

1 **BY AUTHORITY**

2 ORDINANCE NO.
3 SERIES OF 2021

COUNCIL BILL NO. 21-1309
COMMITTEE OF REFERENCE:
Finance & Governance

5 **A BILL**

6 **Approving proposed Amendments to two Lease Agreements with Subway Real**
7 **Estate LLC in response to the COVID-19 health crisis, to be negotiated by the**
8 **Director of Real Estate and provide relief for the tenant.**

9 **WHEREAS**, the Mayor declared a state of local disaster emergency on March 12, 2020,
10 pursuant to C.R.S. 24-33.5-701, et seq. ("City Emergency Declaration"), due to the spread of COVID-
11 19, as may be amended, the Governor of the State of Colorado declared a Disaster Emergency (D
12 2020 003) dated March 11, 2020, as may be amended, on the same basis, and the President of the
13 United States issued a Declaration of Emergency on March 13, 2020, due to the COVID-19 crisis
14 ("Nationwide Emergency Declaration"); and

15 **WHEREAS**, the City Council, pursuant to Proclamation No. 20-0350 passed on April 13,
16 2020, urged and supported a moratorium on rent because many people are unable to pay as a result
17 of repercussions from the COVID-19 crisis ("Proclamation");

18 **WHEREAS**, the City has entered into two (2) commercial leases, licenses and concession
19 agreements ("Leases") in which the City is the owner of the premises to lessees, licensees and
20 concessionaires ("Tenant");

21 **WHEREAS**, the City desires to give the Director of Real Estate ("Director") the authority to
22 negotiate amended Leases with the City's Tenants; and

23 **WHEREAS**, in accordance with the Proclamation, City Council desires to give the City's
24 Tenants relief from rent payments due to the City.

25 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

26 **Section 1.** The Lease amendments authorize the Division of Real Estate to negotiate and
27 amend commercial leases with Subway Real Estate LLC in City-owned buildings to provide six (6)
28 additional months of rent relief, in addition to monthly payments modified in Ordinances No. 20-
29 0388, No. 20-0665, and No. 20-1386, Series of 2020, 21-0219, Series of 2021, altogether totaling
30 twenty-one (21) months, to allow Tenant relief from the COVID-19 crisis, as long as such Tenant is
31 and remains current on all other terms of the Lease, agree to extend the Lease for the number of
32 months for which rent is delayed, rescheduled, modified or deferred.

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1 COMMITTEE APPROVAL DATE: November 2, 2021 by Consent

2 MAYOR-COUNCIL DATE: November 9, 2021

3 PASSED BY THE COUNCIL: _____

4 _____ - PRESIDENT

5 APPROVED: _____ - MAYOR _____

6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER

9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

10 PREPARED BY: Gabrielle S. Corica, Assistant City Attorney DATE: November 10, 2021

11 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
12 City Attorney. We find no irregularity as to form and have no legal objection to the proposed
13 ordinance. The proposed ordinance is submitted to the City Council for approval pursuant to § 3.2.6
14 of the Charter.

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16 Kristin M. Bronson, Denver City Attorney

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18 BY: _____, Assistant City Attorney DATE: _____