements:

Pedestrian Easement: This would grant the Developer of the Project a non-exclusive easement for pedestrian ingress and egress for access to the existing garage located on Broadway.

Mechanical Pad Access Easement: This would grant the Developer of the Project a non-exclusive easement across City owned land, as referenced above, for the purpose of maintaining, replacing and repairing the mechanical equipment that services the Project.

The Temporary License is compiled of the following:

Temporary Construction Staging License: This temporary, exclusive license would allow the Developer of the Project to use property owned by the City for the purpose of coordinating and staging the construction of the improvements related to the Project. This property is located adjacent to the Project.

Temporary Closure License: This temporary, non-exclusive license would allow the Developer to close certain drive lanes and pedestrian access to the existing parking garage entrance located on Broadway during construction of the Project for the safety of the general public.

The Parking Agreement includes:

Sale of Parking Spaces:

Museum Residence Parking Spaces: The Developer shall have an option to purchase from the City (6) parking spaces in the basement of the Garage for the adjacent Museum Residences residential development.

5th Floor Parking Spaces: The Developer shall have the option to purchase from the City fifty-nine (59) parking spaces on the 5th floor deck of the Garage.

Ramp Parking Spaces: The Developer shall have the option to exchange up to (57) parking spaces currently located on the 5th floor of the Garage for parking spaces located on the ramp to the 5th floor of the Garage.

Basement Parking Spaces: Developer shall have the option to purchase from the City up to an additional seventy-six (76) spaces in the basement of the Garage for the Project.

Long Term Lease of Parking Spaces: The Developer shall have the right to lease (83) parking spaces located in the basement and the ramp to the 5th floor of the Garage to the Developer.

a. Duration: The duration of each component of the aforementioned agreements are:

1. The Temporary Construction Staging License would expire on 12/15/2015.
2. The Temporary Closure License would expire no later than the issuance of a final certificate of occupancy for the Project.
3. The Permanent Exclusive and Non-Exclusive Easements would exist indefinitely.
4. The various components of the Parking Agreement consists of the following durations:
 - a. Museum Residence Parking Spaces: The earlier of the sale of the last unit or 12/31/2020
 - b. 5th Floor Parking Spaces: Must be purchased by 12/13/12
 - c. Ramp Parking Spaces; Must be purchased within (60) days from the issuance of a certificate of occupancy.
 - d. Basement Parking Spaces: Must be purchased by 12/31/17.
 - e. Long Term Lease of Parking Spaces: Initial (15) year term with (7) extension terms of (5) years each.

b. Location: 1201 Broadway and certain areas adjacent to the Project.

c. Affected Council District: 10

d. Benefits: The Parking Agreement, Permanent Easement and Temporary License would allow the construction of a Hotel & Office project at 1201 Broadway to occur.

e. Costs: The costs of each component of the aforementioned agreements are:

1. Temporary Licenses: \$ 0.00
2. Exclusive and Non-Exclusive Permanent Easements: \$ 0.00
3. Costs of each component of the Parking Agreement is:
 - a. Museum Residence Parking Spaces: \$ 27,083.
 - b. 5th Floor Parking Spaces: \$ 22,033
 - c. Ramp Parking Spaces: \$ 27,083
 - d. Basement Parking Spaces: \$ 27,033
 - e. Long Term Lease of Parking Spaces: The initial rental rate for the first (24) months shall be \$100 per month for each Parking Space. Thereafter, the rent for each subsequent twelve (12) months period (including any extension terms) shall be equal to the lesser of (i) 105% of the most recent rental rate hereunder for the Parking Spaces, or (ii) the rental rate then charged by Landlord or the Trust for month to month parking in the Garage.

7. Is there any controversy surrounding this ordinance, groups or individuals who may have concerns about it? Please explain. None

(Completed by Mayor's Office): **Ordinance Request Number:**

Date: