

**ORDINANCE/RESOLUTION REQUEST**

Please email requests to the Mayor’s Legislative Team  
at [MileHighOrdinance@DenverGov.org](mailto:MileHighOrdinance@DenverGov.org) by NOON on Wednesday.

*\*All fields must be completed.\*  
Incomplete request forms will be returned to sender which may cause a delay in processing.*

Date of Request: June 22, 2010

Please mark one:     Bill Request                      or                       Resolution Request

**1. Has your agency submitted this request in the last 12 months?**

Yes                       No

**If yes, please explain:**

**2. Title:** *(Include a concise, one sentence description - include name of company or contractor and contract control number - that clearly indicates the type of request: grant acceptance, contract execution, amendment, municipal code change, supplemental request, etc.)*

Approve the first amendment to the sublease agreement (CE55022) between the City and County of Denver Division of Theatres and Arenas and the Denver Center for the Performing Arts (DCPA) for approximately 10,000 sq. ft. of office space at 1245 Champa Street, Denver, CO 80204.

**3. Requesting Agency:** Division of Theatres & Arenas

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

- **Name:** Mark Najarian
- **Phone:** 720-865-4236
- **Email:** mark.najarian@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:** Mark Najarian
- **Phone:** 720-865-4236
- **Email:** mark.najarian@denvergov.org

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

Key lease terms for this amendment to Contract Control Number CE55022 include, but are not limited to:

**LEASED PREMISES:** Subject to the terms of this Lease, Sublessor agrees to lease, demise, and let unto the City and the City does hereby lease from Sublessor those first floor premises (“Leased Premises”) located at 1245 Champa Street, Denver, Colorado, as more particularly described and depicted on Exhibit A, attached hereto and incorporated herein, comprising the first floor of the Building and containing approximately 10,386 square feet of rental area. The description contained on Exhibit A may be modified upon the written authorization of the Director of Asset Management to correct minor, technical errors. The City shall also be allowed to use the first floor common areas of the Building and surrounding grounds that are made available on a non-exclusive basis for the general use of tenants, their employees, agents and invitees.

**TERM:** The term of this Lease shall begin on October 1, 2005, and terminate on September 30, 2010, unless sooner terminated pursuant to the terms of this Lease. The City shall have an option to extend the term of this Lease, for an additional five years, by providing written notice to Sublessor not later than April 1, 2010. The rental during the extended term shall escalate in the amount of 4% of the 2009 rate on October 1, 2010, and each year thereafter. Any such extension must be approved by an amendment to this Lease, approved by the Denver City Council, and executed by all required City officials, no later than September 1, 2010.

*To be completed by Mayor’s Legislative Team:*

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**RENT:** The City shall pay to Sublessor for the rent of these Leased Premises the total sum of Four Hundred Forty-one Thousand Seven Hundred Fifty-two Dollars and Sixty-two Cents (\$441,752.62), payable to Sublessor in monthly installments as follows:

<u>Term</u>	<u>Annual Rent</u>	<u>Monthly Rent</u>
10/1/05-9/30/06	\$75,931.13	\$6,902.83
10/1/06-9/30/07	\$86,147.32	\$7,178.94
10/1/07-9/30/08	\$89,593.21	\$7,466.10
10/1/08-9/30/09	\$93,176.94	\$7,764.74
10/1/09-9/30/10	\$96,904.02	\$8,075.33
<b><i>10/1/10-9/30/11</i></b>	<b><i>\$100,780.18</i></b>	<b><i>\$8,398.35</i></b>
<b><i>10/1/10-9/30/12</i></b>	<b><i>\$104,811.38</i></b>	<b><i>\$8,734.28</i></b>
<b><i>10/1/10-9/30/13</i></b>	<b><i>\$109,003.84</i></b>	<b><i>\$9,083.65</i></b>
<b><i>10/1/10-9/30/14</i></b>	<b><i>\$113,363.99</i></b>	<b><i>\$9,447.00</i></b>
<b><i>10/1/10-9/30/15</i></b>	<b><i>\$117,898.55</i></b>	<b><i>\$9,824.88</i></b>
<b>Total Contract Amount</b>	<b>\$987,610.56</b>	

(Amendment period in bold and italics.)

Each payment shall be made to Sublessor at 1101 13th Street, Denver, Colorado 80204, or to such other address as the Sublessor may designate, and shall be due and payable on the first day of each month, commencing November 1, 2005 (there being no rent due or owing for the first month of the lease term). There shall be no other charges or additional rents payable by Sublessee.

**USE:** The Leased Premises are to be used and occupied by Sublessee for the purpose of general office business purposes, unless Sublessor agrees in writing to another use.

The City shall use the premises in a careful, safe, and proper manner, and shall not use or permit the Leased Premises to be used for any purpose prohibited by the laws of the United States of America, the State of Colorado, or the Charter or ordinances of the City and County of Denver. The City shall not commit or suffer to be committed any waste or damage upon the Leased Premises or any nuisance to be created or maintained thereon.

***Please include the following:***

**a. Duration:** 10/1/10 – 9/30/15

**b. Location:** 1245 Champa Street, Denver, CO 80204

**c. Affected Council District:** 8

**d. Benefits:** Allows the Division of Theatres and Arenas to remain in its current location which is situated adjacent to the Denver Performing Arts Complex and across the street from the Colorado Convention Center, all of which are managed and operated by the Division of Theatres and Arenas.

**e. Costs:** Total amended contract amount is \$987,610.56. Amendment period is \$545,857.94.

**7. Is there any controversy surrounding this ordinance? (groups or individuals who may have concerns about it?) Please explain.**

None known.

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