



Legislation Text

File #: 23-0423, Version: 1

Contract Request Template (Contracts; IGAs; Leases)

Date Submitted: 4-10-2023

**Requesting Agency: Finance
Division:**

**Subject Matter Expert Name: Lisa Lumley
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Phone Number:**

Item Title & Description:

(Do not delete the following instructions)

*These appear on the Council meeting agenda. Initially, the requesting agency will enter a 2-3 sentence description. Upon bill filling, the City Attorney's Office should enter the title above the description (the title should be in **bold** font).*

*Both the title and description must be entered between the red "title" and "body" below. Do **not** at any time delete the red "title" or "body" markers from this template.*

A resolution approving a proposed Purchase and Sale Agreement between the City and County of Denver and ACM Loretto VI LLC to purchase a theater and library on the Loretto Heights campus located at 3200 West Cornell Drive.

Approves a purchase and sale agreement with ACM Loretto VI LLC, for \$3,500,000 to purchase property in support of a theater and library on the Loretto Heights campus, located at 3200 West Cornell Drive in Council District 2 (FIN-202367684). The last regularly scheduled Council meeting within the 30-day review period is on 5-22-2023. The Committee approved filing this item at its meeting on 4-18-2023.

Affected Council District(s) or citywide? 2

Contract Control Number: FIN - 202367684

Vendor/Contractor Name (including any "DBA"): ACM Loretto VI LLC

Type and Scope of services to be performed:

EXECUTIVE SUMMARY

In June 2021, the City and ACM Loretto Heights VI LLC (“Seller”) entered into a Development Agreement whereby the Seller agreed to convey to the City the May Bonfils Stanton Theater (“Theater”) and a specific parcel of land to be used for a parking garage pursuant to a Contribution Agreement for \$10.00. The renovation and construction of the Theater and garage were approved in the RISE Denver Bond package.

Subsequent to the Contribution Agreement, the City and Seller negotiated terms for the purchase of the May Bonfils Stanton Library (“Library”) and additional acreage. Purchase price is \$3,500,000.

The Purchase and Sale Agreement will serve as the Contribution Agreement for the conveyance and transfer of the Theater and land for the parking garage and will also define the terms for the conveyance of the Library and additional land. Total acquisition is approximately 3.93 acres.

The City has agreed to pay its proportionate share of the PILOT fees (Payment in Lieu of Taxes) on all parcels. In 2028, the Seller will work with the Authority to amend the PILOT by removing the Theater and garage land from the PILOT. If market conditions are such that the Independent Registered Municipal Advisor (as defined in the Service Plans for the Loretto Heights Municipal Districts) determines the refinancing would not generate proceeds to fully refund the bonds, the City and Seller will each be responsible for 50% of PILOT payments starting on January 1, 2029 and continue shared payments until such time as refinancing of the bonds can occur.

The acquisition of the Theater and Library will create a cultural hub in southwest Denver allowing all residents access to the arts.

Location (if applicable): 3200 W. Cornell Drive

WBE/MBE/DBE goals that were applied, if applicable (construction, design, Airport concession contracts): N/A

Are WBE/MBE/DBE goals met (if applicable)?

Is the contract new/a renewal/extension or amendment?

New

Was this contractor selected by competitive process or sole source?

For New contracts

Term of initial contract:

Through 7/31/2023

Options for Renewal:

How many renewals (i.e. up to 2 renewals)?

Term of any renewals (i.e. 1 year each):

Cost of initial contract term:

\$3.5M

Cost of any renewals:

Total contract value council is approving if all renewals exercised:

For Amendments/Renewals Extensions:

Is this a change to cost/pricing; length of term; terms unrelated to time or price (List all that apply)?

If length changing

What was the length of the term of the original contract?

What is the length of the extension/renewal?

What is the revised total term of the contract?

If cost changing

What was the original value of the entire contract prior to this proposed change?

What is the value of the proposed change?

What is the new/revised total value including change?

If terms changing

Describe the change and the reason for it (i.e. compliance with state law, different way of doing business etc.)