

ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor’s Legislative Team

at MileHighOrdinance@DenverGov.org by **3:00pm on Monday**. Contact the Mayor’s Legislative team with questions

Date of Request: 10/24/2023

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

1. Type of Request:

- Contract/Grant Agreement** **Intergovernmental Agreement (IGA)** **Rezoning/Text Amendment**
- Dedication/Vacation** **Appropriation/Supplemental** **DRMC Change**
- Other:**

2. Title: (Start with approves, amends, dedicates, etc., include name of company or contractor and indicate the type of request: grant acceptance, contract execution, contract amendment, municipal code change, supplemental request, etc.)

Amends an agreement with Sheridan Homes LLC to assign the ongoing obligations of a loan agreement and covenant related to affordable housing development located at 5375 West 10th Avenue in City Council District 3 to Archway Jody Acquisition LLC. This amendment accomplishes the following: 1) assumption of the agreement and covenant by Archway Jody Acquisition LLC 2) allows Archway Jody Acquisition to redevelop the property while also extending the covenant for the period of time that it will take to redevelop the property. (HOST-202370810-02 / GE7A090-02).

3. Requesting Agency: Department of Housing Stability

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Autumn Buehler	Name: Christopher Lowell
Email: autumn.buehler@denvergov.org	Email: christopher.lowell@denvergov.org

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

This request is for an amendment and assignment to the loan agreement and covenant for Jody Apartments. Borrower has sold the property to Archway Jody Acquisition LLC as of July 27, 2023 for \$2,762,447,84. Upon sale, the loan was paid in full. An assignment and assumption of the ongoing obligations of the loan agreement and covenant will be completed with the buyer, which will maintain the affordability provisions for the aggregate of the forty-year period, as required by the original loan agreement.

Due to the condition of the property, Archway has requested that the property be redeveloped. Archway has agreed to toll the remaining period of affordability while the property is redeveloped, and the covenant securing the affordable housing will be extended for the time the property is redeveloped. This assignment and amendment will allow Archway to redevelop the property while maintaining the requirement that affordable housing be provided for the 40-year term.

The original loan of \$750,000 (HOME) closed on December 20, 2007 to provide acquisition financing on the improvements. The first amendment executed on March 11, 2009 increased the loan amount to \$923,100 for additional improvements. The borrower paid off the City’s loan in full on July 27, 2023. The subject improvements consist of three 2-story apartment buildings totaling 73 units. Of the 73 units, 14 units (20%) are restricted to households at or below 50% AMI for 40 years until January 3, 2048.

- a. Contract Control Number:** HOST-202370810-02 / GE7A090-02
- b. Duration:** 40 years, originally ending on January 3, 2048; extended by the time to redevelop
- c. Location:** 5375 West 10th Avenue, Denver, CO 80214
- d. Affected Council District:** 3
- e. Benefits:** Affordable housing

To be completed by Mayor’s Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

f. **Costs:** None

6. **City Attorney assigned to this request (if applicable):** Eliot Schaefer

7. **City Council District:** 3

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):
Loan Agreement >\$500K

Vendor/Contractor Name: Sheridan Homes LLC / Archway Jody Acquisition LLC

Contract control number: HOST-202370810-02 / GE7A090-02

Location: 8585 W. 14th Avenue, Suite A, Lakewood, Colorado 80215

Is this a new contract? Yes No **Is this an Amendment?** Yes No **If yes, how many?** 2

Contract Term/Duration (for amended contracts, include existing term dates and amended dates):

Existing: 1/3/2008-1/3/2048

Amended: 1/3/2008-1/3/2048, as extended by the time to redevelop the property.

Contract Amount (indicate existing amount, amended amount and new contract total):

<i>Current Contract Amount</i> (A)	<i>Additional Funds</i> (B)	<i>Total Contract Amount</i> (A+B)
\$923,100	\$0	\$923,100 (paid off July 27, 2023)

<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>
January 3, 2008- January 3, 2048	Offline time related to redevelopment	January 3, 2048, as extended by the time to redevelop the property

Scope of work:

1. Assignment to and assumption of the agreement and covenant by Archway Jody Acquisition LLC

Was this contractor selected by competitive process? N/A **If not, why not?**

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

Source of funds: HOME (funds were paid off by borrower July 27, 2023)

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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