

BY AUTHORITY

RESOLUTION NO. 20-1306
SERIES OF 2020

COMMITTEE OF REFERENCE:
Finance & Governance

A RESOLUTION

Approving a proposed Amended and Restated Lease Purchase Agreement No. 2020 (Central Platte Campus Facilities) between Central Platte Campus Facilities Leasing Trust 2020 and the City and County of Denver and a proposed Amended and Restated Facilities Lease No. 2020 (Central Platte Campus Facilities) in conjunction with the refunding of 2010A Certificates of Participation and 2010B Certificates of Participation with the proposed Series 2020A-1 and A-2 Refunding Certificates of Participation.

BE IT RESOLVED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. The proposed Amended and Restated Lease Purchase Agreement No. 2020 (the “2020 Lease”) between Central Platte Campus Facilities Leasing Trust 2020 (the “2020 Trust”) and the City and County of Denver and the proposed Amended and Restated Facilities Lease No. 2020 (Central Platte Campus Facilities) (the “2020 Facilities Lease”), in the words and figures contained and set forth in that form of Amended and Restated Lease Purchase Agreement 2020 and Amended and Restated Facilities Lease Agreement 2020 available in the office and on the web page of City Council, and to be filed in the office of the Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver (the “City Clerk”), under City Clerk’s Filing Nos. 20100843E and 20100843F, respectively, are hereby approved.

Section 2. No General Obligation or Other Indebtedness. The obligation of the City to make rental payments under the 2020 Lease is subject to annual appropriation by the City Council and constitutes an undertaking of the City to make current expenditures. No provision of this resolution, the 2020 Facilities Lease or the 2020 Lease shall be construed as constituting or giving rise to a general obligation or other indebtedness or a multiple fiscal year direct or indirect debt or other financial obligation of the City within the meaning of any home rule, constitutional or statutory debt limitation nor a mandatory charge or requirement against the City in any ensuing fiscal year beyond the current fiscal year. The City may choose to not renew, and thereby terminate its obligations under the 2020 Lease on an annual basis.

Section 3. Reasonable Rentals. The Council hereby determines and declares that the Base Rentals due under the 2020 Lease do not exceed a reasonable amount so as to place the City under an economic compulsion to renew and therefore not to terminate the 2020 Lease or to exercise its option to purchase the leasehold interest of the 2020 Trust in the leased property, pursuant to the 2020 Lease.

1 **Section 4. Additional Documents; Delegated Powers.** The City Clerk is hereby authorized
2 and directed to attest all signatures and acts of any official of the City in connection with the matters
3 authorized by this resolution. The Mayor, the Auditor, the City Clerk, the Manager of Finance, the
4 Manager of Transportation and Infrastructure, the Managing Director of Capital Funding and other
5 officials and employees of the City are hereby authorized to execute and deliver for and on behalf of
6 the City any and all additional certificates, documents and other papers and to perform all other acts
7 that they may deem necessary or appropriate in order to implement and carry out the transactions
8 and other matters authorized by this resolution.

9 COMMITTEE APPROVAL DATE: November 10, 2020

10 MAYOR-COUNCIL DATE: November 17, 2020, by Consent

11 PASSED BY THE COUNCIL: _____

12 _____ - PRESIDENT

13 ATTEST: _____ - CLERK AND RECORDER,
14 EX-OFFICIO CLERK OF THE
15 CITY AND COUNTY OF DENVER

16 PREPARED BY: Sherman & Howard L.L.C.

17 REVIEWED BY: Laurie J. Heydman, Assistant City Attorney DATE: November 19, 2020

18 Pursuant to section 13-12, D.R.M.C., this proposed resolution has been reviewed by the Office of
19 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
20 resolution. The proposed resolution is submitted to the City Council for approval pursuant to § 3.2.6
21 of the Charter.

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23 Kristin M. Bronson, Denver City Attorney

24 BY: _____, Assistant City Attorney DATE: _____
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