

ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor's Legislative Team

at MileHighOrdinance@DenverGov.org by 9 a.m. Friday. Contact the Mayor's Legislative team with questions

Date of Request: 8/30/2024

Please mark one: Bill Request or Error! Bookmark not defined. Resolution Request

Please mark one: The request directly impacts developments, projects, contracts, resolutions, or bills that involve property and impact within .5 miles of the South Platte River from Denver's northern to southern boundary? (Check map [HERE](#))

Yes No

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.)

Approves an amendment to the Amended and Restated Denver Arena Agreement between City and County of Denver and Kroenke Arena Company, LLC, the Denver Nuggets Limited Partnership and Colorado Avalanche, LLC to extend the current end date for the term in which the Arena and Nuggets and Avalanche must stay at the current location from 2030 to June 30, 2050.

3. **Requesting Agency:** Community Planning and Development

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution (e.g., subject matter expert)	Contact person for council members or mayor-council
Name: Jill Jennings Golich	Name: Jill Jennings Golich
Email: Jill.jenningsgolich@denvergov.org	Email: Jill.jenningsgolich@denvergov.org

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

The first amendment to the Amended and Restated Denver Arena Agreement Including Basketball and Hockey Commitments dated June 14, 2019, recorded on August 1, 2019 at Reception No. 2019099036 makes the following changes:

1. Add an approval contingency such that the First Amendment is only effective if the City approves the Ball Arena Development Agreement and the River Mile Development Agreement First Amendment
2. Deletes and replaces language that requires the Team Commitments be performed at Ball Arena until June 30, 2050, also states that Kroenke Arena may elect, in its sole discretion, to perform all obligations under this Agreement at a comparable arena facility to Ball Arena to be located on the Arena Property or the River Mile Property.
3. Throughout the term "Pepsi Center" is deleted and replaced with "Ball Arena"
4. Adds language requiring Nuggets LP, Avalanche LC and Kroenke Arena to execute the First Amendment, as well as requiring that the Guarantors execute the First Amendment and provide a restated guaranty. Also requires that Nuggets LP and Avalanche LLC to file amended statements to reflect the new terms in the central records of Colorado, Missouri and Delaware.
5. Updates the addresses for notices

6. **City Attorney assigned to this request (if applicable):** Gaby Corica

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

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):

Amendment to a contract previously approved by City Council.

Vendor/Contractor Name (including any dba's): Kroenke Arena Company LLC; The Denver Nuggets Limited Partnership; Colorado Avalanche, LLC

Contract control number (legacy and new):

FINAN-201950342-00/Alfresco: CD7Y064-04 – existing Amended and Restated Denver Arena Agreement Including Basketball and Hockey Commitments Agreement

TBD - 1st amendment

Location: Kroenke Sports & Entertainment
1000 Chopper Circle
Denver, CO 80204

Is this a new contract? Yes No **Is this an Amendment?** Yes No **If yes, how many?** 1

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

The first amendment to the Amended and Restated Denver Arena Agreement between City and County of Denver and Kroenke Arena Company, LLC, the Denver Nuggets Limited Partnership and Colorado Avalanche, LLC extends the current end date for the term in which the Arena and Nuggets and Avalanche must stay at this site from 2030 to June 30, 2050. The original agreement allowed for the teams to use an alternate venue within Denver between 2030-2040, this change keeps them at the current site for an additional 20 years.

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

<i>Current Contract Amount</i> (A)	<i>Additional Funds</i> (B)	<i>Total Contract Amount</i> (A+B)

<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>
07/01/2019-06/30/2040	Ten years	06/30/2050

Scope of work:

The River Mile development agreement contains specific requirements for the development of the River Mile property (current location of Elitch Gardens) and included a vesting of certain zoning and open space requirements for a period of 20 years which

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

ends in December 2038. In exchange for an extended commitment for the Arena and NBA and NHL teams to stay on the site until June 30, 2050 (per the companion amendment to the Arena Trust Agreement), the term of the vested rights is requested to be increased to match the timeframe of the arena commitment. This first amendment applies only to the vesting of property rights provision in the development agreement to delete the 2nd and 3rd sentence of Section 14 and shall say “Developer and City agree that the vested property rights established under this Agreement shall commence on the Effective Date and shall continue until June 30, 2050 (the “Vesting Period”).

Was this contractor selected by competitive process? No **If not, why not?** This is a development agreement outlining requirements or development of a property with parties who own or have jurisdiction over the subject property.

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

Source of funds: N/A

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

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____