

**A RESOLUTION AUTHORIZING A LODGING TAX REBATE INCENTIVE FOR DIA ONEPEARL LLC. AND NIBBLENOOK HOSPITALITY LLC AND AN INCENTIVE AGREEMENT WITH DIA ONEPEARL LLC. AND NIBBLENOOK HOSPITALITY LLC, FOR CONSTRUCTION OF A FULL-SERVICE HOTEL AT 18201 EAST 81ST AVENUE**

**NO. 2025-125**

WHEREAS, the City Council of the City of Commerce City (“City Council”), by Resolution No. 2022-48, adopted the Commerce City Accommodations Lodging Tax Rebate Program (“Lodging Tax Program”), effective May 2, 2022;

WHEREAS, the City Council of the City of Commerce City (“City”) desires to attract new hotel developments to the City in order to improve the quality of life of the City's residents, support local employer needs, create new employment opportunities, and attract a variety of other commercial development;

WHEREAS, DIA ONEPEARL LLC. and NIBBLENOOK HOSPITALITY LLC, (collectively, “Business”) are constructing a new 63,000-65,000 square foot, 4-story, 100-110-room full-service hotel at 18201 E. 81st Avenue (“Facility”) bringing an estimated 5-year room sales revenue of \$19.6 million and 5-year city tax revenue of \$1,666,000;

WHEREAS, the location of a hotel will help to generate additional retail growth in the area and provide lodging options in the City and the region;

WHEREAS, City Council previously authorized an incentive agreement for the Business pursuant to Resolution 2022-106 (“Prior Resolution”) and the City negotiated an Incentive Agreement (“Incentive Agreement”) with the Business which has not yet been executed by the City or the Business; and

WHEREAS, the authorization provided in the Prior Resolution expired because the Business was unable to satisfy the conditions contained therein by March 31, 2025.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

**SECTION 1. Authorization of Lodging Tax Rebate Incentive.** The Lodging Tax Rebate Incentive for the Business in an amount not to exceed \$450,000 is hereby approved.

**SECTION 2. Approval of Incentive Agreement.** The award of the Incentive Agreement for construction of a full-service hotel to the Business is hereby approved subject to successful finalization of an appropriate contract on terms acceptable to the City Manager. This resolution shall not be deemed to grant any right or interest in the award of a contract to Business. All rights

and interests shall be defined exclusively by the terms and conditions set forth in the written contract.

**SECTION 3. Authorization to Negotiate.** The City Manager is hereby authorized to negotiate and finalize the details of an incentive agreement with the Business, including final pricing and payment terms, and any amendment thereto.

**SECTION 4. Execution and Attestation.** Upon successful finalization of the incentive agreement and approval as to form by the City Attorney, the City Manager is hereby authorized to execute, and the City Clerk to attest, the contract or any amendment thereto on behalf of the City.

RESOLVED AND PASSED THIS 18TH DAY OF AUGUST 2025.

CITY OF COMMERCE CITY, COLORADO

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Steve J. Douglas, Mayor

ATTEST

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Dylan A. Gibson, City Clerk